



## **Policy on Sexual Harassment and Other Workplace Harassment, Discrimination and Bullying**

### **1. Policy Statement and Guiding Principles**

- a. As a University that values trust and respect, SMU acknowledges the fundamental importance of ensuring that all members of its community – whether its employees (i.e. academic and non-academic staff) or students – can work, study and live in a safe and healthy environment that is free from any form of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying.
- b. Through its policy and procedures SMU seeks to provide an environment that is safe and free from sexual harassment and other workplace harassment, discrimination and bullying. Such conduct is unacceptable and undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. SMU will treat such matters seriously and respond promptly and sensitively to formal complaints. Appropriate disciplinary action(s) will be taken where appropriate.
- c. Subject to paragraph 3.d below, this Policy relies on a centralised system of reporting, investigation and decision-making for complaints of Sexual Harassment in order to avoid actual or perceived conflicts of interest or reasonable apprehension of bias, to preserve privacy, to minimize risk of reprisal, and to ensure coordination and consistency across all schools, offices, institutes and centres.
- d. All University faculty and staff shall be informed of this Policy and will be trained as appropriate to their roles. Everyone involved in the prevention and response processes will act with impartiality and discretion at all times.
- e. Employees should be culturally sensitive, tolerant and respectful towards each other, taking into consideration the workplace environment and Singapore's multi-culturalism.
- f. A summary of the processes and procedures for managing and resolving incidents reported under this Policy is set out in Annex 1.

### **2. Objectives of this Policy**

The objectives of this Policy are to:

- a. state SMU's commitment to prevention of and prompt response to Sexual Harassment and other Workplace Harassment, Discrimination and Bullying;
- b. make available to all employees services and resources relating to prevention of and management of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying complaints; and
- c. provide clear guidelines on the complaint and reporting procedures, options, support, and accommodations available to employees who feel they have been sexually or otherwise harassed, discriminated against or bullied in the course of their employment, be that by another employee, a student, visitor or contractor.



### 3. Scope

This Policy and associated procedural principles apply to:

- a. employees and, on the occasions set out in this Policy, students (undergraduate, graduate, and professional & continuing education); and
- b. all University activities such as those relating to teaching, research, or social, cultural, sports or philanthropic activities, or subsequent to one of these activities, which are activities (authorised and non-authorised) where there is a clear nexus to the working or learning environment at the University, on and beyond University premises, including activities that encompass electronic/digital communications and virtual environments, as conduct that occurs online can constitute Sexual Harassment and other Workplace Harassment, Discrimination and Bullying.
- c. All other individuals engaged in activities reasonably connected with the University including contractors, consultants, visitors (including visiting faculty) and volunteers are also expected to conduct themselves in a manner consistent with this Policy. In cases where the procedures and processes of this Policy cannot be complied with because the Alleged Offender is not an employee or student of the University, the complaint will be redressed under the contractual provisions of engagement of those individuals or through the assistance of the employer or other supervising authority of the Alleged Offender.
- d. For the avoidance of doubt, this Policy does not apply to any action taken by the University and/or its authorised officers which affects a faculty member's personnel status or the terms and conditions of employment. A faculty who would like to seek redress for such grievance should do so under the [Faculty Grievance Process \(Part II, Section 2.9, SMU Governance and Academic Policies Handbook\)](#). A faculty who has sought redress under the Faculty Grievance Policy may not thereafter lodge a complaint under this Policy in respect of the same subject matter. Likewise, a faculty whose complaint has been resolved under this Policy may not subsequently lodge a grievance complaint under the Faculty Grievance Process in respect of the same subject matter.

### 4. Definitions

- a. **"Alleged Offender" or "Respondent"** means the academic or non-academic staff member or university affiliate who is alleged to have violated University policy and does not imply pre-judgement. These terms are used interchangeably in this Policy but generally the term 'Respondent' is used where a formal complaint process is involved.
- b. **"Approving Officer"** this term should be understood in accordance with SMU's prevailing HR practices and policies.
- c. **"Bullying"** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure an individual. While bullying is normally characterised by a pattern of behaviour, a single incident of a grievous nature could be considered as bullying behaviour. Bullying is to be distinguished from the



legitimate exercise of managerial responsibilities where these responsibilities are carried out in a respectful, reasonable and appropriate manner.

- d. **“Complainant”** is the individual who has been impacted by an alleged violation and who brings to the attention of the relevant officers the situation that may call for a sanction against the Harassment. The Complainant may be a student or faculty or staff of the University, or any individual outside the University who believes that a violation of the University’s behavioural standards has occurred. The term does not imply pre-judgement.
- e. **“Consent”** in this policy means voluntary, active and clear agreement, communicated by words or actions to participate in activity of a sexual nature or in specific sexual activity. Consent cannot be obtained by threat of harm, coercion, intimidation, or by use or threat of force. Silence does not imply consent and the lack of verbal or physical resistance does not constitute consent. Thus, silence, mere passivity, submission and/or lack of resistance do not constitute consent. Consent cannot be inferred from a person’s manner of attire or other contextual factors.
- f. **“Discrimination”** is any action, behaviour, or decision which results in the irrational exclusion, or preference, of an individual or group within the University community, based on race, ethnicity, sex, sexual orientation, national origin, age, disability, religion or other factors unrelated to their ability or potential.
- g. **“Harassment”** can occur when one party at the workplace demonstrates behaviour that causes or is likely to cause alarm or distress to another party. It can take the form of hostile or unwanted conduct, verbal comments, actions or gestures, that affect the dignity or psychological or physical integrity of the individual, and which results in a negative environment for such an individual. Harassment at work can manifest in different forms – Sexual Harassment, Discrimination and Bullying. It may occur as a single incident or as an element of persistent behaviour. Such behaviour could be, but not limited to, verbal, by letter, email, other electronic and social media or physical conduct.

