

CHITUKUKO FOUNDATION ANTI-SEXUAL HARASSEMENT POLICY

Executive Director

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Ken Matekenya
Executive Director

1. INTRODUCTION

1.1. About Chitukuko Foundation

Chitukuko Foundation is a local organization established in 2013. The organization was registered under the trustee incorporation act and the registration number is: TR/INC 5065. **Chitukuko Foundation** is also registered with the NGO Regulatory Authority (NGORA) under the Registration Number: NGO/L/23/024, and registered with the Council for Non-Governmental Organisations in Malawi (CONGOMA) under Registration Number: C1715/2023. The organization believes that education is a catalyst for all development activities and that education enhances human development in all areas of people's social, economic, political and cultural rights. Our organization apart from focusing of education as the main thematic area, these subsectors of climate change resilience, (disaster risk management, food and livelihoods security, natural resources management), HIV and AIDS, youth empowerment, governance, gender and women rights, water and sanitation, Sexual Reproductive Health Rights, are the areas that reinforce our programming. Gender is mainstreamed in all our programs.

Vision:

A community without poverty and in which every individual attain the highest level of education that will enable them exercise their right to a life of dignity by realising their social, cultural, political and economic rights that transforms the mind-set.

Mission:

Chitukuko Foundation exists to contribute towards the progressive realization of right to attainment of the highest possible education and the people's ability to apply knowledge and skills gained in education in their development and daily life. This is achieved through working with volunteers and in partnership with likeminded civil society organizations, donors and other partners working for the same cause at all levels.

Chitukuko Foundation Objectives:

- To promote provision of quality education (primary and secondary) early childhood development for children, informal education and skills development in line with Malawi 2063 Enabler 5, and the Sustainable Development Goal 4 (SDG4).
- To conduct advocacy and community awareness raising on education policies, legislation and practices that promote or hinder community participation in education.
- To support implementation of education enhancing interventions such as climate change resilience, (disaster risk management, food and livelihoods security, natural resources

management), HIV and AIDS, youth empowerment, governance, gender and women rights, water and sanitation, Sexual Reproductive Health Rights, to ensure that barriers to access to education for children are minimized.

Identity:

Our vision, mission and the objectives enhance our aspiration to be recognised as: -

- A leading local development organization in the country championing collective action against illiteracy and oppression of marginalized people.
- A grassroots and policy-oriented local organization focusing on addressing inequalities and injustices in the country through our engagement with the rights holders.
- In the long term, we want to affiliate ourselves to national and international outlook in our profile and in our actions.

Values:

Respect for Human Rights: Increasing understanding and appropriate exercise of human rights and God-given freedoms especially among women, girls as well as the most vulnerable and marginalized groups of the community, believe and act with the understanding that people are of equal value irrespective of their individual circumstances, backgrounds or characteristics.

Mutual Respect: Fully value and affirm the dignity of each person in the community we serve. This respect is also the foundation of our relationships with those involved with our work including donors and other stakeholders and believing that the rights holders have the potential to overcome their vulnerabilities at all cost while on the other hand, respecting the laws, social, cultural and traditional values of our country and place of work.

Stewardship: Proper and prudent utilization of resources entrusted to the organization for the ultimate benefit of the community at large and promoting that culture that ensures that we remain accountable for our actions, open in our communications and relations, and credible in the decisions that we take.

Solidarity: Cultivating genuine relationships with all community members based on love and trust in order to strengthen ties that bind the right holders end their vulnerabilities and injustices being faced in non-discriminatory manner.

Empowerment: Equipping the community to confidently exercise initiatives and engage in decisions with a sense of informed choice on community matters and maintaining attitudes and behaviours that encourage true and genuine partnerships and alliances with others fighting for the common good.

Independence: Remaining independent in the decisions we take based on our mission, values and convictions, non-partisan in party-politics and religious affiliation and not being influenced by powerful forces based on their social, economic and political status and affiliation.

Courage of conviction: Believing that we must be bold and resolute in our beliefs, not fearing to take risks, acting without fear of failure, and embracing error as part of learning, gaining and applying knowledge.

The Anti-Sexual Harassment Policy becomes a policy document upon its approval by the Board of Trustees. From that point on it is binding on all of **Chitukuko Foundation** staff unless otherwise stated in contracts.

1.2. Our Understanding of Sexual Harassment

Sexual harassment is the unacceptable and unwanted conduct of a sexual/gender nature that when objectively assessed, affects the dignity of any person. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature in the workplace or learning environment.

