



JIMMA UNIVERSITY
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Anti-harassment Code of Conduct

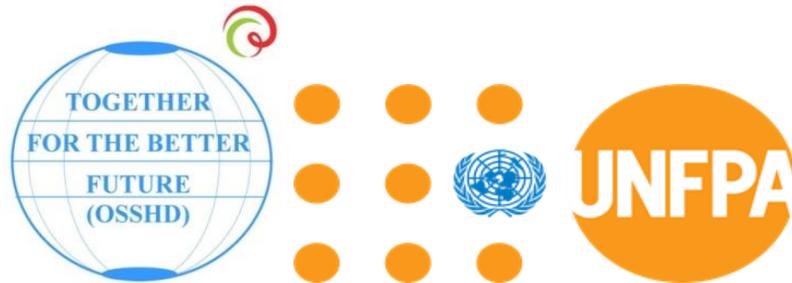
JU Anti-harassment Policy

JU
11/1/2021

This is Jimma University Anti-harassment and Misconduct Policy. It contains Five Sections, Seven preambles and Twenty – Seven articles. The University in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations enforces the policy in accordance with the definitions and guidelines that come

We acknowledge UNFPA and the National as well as Jimma Branch OSSHD for working with Jimma University to abolish Gender Based Violence/GBV and for being sponsor to publish this valuable *Anti-harassment Code of conduct*.

November/2021



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Introduction

1. Background

Jimma University (JU) strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the JU should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Besides, Gender Equality is one among the Sustainable Developmental Goals (SDG5) of the Global Agenda 2030. To fulfill these, JU will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of students and employees, The University will seek to prevent, correct and take discipline behavior that violates this policy.

Under Jimma University President, JU Women, Children and Youth Affair Directorate Bureau coordinates the accomplishment commitment of this valued mission. Accordingly, it will be primarily taken by all the other mainstreams of the university. Hence, all employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any person (student and employee) who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

Prohibited Conducts under This Policy

Jimma University in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations enforces this policy in accordance with the following definitions and guidelines:

1.1. Preambles

WHEREAS, it is a recognized right in the Constitution of the Federal Democratic Republic of Ethiopia and other Human Right instruments ratified by Ethiopia to have a positive learning, working, and living environment;

WHEREAS, Jimma University has the responsibility to enforce these Constitutional rights and is therefore committed to maintain a positive learning, working, and living environment for its community;

WHEREAS, Jimma University does not discriminate against any person on the basis of sex, ethnicity, age, disability, creed, religion, color, national origin, or race in admission and access to, and treatment and employment in its educational programs and activities;

WHEREAS, JIMMA University is committed to providing an environment that encourages the exploration and exchange of ideas, free inquiry and expression;

WHEREAS, everyone has the right to study and work free of Sexual Harassment or Misconduct and without any pressure, intimidation or sense of insecurity;

WHEREAS, it is necessary to sensitize the University community about the harms of Sexual Harassment and Misconduct, thereby bring about a sense of social responsibility and zero tolerance for such behavior;

WHEREAS, it is necessary to establish an institutional framework that encourages victims to exercise their rights, maintain their dignity and to take action in eliminating Sexual Harassment and Misconduct and impose corrective actions as found necessary;

NOW THEREFORE, JIMMA University develops its Anti-Sexual Harassment and Misconduct Policy as follows.

SECTION I General Provisions

Article 1: Short Title

This policy may be cited as **JIMMA University Anti-Sexual Harassment Code of conduct.**

Article 2: Gender Reference

Unless the context implies otherwise, the reference made in this Policy to the masculine gender shall also apply to the feminine gender.

Article 3: Definitions

In this policy unless the context implies otherwise;

3.1. Basic anti human right terms

3.1a. Discrimination

Discrimination is a violation of Jimma Universities' policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis

of that discriminatory treatment is, in whole or in part, the person's sex, religion, age, ethnicity, disability status, **gender identity** or expression, marital status.