A person’s subjective belief that behaviour is intimidating, hostile or offensive does not make that behaviour harassment. The behaviour must be objectively unreasonable. Expression occurring in an academic, educational or research context is considered a special case and is broadly protected by academic freedom. As such, such expression will not generally constitute harassment unless it is targeted at a specific person or persons, is abusive, and is objectively viewed as serving no bona fide academic purpose.

- h. **“Hearing Committee”** means the body, selected by the Provost and/or the SVP, that hears just cause matters. The Hearing Committee comprises three or five members, as determined by the Provost and/or the SVP. The Chair of the Hearing Committee is also appointed by the Provost and/or the SVP. In cases that involve only faculty, the membership should be similar to that of the Hearing Board as defined in [Part II, Section 2.8 on Faculty Disciplinary Procedures of SMU Governance and Academic Policies Handbook](#). Should any Hearing Committee member become unable to serve or to satisfy their responsibilities on the Committee as the matter progresses, the Provost and/or the SVP will appoint a substitute.



- i. **"HRFA"** means the Office of Human Resources and Faculty Administration.
- j. **"Line Management"** refers to the Reporting or Approving Manager i.e. person/s with direct managerial responsibility for a particular employee.
- k. **"Major Sanction"** means serious penalties that include, but are not limited to:
  - i. Termination of employment / contract, as applicable;
  - ii. suspension with or without pay;
  - iii. zero salary increases stipulated in advance for a period of two or more years.
- l. **"Minor sanction"** means penalties less serious than a major sanction that may include, but are not limited to:
  - i. a private letter of reprimand;
  - ii. a public letter of reprimand;
  - iii. written apology;
  - iv. mandatory counselling, coaching or training;
  - v. a ban from teaching and/or supervisory responsibility, as applicable;
  - vi. special monitoring of specific future research, teaching, supervision of students, or other work activities, as applicable;
  - vii. Change in work arrangements (location, timings, reporting lines, limitations on access).
- m. **"Reporting Officer"** refers to the immediate line manager of an employee. This term should be understood in accordance with SMU's prevailing HR practices and policies.
- n. **"Sexual Harassment"** means undesirable conduct and/or comments of a sexual nature which is known or ought reasonably to be known to be unwelcome. It can occur through, but not limited to, in-person verbal or physical conduct, or by letter, email, telephone, text and/or other electronic and social media. It includes sexual solicitation or making an advance towards an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the other individual and the person making the advance/solicitation knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual harassment may be found in a single incident or as an element of persistent behaviour which may include but is not limited to requests for sexual favours, or other verbal, non-verbal or physical conduct of a sexual nature on or off University premises when, for example,
  - i. submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or student status in a course, programme or activity; or
  - ii. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
  - iii. such conduct has the purpose or effect of interfering with an individual's work or educational performance; or creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from an educational programme or activity.
- o. In determining whether an act constitutes sexual harassment or other workplace harassment, discrimination or bullying, the totality of the circumstances that pertain to any given incident in its



context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

- p. Examples of conduct that constitute Sexual Harassment include:
- i. Pressure for a dating, romantic, or intimate relationship;
  - ii. Unwelcome sexual advances, unwelcome touching, kissing, hugging, or massaging;
  - iii. Unnecessary references to parts of the body that engender feelings of fear, humiliation or disrespect;
  - iv. Creating or distributing sexual graffiti, pictures or posters;
  - v. Sexual innuendoes, gestures, or humour;
  - vi. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
  - vii. Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
  - viii. Recording any intimate activity in a private space without that person's consent;
  - ix. Distributing sexual information, images, or recordings about another person without that person's consent;
  - x. Acts of stalking that create a sense of threat, danger or hostility;
  - xi. Recruiting, harbouring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
  - xii. Pressure for or forced sexual activity, rape; inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct occurs.
- q. **"SVP"** refers to the Senior Vice President (Administration)
- r. **"Sexual Harassment Complaints Manager"** is a University officer who is trained to address sexual harassment complaints. They coordinate and oversee the timely response and investigation of all complaints of such nature.
- s. A **"Supporter"** is a support person (usually a work colleague, friend or trade union representative) who may be present to provide support to a Complainant or Respondent throughout an investigation and/or hearing. A Supporter may not serve as a Witness in the same matter.
- t. **"University Affiliates"** are individuals associated with SMU, in a capacity other than as a student or employee, who has access to University resources through a contractual arrangement or other association that has been reviewed and approved in accordance with University guidelines. Examples may include employees of contractors hired to conduct repair work at SMU, employees of vendors engaged to provide training to University administrators, volunteers in academic units within SMU, or researchers who are self-funded, but utilise SMU facilities to further the SMU's research endeavours.
- u. A **"Witness"** is a person who has personal knowledge of specific aspects of a complaint lodged under this Policy.

