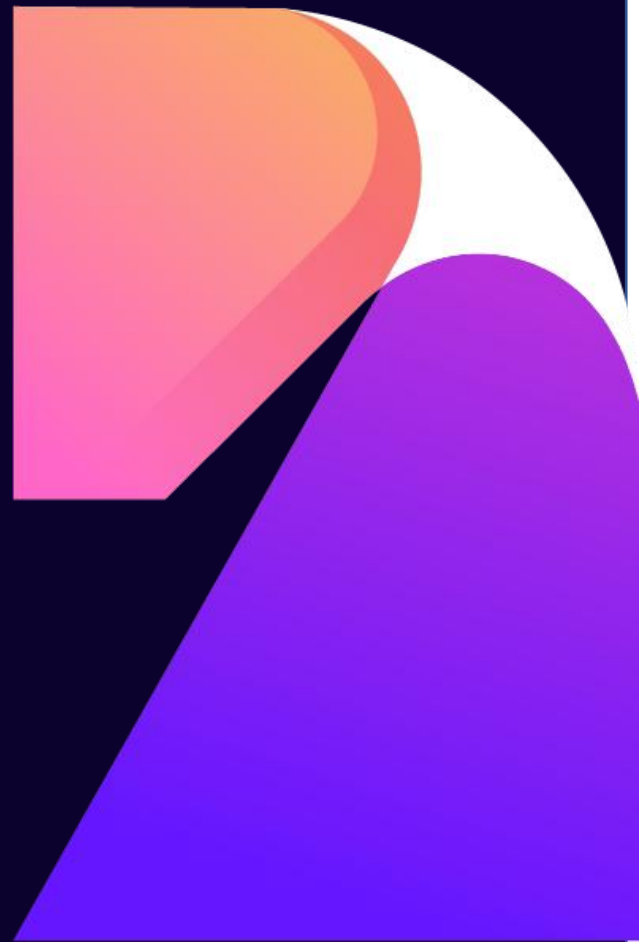


Sexual Harassment

Policy



Document Overview

Title:	Sexual Harassment Policy		
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Version History

Version No.	Date	Description of Changes
V1	Dec24	Initial document creation
V2	Dec24	Reporting structures updated.

Continuous Improvement

Policies, procedures and processes are 'living' documents. Procedures are meant to be 'living' documents that need to be followed, implemented and maintained. If the procedure does not reflect the current, correct work practice please contact us on quality@cmbs.edu.mt

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1. Sexual Harassment Policy

1.1 Scope and Applicability

CMBS is committed to maintaining a safe, respectful, and inclusive environment for all members of its community. Sexual harassment in any form will not be tolerated, and appropriate measures will be taken to address and prevent such behaviour.

This policy applies to all individuals within the CMBS community, including students, staff, contractors, visitors, stakeholders, alumni, volunteers, and external service providers. It covers all interactions in person, online, or through third-party services linked to CMBS operations. The policy applies across all organisational processes, including recruitment, learning, teaching, research, fieldwork, internships, off-site events, and social gatherings. It extends to digital environments such as learning management systems, social media platforms, and professional networking sites affiliated with CMBS activities.

1.2 Purpose

This policy applies to all members of the CMBS community, including students, faculty, staff, contractors, and visitors, in all CMBS-related activities and environments. The purpose of this policy is to ensure that all individuals at CMBS are treated with dignity and respect in an environment free from sexual harassment. CMBS is committed to fostering a culture of mutual respect and integrity by preventing and addressing all forms of sexual harassment through clear procedures, regular awareness and training programs, supportive services, and disciplinary actions where necessary. The policy aligns with relevant national and international legal frameworks, ensuring compliance with Maltese and EU equality legislation. Individuals affected by harassment will have access to support services.

1.3 Policy Statement (Guiding Principles)

CMBS is committed to upholding the principles of equality, dignity, and respect for all individuals. The institution recognises its responsibility to maintain a safe and inclusive environment where harassment of any kind is not tolerated. This policy is actively supported

and endorsed by CMBS leadership, ensuring its principles are integrated into the institution's daily operations.

This policy is guided by Maltese legislation, including:

- Equality for Men and Women Act (Cap. 456) - promoting equality between men and women in employment and services.
- Legal Notice 181 of 2008: Access to Goods and Services (Equal Treatment) - ensuring equal treatment in accessing services.
- Employment and Industrial Relations Act (Cap. 452) - regulating employment conditions, including protection from harassment in the workplace.
- General Data Protection Regulation (GDPR) - safeguarding the confidentiality of personal data related to reported incidents.
- Relevant EU Directives on Gender Equality and Harassment - ensuring alignment with European legal standards.