3.1b. Harassment

Jimma University prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Jimma University. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithet, slur and negative stereotyping

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status

3.1c. Complaint is an abuse of this policy and will be treated as a violation. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

2.2. Basic Setting and Beneficiary Indicator Terms

1. **“university”** refers to the JIMMA University;
2. **“staff”** refers to any person employed in the University duty appointed by the University;
3. **“non-employee”** refers to any person who works on the premises of the University and not employed by the University;
4. **“student”** includes all persons taking courses at the university, both full-time and part-time, pursuing undergraduate, graduate, continuing education, distance learning, professional or extension studies as well as those who attend short term training and/or courses at the University;
5. **"student organization"** refers to any number of students joined together in the pursuit of a common purpose, which is in support of the mission, goals, and values of the University and has been recognized by the concerned body of the university;
6. **"university premises"** refers to all land, buildings, facilities, and other property in the possession, ownership, use or control by the university (including adjacent streets and sidewalks);

7. **“on-campus setting”** refers to any of the places inside the University premises;
8. **“off-campus setting”** refers to any place outside the University premises and includes places where students go for practical attachment, internship/externship and practicum;
9. **“University program”** refers to any of the University educational, research and outreach programs. These includes but are not limited to regular undergraduate and graduate programs, continuing and distance learning education programs, short and long term trainings and research programs;
10. **“university activities”** refers to any event sponsored by or done in coordination with the University;
11. **“sexual harassment”** refers to a situation where and when anyone makes sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature to a student or staff of the University or non-employee whereby the student, staff or non-employee does not want to entertain such behaviors;
12. **“sexual misconduct”** refers to sexual behavior that is contrary to the Codes of Conduct of the University or inappropriate for the mission of the University that creates a bad atmosphere at the University and/or can interfere with education and employment through distraction;
13. **“complaint”** refers to a written and signed application against staff, student, student organizations or non-employee alleging violation of the Anti-Sexual Harassment and Misconduct Policy;
14. **“complainant”** refers to a staff, student, student organization or non-employee who complains that he/she experienced or witnessed Sexual Harassment or Misconduct;
15. **“respondent”** refers to a staff, student or student organization against whom a complaint of Sexual Harassment or Misconduct has been lodged;
16. **“witness”** refers to a staff, student, student organization or non-employee who testifies as to the happening of Sexual Harassment or Misconduct before a Disciplinary Advisory or Hearing Committee;
17. **“retaliation”** refers to a threat or any act resulting in psychological or physical injury against someone because the person has reported or testified to an incident of alleged Sexual Harassment or Misconduct, or participated in a proceeding, investigation or hearing related to such allegation;
18. **“committee”** refers to a Student, Academic Staff or Administrative Staff Disciplinary Hearing Committee;
19. **“student disciplinary advisory committee”** means a committee set up to conduct investigations into student misconduct that would not lead to suspension or expulsion;
20. **“student disciplinary hearing committee”** means a committee constituted by the President or Vice-President of the University for the task of investigating violation of student code of conduct and imposing decision for misconducts that would lead to suspension or expulsion;

21. **“student conduct administrator”** means a university official authorized on a case-by-case basis by the Dean of Students to review violation of the Student Code of Conduct and process it for presenting the cases to Student Disciplinary Advisory or Hearing Committee for appropriate sanctions;
22. **“irregular union”** refers to a state of fact which is created when a man and woman live together as husband and wife and the society recognizes this fact without having a lawful marriage;
23. **“Resolution”** refers to a formal statement of an opinion reached upon by the concerned committee as a settlement of the disputed issues or conflicts.

Article 4: Scope of Application

This Policy applies to the act of Sexual Harassment or Misconduct committed by Jimma University students, academic, administrative or supportive staff as well as all others who participate in the University programs, activities and employment both on-campus and off-campus settings.

SECTION II

Sexual Harassment and Sexual Misconduct

Article 5: Manifestations of Sexual Harassment

Without prejudice to Article 6, any act which results in any of the effects listed below shall constitute an act of Sexual Harassment:

- (1) The student’s education or the staff’s job is threatened if the student or staff does not consent to the sexual behavior; or
- (2) It is implicitly or explicitly suggested that the submission or rejections of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a university activity; or
- (3) The conduct has the effect of unreasonably interfering with an individual’s academic or work performance or creating an intimidating or hostile academic, work or living environment; or
- (4) The disagreement of the staff or student to the sexual behavior leads to discriminative treatments or physical injury.