## 5. Consensual Sexual or Romantic Relationships in the Educational and Workplace Setting



- a. The University recognises that consenting adult individuals associated with the University should be free to enter into sexual or romantic relationships of their choice. However, at the same time, such relationships must not put at risk the fundamental interest of every member of the University community to participate in University activities free from conflicts of interests, exploitation, favouritism, abuse of power, or undermine the reputation or interests of the University. Sexual or romantic relationships between individuals in inherently unequal positions of authority risk undermining the real or perceived integrity of the University's evaluation and supervision process, and create risks, actual or perceived, for conflict of interest, exploitation, favouritism, or abuse of power. Such relationships may also have unintended, adverse effects on the climate within an educational or workplace setting, thereby impairing the learning or working environment for others.
- b. The University therefore expects high ethical and professional standards in interactions between the following parties (non-exhaustive) in inherently unequal positions of authority: faculty and students, senior faculty and junior faculty, faculty and staff, staff and students, supervisors and employees, principal investigators and postdoctoral scholars/research assistants, graduate/professional/undergraduate students and students (where the former has some academic or supervisory responsibility over the latter), mentors and trainees, advisers and advisees, and other individuals in inherently unequal positions of authority. All faculty, staff and University Affiliates, engaged in teaching activities or otherwise, as well as students engaged in teaching activities or supervisory functions, are expected to comply with these provisions.
- c. Additionally, such relationships are sometimes less consensual than is believed by the individual whose position confers greater authority. Moreover, circumstances may change, and conduct that was previously welcome may become unwelcome. Further, even when such a relationship ends, there may be actual bias (even if unintentional) for or against the former romantic partner, or there could be an ongoing impression of such bias, hence the effects of a sexual or romantic relationship can extend long after the end of the relationship itself.
- d. For all the above reasons, sexual or romantic relationships, consensual or otherwise, between individuals in inherently unequal positions are regulated in this Policy either through (a) prohibitions or (b) disclosures with consequential measures to avoid or mitigate any conflicting interests. Except as expressly permitted herein, this Policy prohibits sexual or romantic relationships between:
  - i. employees (i.e. faculty and staff) / University Affiliates and undergraduate students;
  - ii. employees / University Affiliates and any graduate student whom they teach, manage, supervise, advise, or evaluate in any way, whether directly or indirectly; and
  - iii. graduate/professional/undergraduate students and any student (where the former has some academic or supervisory responsibility over the latter) whom they teach, manage, supervise, advise, or evaluate in any way, whether directly or indirectly.
- e. Consensual sexual or romantic relationships between adult employees (including both faculty and staff) are not in general prohibited by this Policy. However, relationships between employees and/or University Affiliates where one teaches, manages, supervises, advises, or evaluates the other in any way (whether directly or indirectly) must be promptly disclosed to the employee's Dean (for academic positions), or to the appropriate Head of Department (for non-academic positions), so



that adequate alternative evaluative or supervisory arrangements are put in place to mitigate any conflict of interest and the potential for or appearance of abuse, exploitation and favouritism.

- f. Consensual sexual or romantic relationships between adult employees that do not raise concerns of conflicting interests are not prohibited by and do not need to be disclosed under this Policy. However, employees need to keep in mind that changed circumstances may require prompt recusal and reporting. If both parties had a pre-existing sexual or romantic relationship prior to joining SMU, or where such a relationship develops and circumstances change resulting in one party having significant authority over the other party, the individual in the position of greater authority must both recuse themselves from any academic, professional or supervisory responsibility over the other party, and immediately notify their Line Management so that adequate alternative evaluative or supervisory arrangements can be made. In those rare situations where it is programmatically infeasible to provide alternative academic responsibility, evaluation and/or supervision, the cognizant Reporting or Approving Officer must approve all academic responsibility, evaluative and compensation actions. The Reporting or Approving Officer must keep HRFA informed of all such relationships and the measures taken to resolve or mitigate conflicting interests.
- g. If there is any doubt whether a relationship falls within this Policy, individuals must disclose the facts to their Line Management to seek guidance rather than fail to disclose. If any relationship falls within this Policy, the duty to disclose and disciplinary consequences for violations of this Policy fall on the individual with the greater authority. Failure to promptly disclose all prior and current sexual or romantic relationships is itself a violation of this Policy.
- h. Employees who engage in sexual or romantic relationships with a student or another employee contrary to the guidance, prohibitions and requirements provided in this Policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships.

## 6. General Provisions

- a. As allegations of Harassment can sometimes raise challenging new or unanticipated issues, the University reserves the right to take reasonable actions as it deems appropriate to address those issues in a manner consistent with the spirit of the applicable policies including this Policy, while preserving fairness for both parties and maintaining the integrity of the resolution process.
- b. The University will respond promptly and sensitively to formal complaints, and where appropriate, take disciplinary action(s) and/or implement penalties, including as follows:
  - i. Any employee who subjects another employee, student or University Affiliate to Sexual Harassment and other Workplace Harassment, Discrimination and Bullying will be subject to a formal investigation that may lead to disciplinary action resulting in a range of sanctions including the termination of their employment.
  - ii. A student who subjects any employee or University Affiliate to Sexual Harassment and other Workplace Harassment, Discrimination and Bullying will be subject to the provisions, including penalties under the [SMU Code of Student Conduct](#).



- iii. Other individuals (i.e. neither employees or students) who subject any employee or student to Sexual Harassment and other Workplace Harassment, Discrimination and Bullying will be subject to penalties that are appropriate and addressed in view of their relationship or contractual provisions with the University.