2. Definitions

Sexual Harassment:	Unwanted conduct of a sexual nature that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. This includes verbal, non-verbal, physical, or online actions. Examples include unwanted sexual comments, inappropriate gestures, sharing explicit material without consent, and unwelcome physical contact.
Consent:	A clear, informed, and voluntary agreement to engage in a specific activity. Consent must be given actively, without coercion, manipulation, or intimidation, and can be withdrawn at any time.
Complainant:	The person making a complaint about experiencing or witnessing sexual harassment.
Victimisation:	Retaliatory action taken against someone who has made, supported, or participated in a complaint or investigation regarding sexual harassment. Examples include unfair treatment, exclusion from activities, or termination of employment.
Bystander Intervention:	The responsibility of witnesses to intervene safely and report incidents of harassment when appropriate.
Respondent:	The person against whom a complaint of sexual harassment has been made.
Third-Party Harassment:	Harassment occurring through an external individual who is not a direct member of the CMBS community but interacts with the institution, such as clients, contractors, or service providers.

3. CMBS Commitment

CMBS upholds a zero-tolerance policy toward sexual harassment, ensuring a learning and working environment where all individuals are treated with dignity and respect. CMBS is committed to:

- **Creating a Safe and Respectful Environment:** Promoting a culture of inclusion through policies, procedures, and positive behaviour models.
- **Responding Promptly and Effectively:** Investigating all complaints fairly and impartially within defined timelines, ensuring transparency throughout the process.
- **Providing Support Services:** Offering access to confidential counselling, wellbeing services, and academic or professional adjustments where needed.
- **Taking Disciplinary Action:** Applying appropriate sanctions, including warnings, suspension, or dismissal, depending on the severity of the misconduct.
- **Raising Awareness and Training:** Conducting workshops, training sessions, and awareness campaigns on sexual harassment prevention.
- **Monitoring and Compliance:** Periodically reviewing and updating the policy to align with legal developments and best practices.

4. Dress Code and Professional Appearance

CMBS expects all community members to maintain appropriate and professional attire that aligns with the institution's values and promotes a respectful learning and working environment.

5. Interpretation and Guidance

Given the complexity of interpreting certain behaviours, training sessions on acceptable workplace conduct and professional boundaries will be provided. The policy recognises that cultural norms and individual sensitivities vary; therefore, the guiding principle will be mutual respect and a willingness to address concerns promptly.

Sexual harassment includes, but is not limited to, the following behaviours:

Verbal Conduct:

- Offensive comments, inappropriate jokes, or suggestive remarks.
- Persistent unwelcome compliments or comments about appearance.
- Coercive requests for sexual favours in exchange for academic or employment benefits.

Non-verbal Conduct:

- Displaying sexually explicit or suggestive images, posters, or digital content.
- Making sexually suggestive gestures, leering, or whistling.
- Sending unwanted gifts or notes of a sexual nature.

Physical Conduct:

- Unwanted physical contact, including touching, hugging, patting, or groping.
- Physical intimidation or blocking someone's path to coerce interaction.

Online Misconduct:

- Sending unsolicited explicit messages, emails, or images.
- Sharing private or intimate information or images without consent.
- Engaging in cyberstalking or using digital platforms to harass individuals.

Important Context:

- Sexual harassment can occur in various environments, including classrooms, offices, events, conferences, and online platforms linked to CMBS activities. It may involve isolated incidents of serious misconduct or repeated unwelcome behaviour that creates a hostile environment.

6. Reporting and Complaints Procedure

6.1 Flagging and Early Intervention

If behaviour is ambiguous or unintended but causes discomfort (e.g., placing a hand on a shoulder), the affected individual is encouraged to communicate their discomfort directly to the person involved before filing a formal report.

This provision aims to distinguish between intentional harassment and misunderstandings while maintaining a respectful environment.

6.2 Filing a Complaint

6.2.1 Reporting for Students:

Students experiencing or witnessing sexual harassment are encouraged to report incidents promptly and directly to the School Principal confidentially via email on kristina@cmbs.edu.mt or to by calling 2247 0000 to request a meeting.

6.2.2 Reporting for Staff and Faculty:

Incidents involving staff, including faculty members, must be reported to the Chairperson of the CMBS Board by sending an email to morgan@cmbs.edu.mt. If the Chairperson is implicated, the report must be directed to the Chairperson of the Holding Board via email on steve@mdinapartners.com. If no female representatives are available on the Holding Board, an external investigator will be appointed.

