

GENDER POLICY

JANUARY 2024

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Approving Authority	
Review After	Three (3) years
Responsible Office	Vice Chancellor
Responsible Officer(s) / Committee(s)	Director of Student Affairs, Registrar, Executive Deans of Schools, Heads of Departments, Committee on University Teaching and Learning, Appointments and Disciplinary Committee

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ABBREVIATIONS AND ACRONYMNS

MUBAS	Malawi University of Business and Applied Sciences
NCHE	National Council for Higher Education
NESIP	National Education Sector Investment Plan
UNDP	United Nations Development Programme

DEFINITIONS

Gender	The result of socially constructed roles, attributes, and images between females and males. It is a power relation that must be equal and fair.
Gender Equality	The availability and accessibility of equal rights, roles, responsibilities, and opportunities.
Gender Equity	The process of being fair to men and women by applying deliberate measures to compensate for historical and social disadvantages that prevent women and men from operating on a level playing field.
Gender Justice	The absence of attitudes, structures, systems, processes, and practices that stereotype, produce, or depict unfair images or roles disadvantaging a person based on gender-related attributes.
University	Malawi University of Business and Applied Sciences
Affiliates	Contractors, volunteers, interns, attachées and all persons dealing with the University or operating within the University premises.
Sextortion	Act of threatening to publish sexual information about somebody in exchange of money or any favour

1. Purpose

The purpose of this policy is to guide the University in ensuring equitable opportunity in academic and working environment where all persons regardless of their gender orientation have the voice, rights and access to services and resources for the realisation of their maximum potential.

2. Authority

The principle legislation guiding this policy is the Gender Equality Act of 2013, the National Gender Policy of 2015, the Employment Act of 2018, and Staff Regulations and Conditions of Service of 2021. The policy is adapted from the National Council for Higher Education (NCHE), Model Gender and Sexual Harassment Policy which was developed with support from the United Nations Development Programme (UNDP).

3. Statement

This policy is relevant regarding Malawi's policies, legal framework, and socioeconomic context. The link among the right to education, poverty reduction, gender equality, and development, has been stressed in the Constitution of the Republic of Malawi 1994, Malawi Vision MW2063 and the National Education Sector Investment Plan (NESIP) 2020-2030.

4. Scope

This policy applies to all members of staff, students, contractors, volunteers, interns, attachées and all persons dealing with the University or operating within the University premises.

5. Principles

This policy will be guided by the following principles and values:

a) Right to education: the fundamental right to education for all, irrespective of gender shall be upheld. The University is committed to removing barriers that hinder access to quality education, fostering inclusive learning environments, and promoting curricula that embrace diverse perspectives on gender.
b) Inclusive participation: inclusive participation specifically among persons with disabilities in all the University's procedures, access to resources and facilities, and decision–making processes shall be promoted.

c) Gender equality: systemic norms perpetuating gender-based disparities and aims to bridge gaps in employment, leadership, and social roles shall be addressed.
d) Non-discrimination: discrimination based on gender identity or expression shall be unequivocally condemned. The University is committed to implementing and enforcing anti-discrimination policies across all sectors, fostering awareness, and educating about the detrimental impacts of discrimination.
e) Affirmative action: historical and systemic disadvantages faced by certain genders shall proactively be addressed. The University is committed to ensuring equitable representation and opportunities through targeted initiatives and support programmes.
f) Gender mainstreaming: all programmes and activities shall integrate gender perspectives. The University shall systematically include gender considerations in decision-making processes, promoting a holistic approach to gender equality that permeates all aspects of society.
g) Transparency, accountability, and good governance: the principles of transparency, accountability, and good governance which are also championed by the University shall be upheld. There shall be clear and transparent decision-making processes, coupled with accountability mechanisms that are integral to ensuring the effective implementation of gender policies.