Sexual harassment may occur in various forms including:

- a. Verbal:** unwelcome remarks, suggestions and hints, comments with sexual overtones, requests for sexual favors, sex-related jokes or insults, unwelcome graphic comments about a person's body made in their presence or to them and inappropriate queries or comments about a person's sex life;
- b. Non-Verbal:** unwelcome gestures or postures, inappropriate staring at a person's body, indecent exposure and the display of sexually explicit pictures and objects, distribution of inappropriate discriminatory or sexual material using any means including electronic media;
- c. Physical:** unwanted physical contact ranging from touching to sexual assault and rape; may begin with less invasive interactions such as casual touching and escalate to grabbing, fondling, kissing, physical restraint and forced sexual intercourse. Note that strip searches of any form are not legal, but in particular in the presence of persons of the opposite sex. (Security on site must have strict written protocols in this respect);
- d. Use of influence or position:** occurs where any employee undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee or applicant for employment in exchange for sexual favors;
- e. Sexual favoritism:** occurs where a person who is in a position of authority rewards those who respond to an employee's sexual advances whilst other deserving employees are denied advancement, benefits or increases due to their refusal to submit to sexual advances; and
- f. Any other offensive conduct** directed at individuals because of their race, sex, national origin, religion, disability, pregnancy, age or sexual orientation is also prohibited.

2. POLICY STATEMENT

Chitukuko Foundation is committed to providing a work environment that is free from any form of harassment including sexual harassment. Sexual harassment is sanctioned by local and international labor laws and is against **Chitukuko Foundation's** values. **Chitukuko Foundation**

applies a zero tolerance policy against any verbal or physical conduct by any employee either on or off premises that harasses, disrupts, or interferes with another employee's work performance or that creates an intimidating, offensive, or a hostile environment or which intimidates any third parties that **Chitukuko Foundation** deals with.

No form of inappropriate sexual conduct will be tolerated or condoned. Each and every employee will be treated with respect and dignity, irrespective of their status in **Chitukuko Foundation**.

Chitukuko Foundation shall not condone behavior by non-employees in the work place that subjects an employee to inappropriate verbal or physical behavior that may be intimidating, offensive or hostile. All **Chitukuko Foundation** staff are expected to understand the contents of this Policy and abide by its requirements.

3. SCOPE OF THE POLICY

This Policy applies to:

- a) All categories of staff including management, and recruited staff, temporary staff and prospective employees;
- b) All third parties dealing with **Chitukuko Foundation** including consultants, grantees, suppliers, service providers, partners or any other associates. All third parties are responsible for providing their representative, personnel, agents or officials with a copy of this Policy.

4. HARASSMENT COMPLAINT PROCEDURE

4.1 Guiding Principles

The following principles shall apply to this Policy:

Confidentiality: All inquiries, complaints and investigations shall be treated in a confidential manner. Information shall be solely and strictly revealed to persons designated to investigate sexual harassment cases under this Policy. The identity of a complainant may be released to the respondent and witnesses. All parties are expected to keep the identity of persons and details of the complaint confidential. All parties shall be required to enter into non-disclosure agreements prior to commencement of the complaints procedure.

Mutual Respect: All **Chitukuko Foundation** staff are expected to promote a culture of mutual respect at the workplace and carry the same standards throughout any proceedings initiated under this Policy.

4.2. Complaints Procedure

Any staff member who alleges any form of harassment is encouraged to communicate to the person causing the unwelcome behavior that their action(s) are unwelcome. Failing to do so does not however prevent the staff member (victim) from filing a formal complaint.

To file a complaint, the staff member must report verbally or in writing to either the immediate manager or the next level manager; to a staff member within the Finance and Administration/HR Unit, or directly to the Finance and Administration/HR Officer.

The staff member should report the facts of the incident(s) citing names of individual(s) involved. An investigation will commence without the risk of reprisal to the staff member for filing the complaint.

Both **Chitukuko Foundation** staff and third parties may file a complaint by reporting in writing to Chitukuko Foundation's Management team through email or WhatsApp written message. **Chitukuko Foundation** encourages the person making the complaint to report the facts of the incident(s) citing names of individual(s) involved. An investigation will commence provided the report has the details required to be able to conduct a full investigation.

5. SEXUAL HARASSMENT INVESTIGATION GUIDELINES

All complaints shall be investigated, even when the complainant requests that action should not be taken or when the complainant wants to remain anonymous or is anonymous.

The investigation shall be completed as promptly as possible and in any event no later than thirty (30) days ("Investigation Period") for several reasons as follows: -

- The disruption caused by actual harassment or rumors can be substantial;
- As time passes, evidence can be lost and witnesses' memories become less accurate;
- The longer a resolution is delayed, the more stressful the situation becomes for the complaining employee and accused individual if accused unjustly.

5.1 The Investigation Committee

The Executive Director or manager or employee receiving the complaint should refer the complaint to the Finance and Administration/HR section without delay. An Investigation Committee shall be duly constituted in the following manner:

- The executive management team shall appoint one executive team member outside the complainant's or respondent's section;
- Legal representative (participating in observer capacity)

In the event that the complainant or respondent is a member of the executive team, there shall be appointment of the relevant Investigation Committee member.

It is recommended that any given time, the Investigation Committee shall be made up of members of both genders/sexes to the greatest extent possible as this assists with the collection of evidence, interviewing of witnesses and assists in providing a balanced perspective.

In order to investigate fully, the Investigation Committee must have an understanding of what constitutes sexual harassment under both **Chitukuko Foundation** policy and the law in order to evaluate the complaint properly.