## 7. Resources for Disclosure and Support

- a. Incidents or conduct that contravene this Policy may be reported to the University through the following channels:
  - i. Where the conduct involves Sexual Harassment, the report may be made either online via [<Sexual Harassment Complaint Form>](#) or by contacting the University Sexual Harassment Complaint Manager (Email: [ushcm@smu.edu.sg](mailto:ushcm@smu.edu.sg); Telephone: 6826 4999)
  - ii. Where the conduct involves other Workplace Harassment, Discrimination or Bullying, the report may be made to the Complainant's Reporting Officer (or the Approving Officer if their complaint is against their Reporting Officer). All such complaints may, where appropriate, be subsequently elevated to HRFA (Email: [hr@smu.edu.sg](mailto:hr@smu.edu.sg))
- b. Persons who feel that they have been or are being subjected to, or are accused of, Sexual Harassment or other Workplace Harassment, Discrimination or Bullying are advised to seek advice and support promptly. They may also wish to discuss the matter confidentially with a work colleague. Additionally, they may wish to seek support from:
  - i. University Sexual Harassment Complaints Manager (only for cases involving Sexual Harassment) (Email: [ushcm@smu.edu.sg](mailto:ushcm@smu.edu.sg); Telephone: 6826 4999)
  - ii. Line Management (for cases not involving Sexual Harassment)  
Employees may initially discuss their concerns with their Line Management (i.e. Reporting Officer, Approving Officer, Dean/Head of Department), if possible and appropriate.
  - iii. Office of Human Resources & Faculty Administration (Email: [hr@smu.edu.sg](mailto:hr@smu.edu.sg))  
The HRFA Team can provide guidance to employees on the application of this policy and on other employment matters.
  - iv. Office of Safety & Security  
For issues of safety and security on campus (Telephone: 6828 0343; Email: [oss@smu.edu.sg](mailto:oss@smu.edu.sg))
  - v. The Clinic @Campus (Telephone: 6333 9300); 70 Stamford Road, #B1-21, Li Ka Shing Library Building, Singapore 178901; Operating Hours: Monday – Friday: 8:30am – 5:30pm; Saturday: 8:30am – 12:30pm
  - vi. SMU Employee Assistance Programme ([EAP page on iNet](#))  
24/7 confidential counselling to Employees and immediate family for individual or work problems.
  - vii. Trade Union representative, Education Services Union (Email: [esu@ntuc.org.sg](mailto:esu@ntuc.org.sg))





## 8. Case Management, Resources and Support Responsibilities

- a. Complaints of Sexual Harassment will be administered and managed by the University Sexual Harassment Complaints Manager.
- b. For complaints of other Workplace Harassment, Discrimination or Bullying, the relevant Line Management is expected to take timely and appropriate action(s) once they become aware of such incidents even without a complaint being lodged. Line Management shall take the lead in managing such complaints with support from HRFA and, where appropriate, in consultation with the Office of Legal & General Affairs (OLGA), the Office of Safety & Security (OSS), the SVP (for complaints against staff) and the Provost's Office (for complaints against faculty).
- c. The University Sexual Harassment Complaints Manager and the relevant Line Management shall be referred to as '**Relevant Officer**'.

## 9. Timely Raising of Complaints

- a. Complaints of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying must be raised in a timely manner through the channels identified in paragraph 7. Unless notified of such complaints within a reasonable period of time, the University may find itself unable to adequately investigate and take steps to appropriately resolve the matter in a timely manner.
- b. A complaint must also contain sufficient details so that an investigation may be initiated.

## 10. Participation of the Complainant

- a. Most situations will require the Complainant's participation. If a Complainant decides not to participate, but wants an investigation to be undertaken, the University will determine whether it is reasonably possible to move forward with the case without the participation of the Complainant. In some cases, it may not be reasonably possible for an investigation to be undertaken without the participation of the Complainant.
- b. When individuals make allegations of Sexual Harassment to the University and do not consent to the disclosure of their name/s and/or do not disclose the identity of or identifiable information about the Alleged Offender, the University's response to such reports will be limited. However, in some cases the University may decide that it needs to proceed with an investigation. In such cases, the University will not compel an individual to participate.
- c. An Alleged Offender (where known) will be held accountable for any sanctions issued, even if they decline to participate.

## 11. Resolution of Complaints

- a. Sexual Harassment, and other Workplace Harassment, Discrimination and Bullying may generally be addressed in one or a combination of the following ways:
  - i. Informal resolution by direct communication;
  - ii. Formal resolution; or
  - iii. Lodging a complaint with the local authorities.



- b. The Provost and the SVP will oversee all the resolution of complaints (other than appeals against sanctions) relating to academic and non-academic staff respectively. They will, in relation to their respective areas of responsibility, have all necessary powers to, amongst other things, (i) decide on questions of procedure and jurisdiction, (ii) approve adjustments to the procedures set out in this policy as required by the particular facts of a case, and (iii) order such interim measures as they deem appropriate in their sole and absolute discretion. If a complaint involves or implicates both academic and non-academic staff, the Provost and the SVP will confer to decide who should oversee the resolution of the complaint. Accordingly, all references to “the Provost or the SVP” in this Policy are references to *either* the Provost *or* the SVP as the context requires.

## 12. Informal Resolution by Direct Communication

- a. Any faculty or staff who believes that they have been a victim of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying may, although not obliged to, make it known to the Alleged Offender, at the earliest opportunity, that the latter’s behaviour is unwanted or unwelcome, that they perceive the behaviour to be unacceptable and would like such behaviour to stop.
- b. The Complainant may approach the Alleged Offender in person or in writing, give specific examples of the unwanted or unwelcome behaviour and explain why it has made them feel uncomfortable and where appropriate, state their intention to lodge a complaint with the University if the unwanted or unwelcome behaviour does not stop.
- c. The Relevant Officers may assist the Complainant with the communication, and may likewise counsel the Alleged Offender in receipt of such communication.
- d. Reprisals against an individual who in good faith initiates such direct communication may constitute a violation of this Policy.
- e. If this approach resolves the issue without the need for any further action both parties may then agree on a constructive way of working in the future. Even if the problem is resolved, the Complainant is advised to keep the Relevant Officers informed.
- f. In situations where it is believed that addressing the other party could lead to an escalation of the alleged unacceptable comment or conduct, or to any safety risks, this approach is strongly not recommended.
- g. If the problem is not resolved, or if the Complainant feels they cannot speak or write directly to the other party, they should notify the Relevant Officer who, in turn, will inform HRFA.
- h. Informal action does not preclude further steps, including formal resolution, if a formal complaint is later lodged within a reasonable period of time, or where the University is of the view that the circumstances of the case merits further steps to be taken by the University.
- i. The informal resolution process involves measures taken by the University in response to a situation or complaint of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying, often when formal resolution is not desired by the Complainant, (although the University is never excluded from initiating a formal resolution if it deems it appropriate to do so,



notwithstanding the desire of the Complainant not to have a formal resolution), and/or when there is insufficient information to proceed with a formal resolution process against the Alleged Offender.