Article 6: Acts/ Conducts Constituting Sexual Harassment

The following shall constitute but are not limited to acts or conducts of Sexual Harassment as defined under Article 3(11) if they are proven to be done with intention:

- (1) Obscene gestures having sexual nature;
- (2) Unwanted touching such as patting, pinching, grabbing, hugging or brushing against the body or cloth of another or cornering;

- (3) Unwanted and explicit or implicit requests to engage in sexual activities such as, sending sexually explicit letters, notes, e-mail or telephone messages;
- (4) Indecent exposure of sexual body parts targeting an individual or group of individuals;
- (5) Unwelcome references, irritating nicknames, ridiculing, belittling remarks about a person's gender, anatomy or a person's clothing;
- (6) Acting by one's own words or writings or by any other means in relation to another person's sex life or sexual activities in away as to make the person detestable, contemptible or ridiculous and to jeopardize his credit, his reputation or his future;
- (7) Compelling a person of either sex through violence or grave intimidation or after rendering him incapable of resistance to submit to an act corresponding to a sexual act or other indecent act;
- (8) Rape.

Article 7: Acts/ Conducts Constituting Sexual Misconduct

The following shall constitute but are not limited to acts or conducts of Sexual Misconduct as defined under Article 3(12).

- (1) Sexual relationship between an academic staff and a student who are in the same faculty, or any other person participating in academic activities of the faculty as part timer or guest lecturer;
- (2) Sexual relationship between a subordinate and his immediate supervisor with the exception of persons in lawful marriage and irregular union;
- (3) Repeated sexually oriented and offending conversation, comments including but not limited to using sexual language or telling sexual jokes, humor, stories, innuendoes or foul languages in the workplace, office, dormitories, classroom or any other places in which university programs and activities are carried on (This is sexual misconduct even if no one is there who objects at the time.);
- (4) Using pornographic materials that are not directly related to the subject matter of a class, course or meeting (This is sexual misconduct even if no one is there who objects at the time);
- (5) Displaying and transmitting of pornographic materials through written, telephone or electronic communications;
- (6) Indecent exposure of sexual body parts;
- (7) Public or group sex.

SECTION III
**Procedure of Dispute Settlement in Sexual Harassment or Sexual
Misconduct**

Article 8: Lodging Complaints

- (1) If the alleged violation is committed by a student, a complaint shall be lodged to the Student Conduct Administrator, Student dean and Gender office
- (2) In cases referred in sub-article (1) of this article the Student Conduct Administrator in consultation with the Dean of Students shall process complaints of violation of this policy and present them to the Student Disciplinary Advisory or Hearing Committee as the case may be;
- (3) If the alleged violation is committed by a staff, a complaint shall be lodged to the appropriate Vice President's Office. The Vice Presidents shall refer the matter to the concerned Academic or Administrative Staff Disciplinary Hearing Committee within three(3) days;
- (4) If the alleged violation is committed by a non-employee on whom the University does not have a disciplinary authority, a complaint shall be lodged to the Office of Vice President for Administration and Development;
- (5) In cases referred in sub-article (4) of this article the Administration and Development Vice President shall report the matter to the appropriate institution having disciplinary authority over the respondent.

Article 9: Formal Requirements of a Complaint

A complaint must be in writing and verified by the complainant and shall include:

- (1) The name and address of the complainant and the respondent;
- (2) The date(s) and time(s) of the incident;
- (3) The brief description of the specific incident;
- (4) The name and address of the witness(s) (if any); and
- (5) Any other necessary information upon which the complaint is based.

Article 10: Anonymous Complaints

Without prejudice to Article 9, if the complainant makes a complaint about anonymous person, the application shall be lodged to the Student Conduct Administrator or to the appropriate Vice President's Office and the Student Conduct Administrator or the Vice Presidents shall refer the matter for investigation to the campus police and Security Office or other concerned organs within three (3) days.

