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The Challenge of Studying Sexual Harassment in Higher Education: An Experience from the University of Malawi's Chancellor College.

By Happy Mickson Kayuni¹

Abstract

This paper is an outcome of an empirical research study conducted in November 2007 and April 2008 to analyse the extent and factors contributing to sexual harassment in the University of Malawi's Chancellor College. The study set out to answer some of the following research questions: (1) how does the Chancellor College community understand sexual harassment? (2) What are the extent, nature and forms of sexual harassment in Chancellor College? (3) In which ways are sexual harassment complaints handled? (4) What are the contents of institutional policies and procedures that focus on sexual harassment? Despite such a properly outlined purpose of this research, there were several challenges that emerged which this paper attempts to highlight. Specifically, there was a low response rate for the questionnaires administered but an overwhelming positive response to individual and focus group discussions. In other words, the qualitative approach was welcomed while the quantitative approach did not achieve its purpose. This paper discusses the reasons for such a discrepancy and the effect of such an anomaly on the paper's overall goal. Apart from these challenges, the paper also briefly shares some of its findings derived from a qualitative assessment and organisational records of the University of Malawi's Chancellor College.

Keywords: Sexual harassment, Malawi, qualitative research

Introduction

In contemporary organisations, including university campuses, the issue of sexual harassment is increasingly becoming the centre of discussion. Mohipp and Senn (2008) and Martin (2008) point out that in most schools, sexual harassment has now become an issue of research and discussion. This confirms the observation made by Kastl and Kleiner (2001, p.156) that "sexual harassment has been a problem since there has been interaction between men and women". They also add that "as long as there has been a sexual attraction between the sexes and that attraction is not mutual there will be cases of sexual harassment". What is making the issue of sexual harassment to be brought to the fore front is the fact that more and more females are currently joining institutions of higher learning as students where in most cases they find that the institutional policies are ill prepared to handle the issue of sexual harassment. The distinctive impact of sexual harassment is aptly captured in one of Malawi's weekend papers: "Sexual harassment is more than the act. It is the tone, the feeling and the consequences of that event that wreak the most havoc on its victims" (*Malawi News*, 27 January- 2 February 2007).

This paper is an outcome of an empirical research conducted in November 2007 and April 2008². The study set out to answer some of the following research questions: (1) how does the Chancellor College community understand sexual harassment? (2) What

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² This study did not include postgraduate students hence the analysis doesn't relate in any way to this group.

are the extent, nature and forms of sexual harassment in Chancellor College? (3) In which ways are sexual harassment complaints handled? (4) What are the contents of institutional policies and procedures that focus on sexual harassment? Despite such a properly outlined purpose of this research, there were several challenges that emerged which this paper attempts to highlight. Specifically, there was a low response rate for the questionnaires administered but an overwhelming positive response to individual and focus group discussions. In other words, the qualitative approach was welcomed while the quantitative approach did not achieve its purpose. This paper discusses the reasons for such a discrepancy and the effect of such an anomaly on the paper's overall goal. Apart from these challenges, the paper also briefly shares some of its findings derived from a qualitative assessment and organisational records of the University of Malawi's Chancellor College. In this regard, the paper discusses the role of the college disciplinary committee in handling sexual harassment.

Sexual Harassment in Higher Education: Lessons from the Literature

This section aims at critically analysing the various perspectives and challenges of studying the concept of sexual harassment. The first part focuses on the concept of sexual harassment and this is followed by challenges of studying sexual harassment; vulnerability of university campuses; and legal provisions against sexual harassment in Malawi.

The concept of sexual harassment

The concept of "sexual harassment has developed into one of the most controversial, complex and perhaps widespread HR[human resources] problems in the world" (Grobler *et al*, 2002, p.56). Sexual harassment is simply defined as unwanted conduct of a sexual nature. The unwanted nature of the conduct distinguishes it from consensual behaviour. According to the South African *Code of Good Practice*³ (quoted in Grobler *et al*, 2002, p.57), sexual attention becomes sexual harassment if:

- the behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- the recipient has made it clear that the behaviour is considered offensive; and/or
- the perpetrator should have known that the behaviour is regarded as unacceptable.

