

# Non-Discrimination and Anti-Harassment against Employees Policy



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### Amendment History

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Responsible Officer:	Menna Ghandour – Sarah Samy – Shadya Gindy

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## NON-DISCRIMINATION AND ANTI-HARASSMENT AGAINST EMPLOYEES POLICY

### Purpose

MSA University has developed this policy to ensure and maintain a working and learning environment that is free from all forms of unlawful Discrimination including; discrimination and harassment practices and that its entire staff can thrive in a healthy, inclusive working environment, providing each individual with the right to work in a professional atmosphere that promotes equal employment opportunities.

### Scope

This policy applies to all MSA University staff including:

- All University Academic and Non-academic staff in all aspects of their employment and termination relationship with the University.
- All University applicants for employment, including; recruitment and hiring, allocating compensation and benefits and all other terms and conditions of employment.

### Policy Statement

MSA University strives to establish and maintain a work environment in which all individuals are treated with respect and dignity and to create an environment that supports, encourages and rewards career and educational advancement based on ability and performance.

The University prohibits discrimination and harassment against employees. Discrimination or harassment based on race, gender and/or gender identity or expression, colour, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the University. These are considered forms of employee misconduct and sanctions will be enforced against individuals engaged in such misconduct.

### University Obligations

The University is committed to fostering a climate of mutual respect where all individuals are valued, therefore MSA University will:

- Promptly and fairly investigate allegations of Discrimination or Harassment in accordance with this policy.

- Exert every reasonable effort to ensure that all staff are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.
- Ensure that line managers are well aware of the aforementioned policy and procedures that will enable them to assess, address such conduct at the workplace and appropriately respond.
- Discipline any member of the University staff who participates in violation of the anti-discrimination, anti-harassment policy, or any line manager who fails to, promptly act to prevent or end such conduct and to report it promptly as required.
- Protect the staff member who submits a report or complaint in good faith, or for participating in a related investigation. This protection does not apply in case of submitting false allegations, or who exhibits bad faith in the course of an investigation.
- Makes sure that Personal Information collected under this Policy will be used only for the purposes of administering this policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations.
- Respect the confidentiality of individuals involved in complaints or reports, ensuring the disclosure of the complaint or report information, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of staff, or as otherwise required by law.
- Inform and update individuals who are involved in investigations about the status of those investigations as they progress.

## Definitions

### Discrimination

Discrimination is defined as unequal, different, less favorable treatment of, or denial of a benefit to an individual because of his/her protected class on any basis. Employment examples based on discrimination include:

- Promotion or advancement opportunities deprivation.
- Making work assignments based on an individual's protected status.
- Denial of use of workplace facilities or equipment.
- Rejection of leave based on an individual's protected status.
- Refusing to hire.
- Terminating, discharging, or laying off.
- Demoting or forced transfer to an undesirable position.
- Paying lower compensation or giving fewer benefits, or discriminating in any other term or condition of employment.

### Good Faith

Intention to be open and honest with no deliberate intention to deceive or defraud.

## Harassment

Unwelcome or offensive behavior that is based upon an individual's or group's Protected Class. Harassment may include conduct that is verbal, nonverbal (such as whistling), written, visual, or physical in nature and creates a Hostile Environment.

All different types of harassments unfairly harm people by targeting personal characteristics such as; race, color, sex, religion, age, gender, national origin or disability. A person is capable of engaging in prohibited Harassment even if the person belongs to the same Protected Class as the individual or group targeted.

- **Forms of Harassment**

**Bullying:** Undermines an individual or group through persistent negative attacks. This typically irrational and unacceptable abuse of power or position can manifest itself in physical, verbal or non-verbal forms.

**Stalking:** Involves provocation or pestering an individual, in person or in writing or electronic formats or on the telephone causing them distress or grief.

**Religious:** Unwanted and unacceptable behaviour based on religious beliefs or practices that manifest themselves in physical, verbal or non-verbal forms.

**Racial:** Unwanted behaviour based on race or national origin. It includes written or verbal threats or insults based on; race, ethnicity or skin colour, abusive comments about racial origins, racist jokes, etc.

**Sexual Orientation:** Behaviour includes name-calling, stereotyping, assault, verbal abuse, actual or threatened unwanted disclosure of sexuality.

**Sexual Harassment:** This may be physical such as; touching, groping, staring, etc.

## Hostile Environment

Conduct that is so severe, pervasive, or persistent that it creates an environment that would cause an individual substantial emotional distress and undermine the person's ability to work, study, learn, or otherwise participate in University programs or services; and actually does cause the harassed person(s) any of these difficulties.

## Complainant

An individual reported to have experienced conduct prohibited by this policy, regardless of whether the individual makes a report or seeks disciplinary action.

If the University believes a Respondent represents an ongoing threat to the University community, and the original Complainant does not want to pursue a complaint, the University may assume the role of Complainant.

### **Reporter**

An individual who reports alleged prohibited conduct but who is not the individual who is the target of the prohibited conduct.

### **Respondent**

The individual, individuals or group alleged to have engaged in conduct prohibited by this policy.

### **Third Party**

An individual who is not a Member of the University Community.

### **Witness**

An individual who may have information relevant to a report of prohibited conduct. A Witness may be a student, an employee or a Third Party.