Article 11: Time of Filing

- (1) A complaint must be filed within sixty (60) calendar days following the date on which the alleged sexual harassment or misconduct happened;

- (2) Not with-standing the provisions of sub-article (1) of this article, in cases of serious breach of this policy the University shall have the power to investigate the matter by its own motion whatever the time of the alleged violation.

Article 12: Referral Responsibility

Every University staff member or office that receives a written report or complaint of Sexual Harassment or Misconduct or related retaliation must in not more than three (3) working days forward it to either the Student Conduct Administrator if the complaint is about a student or to the appropriate Vice- President’s Office if the complaint is about a staff.

Article13: Complaint Resolution

- (1) Every complaint must be resolved either formally or informally within thirty (30) working days of the receipt of a complaint unless special circumstances require more time depending upon the nature of the case;
- (2) In cases of violation of this policy by a student, the informal procedure shall be entertained by the Student Disciplinary Advisory Committee;
- (3) Where the alleged violation of this policy is committed by a staff, the informal procedure shall be entertained by the concerned Disciplinary Hearing Committee.

Article 14: Methods of Informal Resolution

- (1) A complaint can be resolved informally through negotiation(s) if the sexual misconduct or harassment is not serious and non repetitive and if the complainant agrees to go on with this procedure;
- (2) Without prejudices to the generality of Article5, Sexual Misconduct or Harassment listed under Article 6(4), (5), (6), (7) and (8) and Article7(5) and (7) shall be considered serious for the purpose of determining which procedure of resolution to follow under Article14 and16;
- (3) Methods for resolving complaints informally include, but are not limited to:
 - (a) Helping the complainant understand the situation and resolution options available;
 - (b) Coaching a complainant on how to directly address the respondent;
 - (c) Mediating the complaint with the parties;
 - (d) Aiding in the modification of the situation in which the offensive conduct occurred through assisting a department or division to tackle the problem that caused the complaint such as transferring or moving the respondent to other department or division; or
 - (e) Arranging a documented meeting between the complainant, the respondent and his immediate supervisor that involves giving advice, counseling, and admonishment.

Article 15: Switch to Formal Resolution

- (1) The Student Disciplinary Advisory Committee may transfer the matter to the Student Disciplinary Hearing Committee if from the circumstance of the case it believes that the informal resolution process could not achieve its purpose or if the non-serious conduct becomes repetitive or serious; or
- (2) The Staff Disciplinary Hearing Committee may switch to formal resolution process at any time during informal resolution if from the circumstance of the case it believes that the informal resolution process could not achieve its purpose or if the non-serious conduct becomes repetitive or serious.

Article 16: Formal Resolution

Formal resolution shall be followed when a complainant alleges serious Sexual Harassment or Misconduct. It involves a formal investigation process and a possibility of disciplinary action against the respondent.

Article 17: Investigation Process

- (1) The concerned Committee shall provide the respondent with a copy of the complaint. The respondent shall have the opportunity to respond to the complaint in writing within three (3) working days unless special circumstances require more time;
- (2) The Committee shall hear the complainant, the respondent, witnesses and other individual(s) who are considered to have information related to the complaint. The committee may also gather and examine documents relevant to the complaint.

Article 18: Final Decision

- (1) Where there is a prior disciplinary record against the same person, the concerned Disciplinary Hearing Committee must review its documentation on that person before fixing the penalty for the current complaint. However, such review shall not be made before the conviction;
- (2) Sanctions to be imposed against the violator of this policy shall be in accordance with the Student or Staff Codes of Conduct as the case may be;
- (3) The concerned Committee shall provide a statement of findings, copies of relevant documents and physical evidence considered and decisions reached upon to the appropriate Vice-President's Office for approval;
- (4) When the appropriate Vice-President's Office deems that the decision of the committee is correct, it shall approve and take remedial measures within fifteen (15) working days from the date on which the concerned committee submits its decision;
- (5) If however the Vice-President questions the fairness or appropriateness of the decision and/or sanction, he shall request an explanation from the committee by summoning at least three members of the committee. If the Vice-President is still not convinced, he shall

hand over the case to the president for further scrutiny. The president shall scrutinize the case by going through the file;