In an educational environment, Chuang and Kleiner (1999, p.13) state that "sexual harassment means unwelcome sexual advances, requests for sexual favours, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the education setting". In this regard, "sexual harassment is not sexual interaction, flirtation,

³ Although there is lack of commonality on the specific definition of sexual harassment, all definitions agree that the behavior is unwanted and causes harm (physical or psychological) to the victims. The international conventions that tackle the issue of sexual harassment include: United Nations General Recommendation 19 and the ILO's Discrimination (Employment and Occupation) Convention (No. C111); European Union (EU) and the Council of Europe (COE). The South African Code of Good Conduct's definition compares favourably with these international conventions and other national definitions of the term.

attraction or friendship which is invited, mutual, consensual or reciprocated” (Nyamulani, 2006, p.7).

However, Barton and Eichelberger (1994,p.24) argue, “deciding where harassment begins and ends is an admittedly difficult yet necessary by-product of this process”. According to a BBC Africa online debate of 16th August 2006 entitled *What is sexual harassment?*, one discussant from Kenya argued that:

I think we need to define what constitutes sexual harassment. Sometimes with friends, you never realize what some consider sexually harassment. During a class in college, one lady felt that men with tightly fitting T-shirts offended her, while men generally concluded that provocatively dressed ladies spoilt their eyes and emotions. As they say; beauty is in the eye of the beholder, so is sexual harassment!

(Dominic Tomno, Nairobi, Kenya.
BBC Africa online discussion, 16th August 2006)

This point is further supported by Kastl and Kleiner (2001, p.157), who point out that although the definition of sexual harassment “appears straightforward at first glance, it is more complicated upon greater study”. They add, “the real challenge is how to apply this definition in the real world [because] much of the definition contains descriptions of behaviours”. By relying on descriptions of behaviour, there are several problems that emerge, namely:

- these behaviours have to be interpreted by an individual through his or her eyes and experience;
- individuals have different sensitivity levels and interpret the same behaviour in various ways;
- due to this individual interpretation of behaviour, subtle forms of sexual harassment are often hard to define (Kastl and Kleiner, 2001, p.157).

Who is normally sexually harassed in university campuses?

Recent studies such as that of Chamberlain *et al* (2008) agree with Paludi and Barickman (1991) who suggest that, because of power structures and cultural biases in organisations (such as universities), “women are overwhelmingly the targets of sexual harassment and, although a profile has not been empirically established, nearly all harassers are male”. Jones (1996, p.104) adds that “women students are still subjected to violence, intimidation, discrimination, hostility, and more subtle forms of control from men on university campuses”. Several studies reinforce Paludi and Barickman’s findings by showing that men rarely suffer from sexual harassment (Hurley and Fagenson-Eland, 1996; Kastl and Kleiner, 2001; Whaley and Tucker, 1998). However, sexual harassment is not always unidirectional as males are also subjected to harassment. The problem with most studies is that they have been only focusing on the experience of women and in the process the harassment of males has not been discussed in the wider literature. Suffice to mention that even in cases where male harassment is investigated, it tends to be rare and not severe as compared to that of females.

From a study conducted at Lagos State University in Nigeria, it was established that male lecturers to female student was the commonest form of sexual harassment and the contributing factors *inter alia* included (Adedokun, 2005):

- (1) Integrity, self-esteem and intellectualism were not properly cultivated by some lecturers;
- (2) The perception was that female dressing and attitudes increase their vulnerability to sexual harassment;
- (3) Lack of respect for the female gender was reported as a fundamental reason for sexual harassment.

Challenges of studying sexual harassment

Due to changes in the gender composition of most contemporary organizations, there are numerous emerging issues, which organizations have to grapple with such as organizational politics and sexual harassment. Despite overwhelming interest in these issues in most contemporary organizations, it is generally agreed that “understanding sexual harassment, why it occurs, and what can be done about it is a tremendous challenge even for dedicated researchers and organizational practitioners” (Bingham and Scherer, 2001, p.125).

Specifically, researchers have difficulty in explaining sexual harassment in the workplace “largely because it takes varied forms, is motivated by many factors, and is perceived differently depending on variables such as gender, age, status, and context” (Bingham and Scherer, 2001, p.125). For example “many women only label the most severe of the range of harassing behaviors as sexual harassment” hence the other ranges of harassment go unreported (Adams-Roy and Barling, 1998, p.329). Unfortunately, the ignored ranges are the foundation for the most severe cases. Researchers in the long run tend to under report the frequency of harassment in organizations. Another problem is that sexual harassment “is a sensitive and often sequestered organizational problem” (Clair, 1993 cited in Bingham and Scherer, 2001, p.126) hence “it is challenging to study it in actual organizations”. It is not surprising therefore that “multiple and strong opinions” are common whenever the results are presented (Bingham and Scherer, 2001, p.126).