## NON-DISCRIMINATION, ANTI-HARASSMENT PROCEDURES

### Reporting Discrimination and Harassment Incidents

We encourage all employees who believe that they have been subjected to; discrimination or harassment prohibited by this Policy, or any employee who has witnessed such actions to seek advice /support or immediately report the circumstances in accordance with the procedure set forth below.

The University may investigate any conduct that violates this Policy, even in the absence of a complaint, and take remedial action where appropriate.

The University treats any breach of policies or procedures seriously and encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witnesses' memory and other evidence is most likely to be available.

### Incident Reporting Channels

Any employee may make a complaint to any of the offices or individuals listed below:

- The Human Resources Department HRD
- Any supervisor/ Line-Manager
- The Dean of the related Faculty.

All complaints under this Policy will be referred to the Human Resources Department for investigation and resolution, in consultation with the Legal Department as necessary and appropriate. Any breaches of this policy may result in disciplinary action.

### Incident Reporting Procedures

MSA University urges any employee to promptly, attempt to resolve the grievance through one-on-one discussion(s) with the Respondent or parties involved first, however we recognize that you may prefer to pursue the matter through reporting procedures as below:

#### a) Incident Reporting

The University cannot address violations and take appropriate corrective actions unless it is aware of such misconduct. Failing to report related behaviours or information is not acceptable as it encourages such actions.



Any employee who believes he/she has been subject to; discrimination or harassment, in violation of this policy should report the incident promptly within 10 working days.

**b) The Investigation**

The Human Resources Department will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The Human Resources Department will make every effort to complete its investigation within five (5) days once a formal complaint is received and will keep the investigation confidential to the extent possible.

The investigator may find it necessary to extend the time period for completing an investigation in some circumstances. The investigator will provide the complainant/ Reporter, the Respondent, and the Line-Manager with notice of any extension and where necessary and appropriate, give them a new timetable for completion of the investigation.

Where a complaint alleges a potential violation of the Policy, the investigation will include an interview with both parties, as well as the person who made the initial report (Reporter), if different than one of the parties, and/or any other person who may have information regarding the incident, each of whom is expected to cooperate with any investigation. The investigator may also review relevant documents. Both parties will have an opportunity to be heard and present information. The investigator may also interview other potential witnesses.

**c) Findings and Recommendations**

The investigator will report his or her findings to both parties, HRD and relevant Line-Managers as may be appropriate.

Where the investigator concludes that a violation of this Policy has occurred, the HRD will take prompt and appropriate remedial action, including disciplinary action.

Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this Policy needs not to be progressive, so a first violation of this Policy may warrant suspension or discharge depending on the nature and severity of the conduct.

If a related party does not agree with its resolution, that party may appeal to the Human Resources Director.

**d) The Investigatory File**

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and any documents created or used during the investigation.

**e) Confidentiality**

The University will maintain the confidentiality of the complaint, and the privacy of the individuals involved, to the greatest extent possible, unless specifically directed to discuss that information with other related parties as part of the investigation.

## Roles and Responsibilities

### Employees

Employees are expected to be aware of the non-discrimination and anti-harassment principles and to ensure that they adhere to them.

All employees are responsible for providing a work environment that is free from discrimination or harassment and are expected to:

- Treat each other and those whom they have business dealings with: respect, honesty, integrity, civility and to comply with this policy.
- Cooperate fully with the University's investigative and corrective procedures.
- Deal openly and directly with Line-managers with clear communication and immediately report in case discrimination conduct is perceived, whether; personally or to another party.

### Executives, Line-Managers and Senior Staff

While this Policy applies to all employees, the University specifically expects executives, line-Managers and senior staff to serve as role models of appropriate conduct for other employees, and will hold them to a higher standard of accountability.

Executives, line-Managers and senior staff must not only refrain from actions that violate this Policy, but also refrain from any activity that would give the appearance of impropriety or convey a casual approach to the enforcement of the Policy.

All executives, line-Managers and senior staff are responsible for:

- Ensuring that the principles, practices and training aimed at promoting non-discrimination and anti-harassment are implemented across their work-units.

- Compliance with the non-discrimination and anti-harassment policy and ensuring that his/her team is well-aware of it.
- Taking action to prevent or end the violation, if possible, and to report it immediately to the Human Resources Department in case he/she knows of or witnesses any incident that violates or potentially violates this policy.
- Following up on situations that have been addressed and be watchful for potential recurrence.

## Human Resources

The University Human Resources office is mainly responsible for:

- Owning and administering this policy as well as related employment matters
- Ensuring that all employees are adequately aware of their responsibilities under this policy and orient new comers during the induction program.
- Providing advice or guidance to related parties through the reporting procedure.
- Conducting the investigations with the related parties and gathering all information needed.
- Deciding the remedial action needed based on investigation result as appropriate.



## POLICY ADMINISTRATION

### Supporting Policies

- Diversity, Inclusion and Equal Opportunity Procedures
- MSA Grievances Policy

### Related Documents and Supporting Procedures

- MSA Employee Handbook
- MSA Code of Conduct

### Egyptian Legislation mandating compliance

- Labor Law
- Egyptian Constitution
- Ministry of Higher Education
- Women and Child Law
- National Council of Human Rights