### **13. Formal Resolution Process**

- a. All complaints relating to instances and incidents of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying need to be reported either in writing or in person. It is not necessary for an employee to have sought an informal resolution before submitting a formal complaint.
- b. At the request of the Complainant and/or the Alleged Offender, the Relevant Officer/s will be available to meet and discuss the matter with each of them separately and confidentially.
- c. Upon receiving a complaint of Sexual Harassment and other Workplace Harassment, Discrimination and Bullying, the Relevant Officer will perform the appropriate combination of the following actions, which are non-exhaustive :
  - i. Meet with the Complainant to understand the complaint in detail or to confirm the details in the complaint;
  - ii. Record the time, place and facts of the incident(s);
  - iii. Seek evidence supporting the allegations made, e.g. emails, audio recordings, etc.;
  - iv. Identify names of other persons who may be approached to provide evidence of the alleged unacceptable behaviour;
  - v. Establish the circumstances, the impact that the Complainant considers the situation has had on them, and details of any informal resolution or steps already taken by the Complainant to address it;
  - vi. Ascertain the views of the Complainant as to what outcome they are seeking;
  - vii. Advise the Complainant to assemble or keep a record of instances of the alleged unacceptable behaviour that can support their complaint and provide a list of Witnesses, if any;
  - viii. Ensure that the Complainant knows that they can lodge the complaint with the police, if they wish to and where appropriate;
  - ix. Meet with the Respondent to discuss the situation and to allow them the opportunity to respond to the complaint;
  - x. Explain the University procedures and resolution process to the Complainant and Respondent;
  - xi. Facilitate a discussion between both parties to achieve an informal resolution, if appropriate;



- xii. Maintain a confidential record of all discussions;
  - xiii. Respect and protect the privacy of the Complainant and the Respondent to the greatest extent possible and let them know that information will only be shared on a need-to-know basis and by the applicable laws (if any);
  - xiv. Arrange for support or take steps necessary to protect the safety of any involved party.
- d. Following the initial consultations with the Complainant and the Respondent, if it is considered necessary, the Relevant Officer in consultation with HRFA will liaise with the Provost or the SVP to initiate an investigation.
  - e. The Provost or the SVP will appoint an investigator or a committee of investigators drawn from a panel of trained investigators (the "Investigators") comprising HODs, senior faculty and the University Sexual Harassment Complaints Manager within a reasonable time of being advised by the Relevant Officer. Where the complaint relates to harassment, the Investigators will ordinarily be appointed within seven (7) working days of the Relevant Officer's advice.
  - f. Investigators should have had no previous involvement in the matter, are not members of the School/department of either party (Complainant or Respondent), and should not be conflicted in any way. The role of the investigator/s is to investigate and ascertain all the facts surrounding the complaint and to make a recommendation to the Provost or the SVP. They will not decide the final outcome.
  - g. The Relevant Officer will brief the Investigator/s on the substance of the complaint. The Investigator/s will interview the Complainant, the Respondent and Witnesses nominated by the Complainant and the Respondent and such other individuals (if any) as the Investigator/s may deem appropriate. They will be supported by an appropriate HRFA representative who will take meeting notes at all the investigatory meetings.
  - h. The Complainant and the Respondent may, if they wish, each be accompanied by a Supporter at all meetings.
  - i. At the conclusion of the investigation, the Investigator/s will submit to the Provost or the SVP the investigation report detailing, inter alia, the facts as established and stating if there is a case to answer. The Investigator/s will provide the Provost or the SVP its recommendation(s) which in general will be one of the following :
    - i. The complaint is founded and a Minor Sanction/s should be imposed; or
    - ii. The complaint is upheld and a Hearing Committee should be constituted in accordance with the procedures of this Policy; or
    - iii. No further action will be taken as the complaint is unfounded.
  - j. If the Provost or the SVP agree with the recommendation, the Relevant Officer/s will convey the investigation outcome, separately to the Complainant and the Respondent, as soon as is reasonably practicable.



- k. If the decision is to drop the matter, the investigation is then deemed complete and no further proceedings will be initiated unless new evidence is presented.
- l. Irrespective of the outcome, a record of the complaint and its investigation outcome will be placed in the personnel files of both the Complainant and the Respondent.

#### **14. Imposition of Minor Sanction**

- a. If the Provost or the SVP accepts the recommendation of the Investigators to impose a Minor Sanction on the Respondent, the Relevant Officer will notify the Respondent and the Complainant of the Minor Sanction and will take the steps necessary to put the sanction into effect.
- b. The Relevant Officer will follow up with the Complainant upon resolution of the complaint to ensure that the alleged unacceptable behaviour has stopped.
- c. A Complainant or Respondent may appeal against the sanction within five (5) working days of its notification. Where the appeal is made against a sanction approved by the Provost, the appeal shall be heard by the SVP and vice versa. Upon a review of the Investigator/s' findings and recommendations, the Provost or the SVP (as the case may be) will make a decision, which in general will be one of the following :
  - i. affirm the Minor Sanction,
  - ii. modify the sanction (by substituting it with another Minor Sanction), or
  - iii. order a hearing by the Hearing Committee in accordance with the procedures set out in this Policy.

#### **15. Hearing Committee For Imposition of Major Sanction**

- a. If the Provost or the SVP accepts the recommendation to constitute a Hearing Committee, the Provost or the SVP will convene the Hearing Committee and also appoint the Chair of the Hearing Committee.
- b. The Complainant and the Respondent will be entitled to move to disqualify for prejudice any potential member of the Hearing Committee. Motion to disqualify members of the Hearing Committee will be decided by the remaining members of the Committee (with a tie to be broken by the Chair of the Hearing Committee). If the remaining members decide that the disqualification is proper, an alternative member will be designated by the Provost or the SVP.
- c. Once the Hearing Committee is constituted, HRFA will promptly send to members of the Hearing Committee the investigation report and all relevant documentation / information on the case.