In most cases studies on sexual harassment are criticized on the basis of “unrepresentative samples and the lack of a relevant context” which often “raise questions about whether the findings are applicable to the problem of sexual harassment in organizations” (Bingham and Scherer, 2001, p.126). Bingham and Scherer (2001, p.126) argue that “although this criticism is justified, it does not consider the obstacles that impede researchers from obtaining valid, longitudinal measures of sexual harassment frequency”. Bingham and Scherer further point out in case of universities, most of them do not have accurate records of sexual harassment incidents. This is the case as they do not keep records of informal reports and there is no effort to conduct a survey of the prevalence of sexual harassment. Citing an example of one University in USA, Bingham and Scherer (2001, p.126), state that there was a “disagreement within the institution about whether such information should even be recorded”. Another problem is that research on sexual harassment is relatively still not fully developed yet within a short period of time it “has moved from prevalence studies to more sophisticated empirical and

theoretical analyses of the causes and consequences of sexual harassment” (Welsh, 1999, p.169). More importantly, “sexual harassment is not a purely objective phenomenon” because it is “based on an individual's perception of another's behavior, which may be affected by any of a number of factors that make up a situational context” (York, 1989, p.381). In this case “behavior that one person sees as sexual harassment another might see as innocent flirtation” (York, 1989, p.381). This has a direct impact on research findings because as York further observes, “survey researchers may try to impose a definition on respondents' estimates of incidence but not know whether that definition is, in fact, what people actually applied to decide that a behavior was sexual harassment”.

Sexual harassment studies fall in the realm of gender studies and Broussine and Fox (2003, p. 27) warns of what they call the ‘politics of gender research’ or “the voices of discouragement that questioned the need for the research”. They state that different actors in the system have different hopes for such kind of research outcomes. This leads to a situation whereby “being clear about frameworks and methods in this kind of research is not just an academic or methodological question. It is a political one as well” (Broussine and Fox, 2003, p. 31).

Vulnerability of University campuses

Howard-Hamilton *et al* (1998, p.56) point out that although there is now more public awareness of sexual harassment than in the past, “studies show that higher education institutions continue to provide a fertile environment for this type of behavior”. The major problem is that students and lecturers are not fully oriented on the vulnerability of university campuses to this type of behaviour. The discussion below focuses on some vulnerability in the context of lecturer-student as well as student-student relationship.

Power, which is described as the capacity of an individual, group or organisation to influence others, requires that the one being influenced should perceive his or her dependency on the one holding the power. In university campuses, the general perception is that lecturers determine the outcome of the student's performance. Jones (1996, p. 102-3) aptly summarizes this scenario by stating that “the apparently all-powerful teacher's authority to confer grades and legitimized judgment on the student's work”, leads to a “web of desire, power, and vulnerability [that] forms some of the most productive-and most destructive pedagogical relationships possible.” In this case Brandenburg (1982, p. 322) explains that “sexual harassment must be understood as an exploitation of a power relationship, rather than as an exclusively sexual issue”. Consequently, Harassment occurs in the context of unequal power relations in which the abuser has more power than the victim (Benson, 1984, p.518). Within the sexual harassment scenario, there are two possible power relations. The first one is “contrapower” and this occurs when the abuser has formal power over the victim. A lecturer abusing a student might be in this realm of this type of harassment. The second case is "peer" sexual harassment and it occurs between equals- and studies show that male students are more likely to abuse female students due to their societal perception of taking them as “power holders”.

The potentiality of increased peer sexual harassment in college campuses is mainly due to the following:

- the residential nature of many college campuses tends to assume that the social interaction between male and female students will be transparent and mature. However this is not the reality at all.
- there is often much more unsupervised social interaction between students. Thus students are more vulnerable to unwanted sexual advances.
- in addition, peers do not often communicate clearly the desire to be left alone. Any communication to be left alone is often misinterpreted as a sign of being interested in the opposite sex.
- students may not perceive themselves to have behaved in a sexually harassing manner unless the behaviour is extreme in nature (Kastl and Kleiner, 2001, p.156).

Student to student (peer) sexual harassment has great potential of creating a very hostile environment for the harassed student to the extent that she can seriously be affected academically as well as socially. The main danger with this form of harassment is that the interaction amongst peers is higher as compared to that of their lecturers. Consequently, the peer harassment has a geometric multiplier effect on the victim through this unavoidable constant social interaction.

