

CODE OF SEXUAL HARASSMENT

(Adopted by the Senate at its 236th meeting held on 28th November 2001 and Council of University of Colombo at its 314th meeting held on 12th December 2001)

1) General Policy against Sexual Harassment and Definition

Sexual harassment is a criminal offence and is explicitly prohibited by the Penal Code Amendment (1995) Section 3.5. It is University of Colombo's goal to promote a learning environment and workplace which is free of sexual harassment. The University community will therefore not tolerate acts of sexual harassment in the University and will disciplinary action in respect of such conduct. Any retaliation against an individual who has complained about sexual harassment or against individuals assisting in an investigation of a sexual harassment complaint will also be the subject of disciplinary action.

All staff of the University are governed by this code of sexual harassment. The Code shall also govern relations of staff with students.

2) Definition of Sexual Harassment

- (i) Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment for the purpose of disciplinary action by the Council of the University when
 - (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or activity,
 - (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting or concerning such individual,
 - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

(ii) General Examples

The kinds of behaviours which may constitute sexual harassment include, but are not limited to:

- (a) Insults of a sexual nature, including lewd, obscene, or sexually suggestive displays and remarks or conduct when combined with such insults.
- (b) Repeated insulting sexist remarks combined with unwanted discussions of sexual matters.
- (c) Unwanted requests for sexual favours
- (d) Requests or demands for sexual favours accompanied by implicit or explicit promised rewards or threatened punishment.
- (e) Unwanted physical attentions.
- (f) Sexual assault or threatened sexual assault.

3) Acts of intimidation Connected with Complaints and General Conduct

- (a) Acts of harassment against any person who has complained of conduct covered by this Code or who assists in the investigation of such a complaint shall constitute conduct subject to disciplinary action by the University Council.
- (b) All staff are advised to conduct consultations with an individual in circumstances where his/her office is not closed and/or where the occupants are visible.

4) Complaints of Sexual Harassment

If any member of staff or student believes that he or she has been subjected to sexual harassment, that person may seek resolution through:

(i) Informal Resolution

- (a) Before and instead of initiating a written complaint, a complainant may utilize available informal resolution systems to attempt to bring a closure of the matter, and may consult: (i) the Dean of the Faculty, (ii) Director of an Institute, (iii) the Head of the Department, (iv) Registrar, (v) or Professor or (vi) Senior staff acceptable to both parties.
- (b) Use of the informal resolution process in no way precludes the complainant from using either the negotiated procedures, or the formal adjudicative procedures.

(ii) Negotiated Procedure

- (a) By this procedure, the complainant formally requests ameliorative action on the part of the accused by a written communication to the Vice-Chancellor. The Vice-Chancellor appoints in consultation with the two parties a negotiator. If the accused agrees to participate, both parties work towards resolution with the help of a negotiator.
- (b) The parties shall have a right to request the Vice-Chancellor to appoint as negotiator another member of their faculty or any other faculty.
- (c) The complainant completes and signs a written statement which includes the names of the complainant and the accused, and the details of the conduct which is alleged to be covered by this Code. The negotiator promptly forwards the report to the accused, provides the accused with a copy of the grievance policies and procedures, and requests participation in negotiations. The accused must reply within seven calendar days of receiving the notice.
- (d) If the negotiated procedures are concluded to the satisfaction of both parties the matter is reported to the Vice-Chancellor and closed.

(iii) Formal Procedure

- (a) If the informal resolution or negotiated procedure fails to satisfy either party, the complainant or the accused may bring the complaint to the attention of the Vice-Chancellor provided that the Vice-Chancellor may also initiate formal procedures in respect of complaints.
- (b) The Vice-Chancellor shall refer the complaint and the explanation of the accused to the research and Ethics Committee which shall consider the complaint, and the explanation of the person accused, and either appoint a fact finding inquiry committee or refer the matter direct to the Council for necessary action.
- (c) Where a fact finding inquiry committee is appointed, the Research and Ethics Committee shall consider the report, and forward it with their recommendation to the Council for necessary action.

- (d) There shall be gender balance in the fact finding inquiry committee appointed by the Ethics Committee.
- (e) If a disciplinary inquiry committee finds that a false complaint has been made through the intervention of a third party, such third party shall be reported to the Research and Ethics Committee which shall consider the matter and refer this to the Council for necessary action.
- (iv) Nothing in this Code shall prevent the Vice-Chancellor initiating a formal disciplinary procedure in respect of conduct which comes within the scope of (2) (ii) (d) and (f) or constitutes grave misconduct for the purpose of disciplinary action under the University Establishment Code.
- (v) When any complaint is being considered for resolution, the accused parties shall not be permitted to conduct any examination work or work connected with assignments.

5) Publicity for this Code

This Code shall be published in Sinhala, Tamil and English and made accessible to all staff and students in the University.