#### **16. Hearing Procedures**

- a. The Chair of the Hearing Committee will inform the Complainant and the Respondent by a written notice that they have the right to a hearing before the Hearing Committee. The written notice must be accompanied by a copy of these procedures and a summary statement of the grounds of



complaint made by the Complainant against the Respondent and the outcome of the preceding investigation.

- b. The Complainant and Respondent must notify the Chair of the Hearing Committee in writing if they wish to exercise their right to a hearing.
- c. If the Complainant and/or Respondent elect not to participate in the hearing process, the University will nevertheless proceed with the hearing if it is practicable to do so. The Investigator/s will present the case to the Hearing Committee.
- d. Hearings will be private except that the Complainant and Respondent will each have the right to invite one Supporter to attend the proceedings to observe and to lend support (but not to act as a representative of the Complainant or Respondent). The Hearing Committee may conduct the proceedings and make procedural rulings as it considers appropriate.
- e. Both the Respondent and the Complainant may appear personally throughout the hearing and each may have the one Supporter present for the proceedings. The Hearing Committee will afford the Respondent and the Complainant the opportunity to personally present oral and written arguments. The Respondent and the Complainant will have the right to confront the Witnesses and to question them personally. They may call Witnesses and will receive the cooperation of the University administration in securing the attendance of such Witnesses and the production of such documents as may be relevant.
- f. The extent of document production will be determined by the Hearing Committee, which will always be mindful of restrictions, especially confidentiality requirements, that may be applicable to such documents. The Chair of the Hearing Committee, in consultation with other members of the Committee, will rule on any procedural or substantive issues complained of by either the Complainant or Respondent. The Hearing Committee will have the discretion to limit the number of Witnesses in order to prevent overly repetitious or cumulative testimony. It will not be bound by formal rules of evidence and may elect to admit any evidence it deems to be of probative value in evaluating the issues. The Hearing Committee may permit the use of teleconferencing (voice and / or video) in lieu of the appearance of Witnesses.
- g. Upon concluding the hearings, the Hearing Committee will deliberate privately. It will determine solely on the basis of information presented at the hearings whether or not clear and convincing evidence that Sexual Harassment or other Workplace Harassment, Discrimination or Bullying has occurred. Decisions will require a simple majority of the members participating. If the Hearing Committee determines that such misconduct is established and is of such gravity as to justify the imposition of a Major Sanction, it will recommend what the Major Sanction should be. If the Hearing Committee determines that the misconduct is not of sufficient gravity to justify a Major Sanction, it may recommend a Minor Sanction Instead.
- h. The Hearing Committee will conclude its deliberations promptly and send to the Provost, or to the SVP, a written report in which it will set forth its findings, conclusions, and recommendations. Copies of these documents will also be sent to the Respondent and to the Complainant, subject to any confidentiality requirements.



- i. The University will, to the extent it deems appropriate, provide the Hearing Committee with appropriate resources and support, including but not limited to support from the University's Office of Legal and General Affairs.

#### **17. Actions of the Provost or the SVP**

- a. Upon receipt of the Hearing Committee's report, the Provost or the SVP will normally accept the Hearing Committee's recommendations.
- b. Notwithstanding anything in this Policy, the Provost and the SVP are empowered to make the final determination with respect to the disposition of the matter and/or appropriate sanction to be imposed. The Provost and the SVP may, in exceptional cases, if they think fit, depart from the Hearing Committee's recommendations, including but not limited to:
  - i. Reversing the Hearing Committee's finding that the evidence, as established, did not constitute a sufficient cause for imposing a Major Sanction, in which case they are empowered to direct that the Hearing Committee to conduct fresh proceedings in accordance with paragraph 16;
  - ii. Reversing the Hearing Committee's finding that the Complainant has shown clear and convincing evidence of sufficient cause for the imposition of a Major Sanction;
  - iii. Reducing or increasing the severity of the sanction;
  - iv. Remand the matter to the Hearing Committee because there has, in their view, been a significant defect in procedure that may have had a material effect on the outcome.
- c. Where a request is made pursuant to paragraph 17.b.i, the Chair will reconvene the Hearing Committee promptly and hear statements from the Provost or the SVP and the Respondent.
- d. Where the matter is remanded pursuant to paragraph 17.b.iv, the Hearing Committee will reconvene, take steps to repair any procedural defects, and hold an additional hearing, if needed.
- e. The Hearing Committee may, by a simple majority vote, elect to adopt or reject the recommendation of the Provost or the SVP. The Hearing Committee will then send a further report to the Provost or the SVP with copies to the Complainant and Respondent.
- f. The Provost or the SVP shall make the final determination taking into account the recommendation and reasoning of the Hearing Committee. The Provost or the SVP will send to all interested parties (including the respective Dean and RO/AO) a letter stating their decision and the reasons.

#### **18. Appeal Against Major Sanction**

- a. The Respondent may appeal against the sanction by submitting a written statement to the Provost or the SVP within five (5) working days of the receipt of the letter from the Provost or the SVP. The only grounds for appeal are as follows:



- i. New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
  - ii. Procedural errors or omissions in the investigation process that may have materially affected the outcome of the process.
- b. If the Respondent submits an appeal, the Complainant will be provided with a copy of the appeal and given seven (7) working days to submit a written response.
  - c. The appeal and all relevant documentation will be reviewed by the President or a person appointed by the President ("Independent Reviewer"). The Independent Reviewer may be a senior faculty or staff within SMU or an external high-ranking executive or professional. The Independent Reviewer must not have been involved in any stage of the proceedings leading to the appeal, and must not otherwise have any personal interest that would conflict with or undermine his or her ability to determine the appeal fairly and objectively.
  - d. The decision of the President or the Independent Reviewer shall be final.