Legal provisions against sexual harassment in Malawi

There is no legal definition of sexual harassment at the workplace or in higher education in Malawi. Despite the fact that the concept is mentioned in some penal provisions, it is not yet fully developed to ensure that it deters would-be harassers. According to Nyamulani (2006, p. vii), she argues that:

Even though the Republican Constitution and the Employment Act prohibit discrimination on the basis of sex, these provisions are too general for one to know what constitutes sexual harassment. Additionally, the penal provisions like insulting the modesty of a woman, indecent assault and rape help curb sexual harassment in the workplace to a very small extent because some types of sexual harassment unique to the workplace are not covered.

Sexual Harassment has been reported in most work organisations in Malawi. The Special Law Commission on Gender and the Law (2003, p.66) found that:

During work, women are commonly subjected to various forms of sexual harassment. Some male workers insult women and make disparaging or sexually suggestive comments about women employees. Other male workers touch or fondle co-workers without permission.

A few cases have also been brought before the Industrial Relations Court that relate to sexual harassment⁴. Some studies have been conducted in Malawi in relation to sexual

⁴ Tinyade Ntaba v. Continental Discount House, IRC Matter No. 73 of 2000.

harassment and almost all of them are unpublished works, namely: Dokali (1995), Chirwa (1999), Kumwenda (1995), Chigona (2003) and Kaukonde (2003) (cited in Nyamulani, 2006). Overall, despite these studies, sexual harassment in Malawi has neither been *adequately* analysed nor addressed systematically.

Background to Sexual harassment Research at the University of Malawi's Chancellor College

Extremely few studies have been done on sexual harassment⁵ in higher education in Malawi hence it is admittedly difficult to establish the severity and prevalence of the problem in such institutions. According to Adedokun (2005, p.1) "Sexual harassment in educational settings and the workplace (formal and informal) in Nigeria and other parts of Africa has in the last two decades received local and international attention". However, despite this attention "it remains the least understood, documented and focused on, of all forms of violence; and policies and legislation against it are yet to be put in place".

A more detailed Sexual harassment study was conducted about 15 years ago at Chancellor College by Phiri *et al* (1994). The study entitled *Violence Against Women in Educational Institutions: The Case of Sexual Harassment and Rape on Chancellor Campus* raised tension on campus when it was presented to the extent that the main author Dr Isabel Phiri (Who was a lecturer in the Theology and Religious Studies Dept) was harassed by students and her house was vandalised. Consequently she left the University of Malawi. There has been no related study since then.

Prior to this study by Phiri *et al*, but in the same year of 1994, a seminar entitled "Violence against Women" was organised for all female students on Chancellor College campus. During this seminar, "the most outstanding issues were the escalating levels of sexual harassment and rape experienced by female students on Chancellor College campus" (Phiri *et al*, 1994, p.3). The study that followed up this seminar revealed that 12.6% of female students that responded to the questionnaire had been raped on campus. Out of all the students that had been raped, only 61% reported the incident. However none of these reported to the college administration or the police. The study also revealed that 67% of female students had been sexually harassed while on campus. The study concluded that 82% of the female students wanted a sexual harassment policy instituted.

The problem with Phiri *et al* (1994) study is that it overwhelmingly relied on a quantitative approach and also only female students were participants in the study. Another shortfall is that there was no input from the college administration officials, lecturers and other related key stakeholders. In other words, the major weakness is that the study focused exclusively on the experiences of female students and this approach ignored the general dynamics and other related causal factors that may best be described not only by the experience of female students alone but males as well. The study did not also have an in depth analysis of college records to substantiate the issues that it highlighted.

Salome Jumbo v. Banja La Mtsogolo, IRC Matter No. 73 of 2001.

Agness Nyasulu v. Liberty Private Secondary School, IRC Matter No. 225 of 2002.

Maria Msiska v. Mchenga Coal Mine Ltd, IRC Matter No. 15 of 2002.

Rose Kamkosi v. The Office of the Ombudsman, IRC Matter No. 70 of 2003.

⁵ Currently in literature the term 'Sexual harassment' is being replaced with 'Gender Based Harassment'. However the study retains the former due to its popularity.

The assumption that sexual harassment still exists in institutions of higher learning is highlighted by the fact that in 2006, a commercial law lecturer at the Polytechnic, a constituent college of the University of Malawi was dismissed after he was accused of sexually harassing his female students. A reference to sexual harassment in Malawi university campuses is captured in one commentary of the *Malawi News* of 27th January-2nd February 2007:

Among the worst-kept secrets *on any university campus*, work places and tertiary institutions is that of sexual harassment...we have not learnt how to handle sexual harassment socially, politically or legally, which demonstrates its continued destructive discourse within workplace and *university contexts*. We do not yet have the strategies to curb this behaviour and the attitudes that permit it (emphasis added).