5.2 Investigation Process

The Investigation Committee shall be required to use the following investigation process:

- The complainant and respondent shall be summoned separately to provide details regarding the complaint. The process shall provide a fair method for both sides to be heard and to receive information.
- The Committee shall ensure that both the complainant and respondent under the complaints process and possible outcomes shall be reported to relevant institutions. In cases where physical violence or sexual assault are alleged, the investigator will inform both parties that reports will be made to the appropriate legal authorities and criminal charges may be pursued.
- As many witnesses as possible shall be interviewed within the investigation period.
- All responses are documented and signed by the persons providing the information. In addition, all participants shall be expected to adhere to strict confidentiality and their cooperation shall be required. No retaliation or intimidation shall be entertained.

5.3 Investigation Outcome

- Once the investigation process has been completed, the Investigation Committee will evaluate the evidence and prepare a report communicating the investigations conducted, findings and recommendations within the Investigation Period to the Executive Director, and Finance and Administration/HR Officer.
- If the Executive Director, and Finance and Administration/HR Officer is agreeable to the Investigator's report, the decision will be communicated to parties involved within seven (7) days of the report from the Committee
- If the Executive Director, and Finance and Administration/HR Officer disagrees with the findings or recommendations of the Committee, there shall be a meeting convened between the Executive Director, Finance and Administration/HR Officer, and the Investigations Committee to review the findings and recommendations and reach a resolution. Where a resolution is reached, the Executive Director, and Finance and Administration/HR Officer shall inform the parties of the outcome of the investigation. Where the meeting fails to reach a resolution, the Finance and Administration/HR Officer shall make the final decision and inform the parties of the outcome.
- If there are no sufficient grounds to prove/disapprove the allegations, the Investigation Committee shall state so in its report to the Finance and Administration/HR Officer who shall explain to both parties factually why the evidence was inconclusive. The Finance and Administration/HR Officer shall give the complainant the opportunity to submit any additional

information. If there is sufficient evidence that the allegations are verifiable, **Chitukuko Foundation** shall take appropriate action against the Respondent.

- The Executive Director, Finance and Administration/HR Officer shall keep a confidential record of all sexual harassment complaints registered.

6. FALSE AND FRIVOLOUS COMPLAINTS

Chitukuko Foundation shall not tolerate any false and/or frivolous sexual harassment allegations made against any staff member. Making a false or frivolous claim shall constitute ground for disciplinary action however a complaint made in good faith which cannot be proven shall not be considered as either false or frivolous.

7. ROLES AND RESPONSIBILITIES

7.1 Chitukuko Foundation Board

- Setting broad-based policies containing preventive and redress measures reflecting **Chitukuko Foundation's** zero tolerance policy on sexual harassment;
- Provide leadership and direction to the organization in implementing this Policy.

7.2 Chitukuko Foundation Management

- Ensuring that adequate mechanisms are put in place to meet the standards under this Policy
- Ensuring that all staff under their supervision understand this Policy and are trained and supported to fulfil their role in preventing and dealing with sexual harassment
- Take appropriate action where any incidences of sexual harassment is brought to their attention.

7.3 Finance and Administration/HR Function

The Finance and Administration/HR Department is responsible for promoting a conducive work environment that is free from sexual harassment. The Finance and Administration/HR Department shall be responsible for:

- Inducting and continuously educating (at least once a year) all staff on **Chitukuko Foundation's** zero tolerance policy on sexual harassment and the procedures and requirements that fall within the Policy;
- Ensuring that all reported incidences of sexual harassment are dealt with in a professional and confidential manner, promptly and transparently.

- Ensuring that reported incidents are handled sensitively and with respect for the dignity of the persons involved
- Ensuring fair remediation towards the complainant and respondent.
- Ensuring that there is no one who suffers reprisals for reporting a sexual harassment allegation.
- Periodically reviewing the effectiveness of the policy in deterring sexual harassment and updating the Policy as needed.

7.4 Investigations Committee

The Investigations Committee is an ad-hoc body solely constituted for receiving and handling complaints of sexual harassment on behalf of **Chitukuko Foundation**. The individuals designated in the Investigations Committee to receive complaints of sexual harassment on behalf of **Chitukuko Foundation** will be required to:

- document the sexual harassment case referred to them including (i) complainant's case; (ii) respondent's case; (ii) any witness statements or other forms of evidence.
- conduct prompt and neutral investigations into any allegations brought before the committee and prepare a report of the findings and recommendations to Finance and Administration/HR ;
- observe the timelines of investigating and finalizing a sexual harassment case under this Policy;
- keep the cases referred to them confidential to the extent practicable under the circumstances;

7.5 Chitukuko Foundation staff

All staff are expected to:

- Refrain from any behavior that constitutes sexual harassment;
- Promote a culture of mutual respect at the workplace;
- Maintain confidentiality concerning any complaint or investigation on sexual harassment of which he/she is aware;
- Consult with and/or report any incident of sexual harassment of which he/she may be aware, to the persons designated to handle sexual harassment complaints under this Policy.
- Provide feedback to management on the effectiveness of this policy and propose areas that need reviewing.