## 19. Termination

- a. If the Hearing Committee recommends that the Respondent's employment be terminated, it will also recommend a date on which the termination should take effect. Serious cases, including physical violence, may result in immediate dismissal from employment.

## 20. Hearing Committee Records

- a. On the completion of the case the Hearing Committee, Provost or the SVP will transfer all their records to HRFA. These records will be stored in a way to ensure their security and confidentiality.

## 21. Lodging a complaint with the local authorities

- a. If the case involves a major violation and/or constitutes a possible criminal offence, the case will be reported to the police or relevant regulatory authorities as may be required under the relevant laws. Depending on the outcome of the police investigations, appropriate disciplinary actions will be taken against the Alleged Offender, which may include employment termination or dismissal.

Where there are investigations by the police for criminal activity that is based on the same or similar facts as the complaint, the University shall (except for interim measures) normally refrain from taking further disciplinary steps until the matter has been finally resolved by the police, prosecutor, or the courts, as the case may be.

If the Alleged Offender is convicted in a court of law (and if the conviction is upheld, or not challenged on appeal), this shall be taken as conclusive evidence that the alleged offence has





occurred, and no further investigation would normally be required by the University. If the University is to take further disciplinary action, the penalty imposed by the court may be taken into account when determining any further penalty. Where the conviction is ruled by a foreign court, the University shall take this into account before deciding on further action.

- b. Even if the Alleged Offender is not charged in court, or is acquitted after a trial or appeal, the University may still take further disciplinary action as it determines appropriate. In this respect, the University will consider whether a breach of this policy has nonetheless occurred.

## 22. Interim Suspension

- a. Generally, the Respondent will not be suspended prior to the conclusion of Hearing Committee's proceedings.
- b. However, where the University is of the view that the continuance of the Respondent's activities in the course of employment poses a threat of immediate harm to student, staff, faculty members or other stakeholders, the University may suspend the Respondent on the recommendation of the Relevant Officer. The Respondent will be provided with a concise statement of the facts and assumptions on which the decision to suspend is based. Any such suspension will be with salary.

## 23. Interim Measures and Support Services

- a. It may be appropriate for the University to take interim measures during the investigation of a complaint. Interim measures are actions and services that may be offered, as appropriate, to either or to both, the Complainant and the Respondent as well as to other parties involved in the Harassment case.
- b. Interim measures and support services may be offered at any time during the process. Interim measures include counselling, modifications of work arrangements or schedules, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

## 24. Bad Faith Complaints and False Information

- a. All participants have the responsibility to be completely truthful with the information they share at all stages of the process.
- b. It is a violation of this Policy for any person to submit a report or complaint that the person knows, at the time the report or complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, hearing, or request for a review under this Policy.
- c. Violations of this nature are not subject to investigation and hearing processes under this Policy and will be addressed [under Part II, Section 2.8 of the Governance Handbook on](#)



[Faculty Disciplinary Procedures](#) (for academic staff) and as per the [Staff Handbook](#), as applicable. This provision does not apply to a good faith report that is not substantiated or proven by a preponderance of the evidence.

## 25. Prohibition of Retaliation

- a. The University strictly prohibits retaliation against any member of its community who in good faith reports an incident of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying or participates, in any manner, in an investigation or hearing related to a report of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying.
- b. Members of the SMU community are prohibited from engaging in actions, directly or through others, which are aimed at deterring a reasonable party or a Witness from reporting incidents of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying, or participating in an investigation or hearing or done in retribution for such activities.
- c. Employees who take adverse action against, intimidate, threaten or otherwise engage in retaliation against a person because they filed a complaint of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying, or served as a Witness during an investigation are subject to disciplinary action, including termination of their employment or expulsion from the University.

## 26. Confidentiality and Communication

- a. The University considers reports and investigations of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying to be private matters for the parties involved. For that reason, the University will use reasonable efforts to protect the identity of persons involved subject always to the understanding that the University may have legal obligations under the relevant laws to inform the authorities in relation to certain offences.
- b. Personal identifiable information will only be shared with persons on a need-to-know basis, to enhance the integrity of the investigation, protect the privacy interests of the parties as well as protect the participants from statements that might be interpreted to be retaliatory or defamatory.
- c. In cases of confirmed misconduct, the Relevant Officer/s will inform any new incoming Dean/HOD assuming office of the charges and disciplinary actions imposed on an existing member of the School/department.
- d. All Complainants, Respondents, Witnesses and Supporters will be asked at the beginning of the investigation to keep the information related to the investigation and resolution strictly confidential.

## 27. Awareness and Education

- a) The University will ensure that appropriate and adequate training is provided to all persons who provide support in and facilitate the resolution process.