- (6) The President may uphold the decision and/or sanction of the committee or summon at least three members of the committee for further clarification. If the decision and/or sanction of the committee convince the President, he shall notify the Vice-President that the decision and/or sanction of the committee should stand. If, however, he believes that the decision and/or sanction is not appropriate or fair, he shall refer the case to the University Senate Executive Committee or to an ad-hoc committee established by him for this purpose;
- (7) The ad-hoc committee will review and finally report its decision to the President within ten (10) working days from the date on which the committee is established unless special circumstances require more time;
- (8) The Office of the concerned Vice-President shall hand over the final decision in writing to the complainant, the respondent, and the appropriate authorities and shall attach a copy of the final statement of findings. Copies of letters attached by the concerned Vice-President with statement of findings and relevant documents attached shall also be sent to the President.

Article 19: Appeal from the Decision of a Committee

- (1) Any staff or student on whom a disciplinary decision is passed on may appeal within fifteen (15) working days from the receipt of the copy of the decision from the concerned Vice-President Office to the President's Office;
- (2) The President shall set up an independent ad-hoc committee within ten (10) working days from the date on which an application for appeal is submitted;
- (3) The ad-hoc committee will review and finally report its decision to the President within ten (10) working days from the date on which the committee is established unless special circumstances require more time.

Article 20: Confidentiality

The University shall maintain the confidentiality of information regarding investigation of both formal and informal resolution making procedures to the extent legally and ethically possible;

Article 21: Documentation

The University shall document the complaint, the investigation process, documentary evidence, witness testimonies and decisions of formal and informal resolution mechanisms. These documents must be reviewed and considered if future complaints are filed against the same person;

- (1) The Office of the Dean of Students shall be responsible for records related to complaints that involve students and student organizations;

- (2) The appropriate Vice-President Office shall be responsible for records related to complaints that involve staff.

SECTION IV

Dissemination of the policy

Article 22: Dissemination of the Policy

As part of the University's commitment to providing a harassment-free teaching learning, working and living environment, this Policy should be disseminated widely to the University community: that is to male and female academic and admin staff employees as well as students: that means female, male, non-physically impaired and physically impaired students; through appropriate channels of communications including publications and new staff and student orientation programs. The University shall make this Policy available to all members of the University community to promote compliance with this policy and familiarity with the reporting procedures.

Article 23: Anti-Sexual Harassment and Misconduct Committee

- (1) To effectively discharge the responsibility stated under Article 22, a special committee called "Anti-Sexual Harassment and Misconduct Committee" will be established under the University President Office;
- (2) This committee shall have the following powers and responsibilities:
 - (a) Launch sensitization programs and advocacy about sexual harassment for students and staff at all levels of the university;
 - (b) Encourage students and staff to conduct researches that would indicate the root causes and complexity of Sexual Harassment;
 - (c) Equip members of the University community with skills to defend themselves against sexual harassment;
 - (d) Facilitate the Provision of legal advice and counseling services to sexually harassed students or staff in collaboration with the Student Conduct Administrator and Gender office of the University.

SECTION V

Miscellaneous Matters

Article 24: Effect on Pending Investigation and Disciplinary Cases

- (1) The filing of a Sexual Harassment or Misconduct or retaliation complaint shall not stop or delay any ongoing investigation or a disciplinary action related to the same person;
- (2) The filing of any other complaint alleging violation of disciplinary case shall not stop or delay an ongoing investigation or a disciplinary action related to Sexual Harassment or Misconduct;

- (3) Any action or decision involving staff or student in a civil or criminal proceeding of ordinary courts shall not bar from proceedings to be conducted under this policy. The concerned committee shall decide whether to proceed with its action against the respondent before, after, or simultaneously with the civil or criminal proceeding.

Article 25: Incompatibility

Any rules, regulations or practices of the University which are inconsistent with matters covered under this policy are inapplicable.

Article 26: Power of Initiation and Revision

- (1) JIMMA University President Office, Gender office and the Staff or Student Disciplinary Hearing Committees shall have the power to initiate changes or amendments to this policy;
- (2) JIMMA University Senate shall have the power to revise this policy when the need arises.

Article 27: Effective Date

This policy comes in to force beginning: **December 23, 2021** since the date of Jimma University Senate Approval.

Jimma University
November/2021