6.2.3 Required Information for Filing a Complaint:

- Name of the complainant.
- Detailed description of the incident(s), including dates, times, locations, and individuals involved.
- Supporting evidence such as emails, messages, or witness accounts, if available.

6.2.4 Confidentiality Statement:

All reports will be treated with the highest level of confidentiality. Information will only be

shared on a need-to-know basis to facilitate investigation and resolution. No individual will face retaliation for filing a complaint or assisting in an investigation.

6.3 Investigation Process:

CMBS is committed to conducting fair, impartial, and timely investigations into all sexual harassment complaints.

The investigation process includes the following steps:

1. Acknowledgement of Complaint:

- Complaints will be acknowledged within three (3) working days of receipt.

2. Appointment of Investigators:

- Two investigators of different genders will be appointed within five (5) working days to handle the case confidentially and impartially.
- The investigators will ensure confidentiality and avoid conflicts of interest.
- A detailed investigation will be conducted, with findings submitted to the relevant decision-making body.

3. Investigation Steps:

- Conducting interviews with the complainant, respondent, and any witnesses.
- Reviewing relevant documents, messages, or other supporting materials.
- Keeping detailed records of interviews, findings, and conclusions.

4. Interim Measures (if applicable):

Temporary measures such as separating the complainant and respondent, implementing remote work/study arrangements, or granting a temporary leave of absence.

5. Investigation Conclusion:

A final report will be completed within four (4) weeks of the initial complaint, unless an extension is warranted due to complexity or external factors.

6. Transparency and Communication:

Both parties will be informed in writing of the investigation outcome and any recommended actions, while respecting confidentiality obligations.

7. Fair and Impartial Process:

All investigations will be conducted without bias, and all parties involved will be treated respectfully and fairly throughout the process.

6.4 Resolution and Disciplinary Action:

If a complaint is substantiated following an investigation, CMBS will take appropriate disciplinary and corrective action based on the severity of the incident, in line with applicable legislation and internal policies.

Possible Disciplinary Actions Include:

- Informal Resolution: Mediation, conflict resolution meetings, or corrective coaching.
- Formal Warnings: Written reprimands placed in the respondent's personnel or student file.
- Suspension: Temporary removal from work, classes, or campus activities.
- Expulsion or Termination: Permanent removal from CMBS, applicable to both students and staff.
- Legal Action: Referral to relevant legal authorities where criminal conduct is suspected.

Appeals Process:

- Either party may appeal the decision within 7 working days of being notified of the investigation's outcome.
- Appeals must be submitted in writing to the Chairperson of the CMBS Board by sending an email to morgan@cmbs.edu.mt, stating the reasons for contesting the decision or penalty.
- A final decision will be issued within 7 working days from receipt of the appeal.
- All investigation findings, decisions, and resolutions will be recorded securely and retained for a minimum of five (5) years, or longer if required by law.

6.5 Confidentiality and Non-Retaliation

CMBS is committed to ensuring that all sexual harassment complaints are handled with the utmost confidentiality. The institution will take every reasonable measure to protect the identity of all parties involved, including the complainant, respondent, and witnesses, throughout the investigation and resolution process.

Confidentiality Measures:

- Access to complaint records will be strictly limited to authorised individuals directly involved in the investigation process.
- All written reports, evidence, and investigation outcomes will be securely stored in a restricted-access digital system.
- Information will be shared only on a need-to-know basis to ensure fair investigation and resolution.

Non-Retaliation:

CMBS strictly prohibits retaliation against anyone who files a complaint, participates in an investigation, or supports a complainant. Examples of retaliation include but are not limited to:

- Demotion, dismissal, or academic penalties.
- Exclusion from work, study, or campus activities.
- Social exclusion, harassment, or intimidation by peers or supervisors.

Consequences for Retaliation:

Any proven instance of retaliation will be treated as a serious policy violation and subject to disciplinary action, including formal warnings, suspension, expulsion, or employment termination.

Exceptions to Confidentiality:

While CMBS is committed to maintaining confidentiality, exceptions may apply in the following cases:

- Legal Obligations: Where disclosure is required by law or court order.
- Imminent Threats: If there is reason to believe that a person's safety is at serious risk.

7. Monitoring and Policy Review

This policy will be reviewed every two years or sooner if legislative changes occur. Updates will be communicated through official CMBS channels.

8. Associated Policies

- Equality and Inclusivity Policy
- Grievances and Appeals Policy
- Code of Conduct for Students and Staff
- Staff Evaluation, Promotion and Professional Development Policy
- Student Rights, responsibilities and Code of Conduct