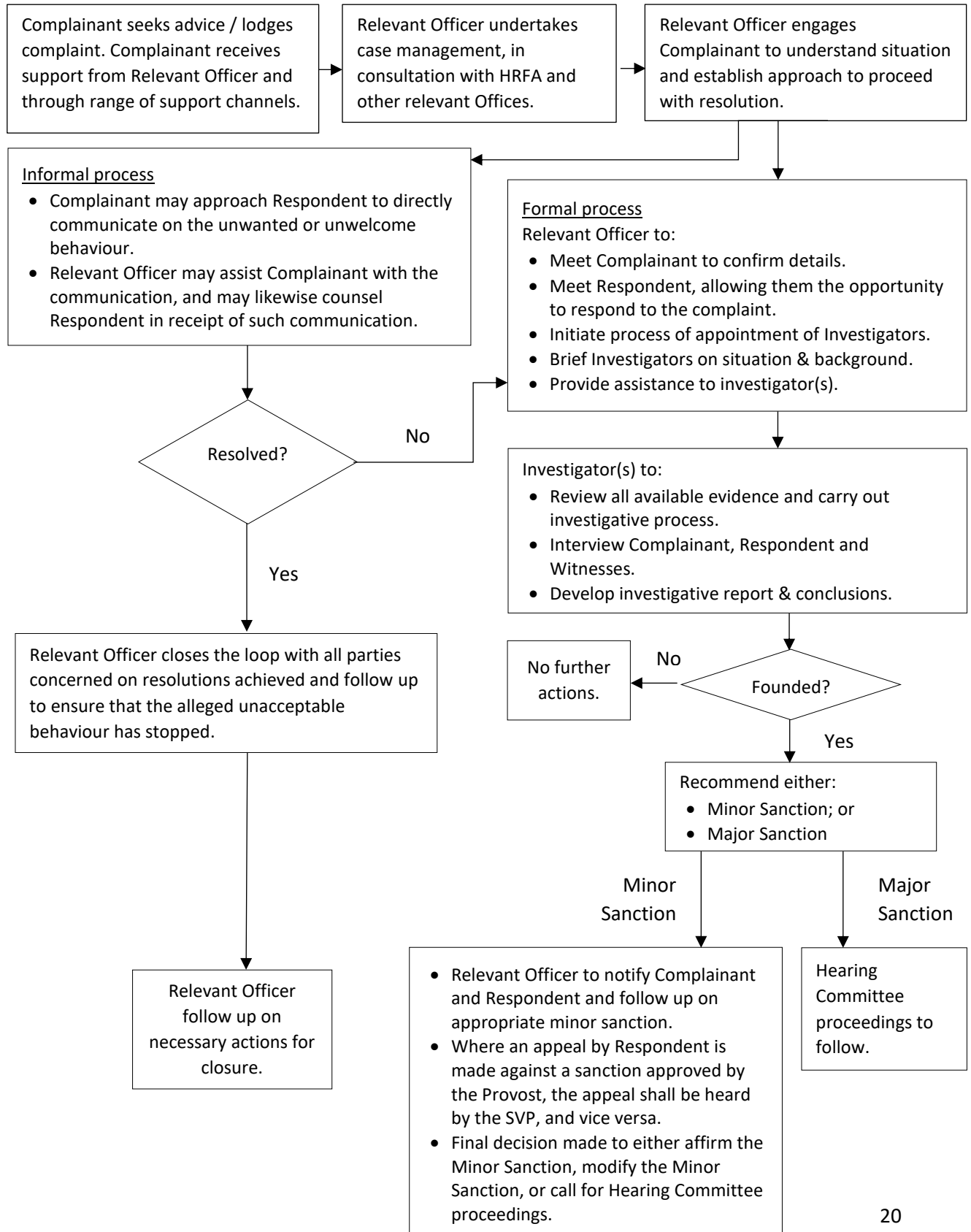


- b) In addition, online training programmes will be made available to employees to assist them in responding to reports of Sexual Harassment or other Workplace Harassment, Discrimination or Bullying and ensuring that they are aware of available on-campus resources.
- c) All new faculty and staff will be required to undertake an online awareness and training module on Sexual Harassment and other Workplace Harassment, Discrimination or Bullying as part of the New Faculty Orientation Programme or Staff Induction Programme.
- d) The annual employee Code of Conduct exercise will have a module on Sexual Harassment and other Workplace Harassment, Discrimination or Bullying where it is mandatory for all existing faculty and staff to declare that they have read, and understood the content of the module. Deans and HODs will be responsible for ensuring all faculty and staff are aware of the Policy.



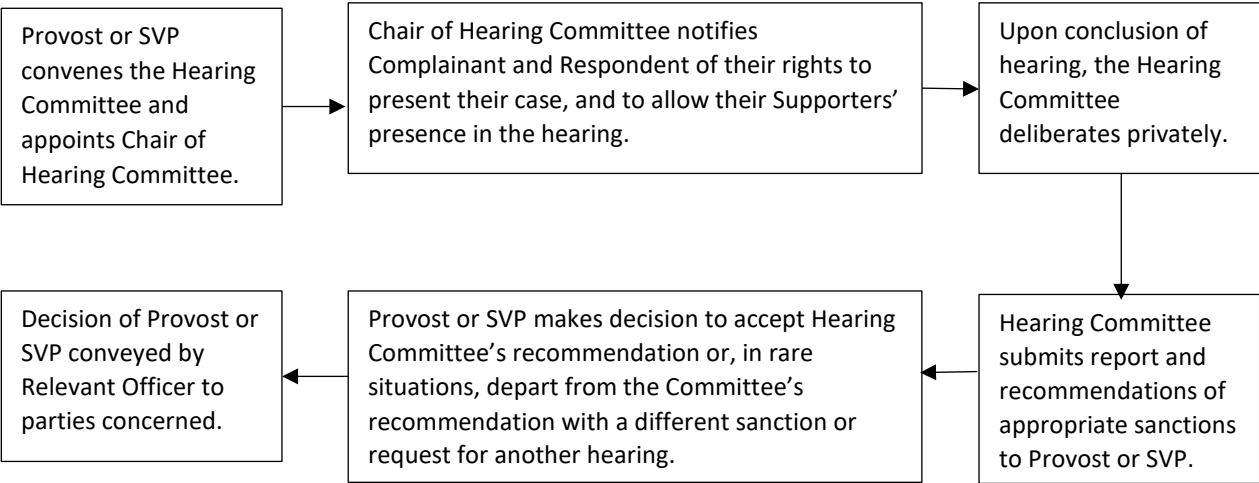
**Annex 1**

**Case Management of Sexual Harassment and Other Harassment, Discrimination and Bullying Incidents Reported**





**Hearing Committee Procedures**



**Appeal Process (by Respondent) Against Sanction**