6. Priority Areas

This policy identifies four key priority areas. These are:

i. Students
ii. Staff
iii. Gender-based violence and sexual harassment
iv. Inclusiveness

6.1 Students

The University shall:

a) Ensure equitable representation of all students in enrolment into its programmes and courses; the enrolment process shall follow a gender-sensitive approach with special consideration to the underrepresented in line with the 40-60 principle.
b) Ensure that the teaching, learning and assessment methods are gender-sensitive and transformative.

c) Put in place strategies to monitor performance.
d) Put in place strategies to enhance student retention.
e) Ensure equitable access to university facilities including library services.
f) Ensure equal participation in decision-making, curricular and extra-curricular activities.
g) Ensure equitable access to opportunities such as scholarships, exchange programmes and training in line with their terms and conditions.

6.2 Staff

The University shall:

a) Ensure equitable representation of all persons at all levels towards achieving the 40-60 principle as stipulated in the National Gender Policy.
b) Ensure that conditions of service are gender-sensitive by providing adequate maternity and paternity leave, essential childcare, and sanitation facilities.
c) Ensure equitable representation and participation in decision- making positions, committees, and bodies for all members of staff.
d) Put measures to eradicate patriarchal and matriarchal attitudes, segregated roles, and gender discrimination in general.
e) Ensure equitable access and provision of university facilities, services, and resources.
f) Ensure equitable access to opportunities such as scholarships, exchange programmes, externships, and training in line with their terms and conditions.

6.3 Gender-based violence and sexual harassment

The University shall:

a) Recognise the following as forms of sexual harassment among others:
    i. Sexual comments or jokes.
    ii. Displaying sexually graphic pictures, posters, or photos.
    iii. Suggestive looks, staring or leering.
    iv. Persistent propositions.
    v. Sexual advances.

vi. Making promises in return for sexual favours.
vii. Sexual gestures.
viii. Intrusive questions about a person's private or sex life and discussing own sex life.
ix. Sexual posts or contact on social media.
x. Spreading sexual rumours about a person.
xi. Sending sexually explicit emails or text messages.
xii. Unwelcome touching, hugging, massaging, or kissing.
xiii. Rape, including sexual assault, stalking, sexual grooming.
xiv. Indecent exposure.
xv. Speaking or sending foul language.
xvi. Sexual coercion.
xvii. Sextortion

b) Recognize the following contexts of sexual harassment among others:
   i. The digital space / online
   ii. Between members of staff
   iii. Between students
   iv. From members of staff to students
   v. From students to members of staff
   vi. From MUBAS affiliates to staff and students
   vii. From staff and students to any MUBAS affiliate

c) Raise awareness among students, staff, and all affiliates on prevention of and response to sexual harassment and gender-based violence.

d) Raise awareness to dispel myths of males not being victims of sexual harassment and gender-based violence.

e) Put measures to ensure zero tolerance against sexual harassment and gender-based violence.

f) Ensure that students, staff and all affiliates who are away from the duty station comply to the policy.

g) Provide guidance on procedures governing the conduct of students, staff and all affiliates to prevent sexual harassment and gender-based violence.

h) Provide guidance regarding the conduct of students, staff, and all affiliates on handling of sexual harassment and gender-based violence cases.

i) Put in place multiple reporting channels to provide a wide range of options for people to submit their complaints.

j) Ensure that persons with disabilities have full and equal access to the reporting and complaints mechanisms.

k) Make known reporting and response procedures regarding complaints of sexual harassment and abuse as stipulated in the Protection from Sexual Exploitation and Abuse (PSEA) Policy.

l) Ensure that victims and survivors are protected upon reporting a case of sexual harassment and gender-based violence as outlined in the implementation guidelines.

m) Ensure that appropriate actions and, where necessary, legal recourse are taken against perpetrators as outlined in the guidelines.

6.4 Inclusiveness

The University shall:

a) Ensure equal access to employment opportunities and enrollment for persons with disabilities.

b) Provide accessible infrastructure, resources, and services.

c) Ensure equal treatment of persons with disabilities.

d) Provide practical and formal support for female students with disabilities due to their perceived higher risk of sexual abuse and harassment.

e) Put mechanisms to eliminate negative attitude and norms, and systematic discrimination against persons with disabilities.

f) Ensure that persons with disabilities participate fully in decision-making at the University.