Studies show that “increased enrolment leads to higher incidents” of sexual harassment in universities (Phiri *et al*, 1994, p.6). The University of Malawi and Chancellor College in particular has had an increased enrolment over the years as depicted in the table below that shows the total number of students over a period of seven years (2000 to 2006 and 2008):

Table 1: Number of students at Chancellor College by gender from 2000 to 2006 and 2008

Year	M	F	Total
2000/2001	1,066	418	1,484
2001/2002	1,107	448	1,555
2002/2003	1,214	496	1,710
2003/2004	1,290	524	1,814
2004/2005	1,430	580	2,002
2005/2006	1,574	691	2,264
2008	1,463	803	2,266

Source: Author's own calculations from Chancellor College's records.

The increase of about 53% in number of students (from 1,484 students in 2000, to 2,266 in 2008) should caution the college administration about the likelihood in the rise of sexual harassment cases.

Study objectives

Against this background a study, on which this paper is based, was embarked upon in order to fully examine sexual harassment prevalence in the University of Malawi's Chancellor College. Specifically, the study had the following objectives:

- Analyze the extent to which staff and students of Chancellor College define and understand sexual harassment;
- Critically analyze the role of organisational politics and power relations in enhancing sexual harassment;
- Identify and examine the most vulnerable group in relation to cases of sexual harassment;

- Critically analyze the divergence of views in relation to sexual harassment based on gender;
- Identify and assess the institutional measures taken to avoid or curb sexual harassment.

Study methodology

Data for this research were collected in several stages employing different methodologies. From the quantitative approach, 200 questionnaires were distributed to male and female students on campus (100 for each group). These questionnaires were adopted from two comprehensive and fairly consistent schemes for measuring sexual harassment and these are the Sexual Experiences Questionnaire (SEQ) and the Sexual Harassment of Men Scale (SHOM) developed by Fitzgerald *et al* (1988 and 1995). The identified students were selected using stratified random sampling from the official list of college students. However, only 75 students handed in the filled questionnaires, representing a 37.5% response rate. Taking into consideration that the response was extremely low, these questionnaires were never used in this study- the results from these questionnaires couldn't be statistically significant to represent the views of Chancellor College students. Out of a total of 109 academic staff (excluding those on leave), 63 were systematically sampled for this study. 63 semi-structured questionnaires (23 females and 40 males) were sent to these lecturers and only 20 responded. This represents a 32% response rate. The sampled individuals were reminded to submit the filled questionnaires but the response rate still remained low. Similarly, due to this low response rate, none of these questionnaires were used because they were statistically insignificant.

Table 2: Number of questionnaires distributed and response rates

Questionnaires	Students	Academics
Issued	200	63
Received	75	20
Response rate	37.5%	32%

From the qualitative approach there were several individual interviews and focus group discussions (FGDs) conducted within the college. In the case of individual interviews, the participants included three senior members of the college administration, a college disciplinary committee member, student union leaders, and 23 leaders of various students' religious and secular groups, Chancellor College Academic Staff Union official, and the Dean of Students. In total, there were 12 focus group discussions composed of the following participants: four male students' FDGs, four female FDGs and four gender mixed FDGs (with each comprised of students from one year of study). Some of the FGD sessions were recorded on an audio tape -and later transcribed.

Table 3: Number of FGDs conducted

Year of study	Number of FGDs	Description
1	3	One FGD for male, females and mixed group
2	3	One FGD for male, females and mixed group
3	3	One FGD for male, females and mixed group
4	3	One FGD for male, females and mixed group
Total	12	

Apart from the comparative literature survey, the study also involved a review of college documents such as the college disciplinary committee files and other relevant papers.

The methodological challenge of administering questionnaires and their implications to the study findings

Although it is extremely difficult to fully explain the reasons why the sampled subjects were unwilling to submit their filled questionnaires, based on the individual interviews and FGDs some reasons can be identified.

What is quite surprising is that through FGDs and individual interviews, the students were willing to discuss all pertinent issues related to Sexual harassment but at the same time, those who were given questionnaires were unwilling to hand them over despite several reminders. One perspective could be that probably the definition of harassment is not clear hence they were not interested to participate. Yet another view could be that there is no prevalence of sexual harassment on campus hence it may not be necessary to respond to the questionnaire. The qualitative approach however points to another direction. For example, when interviewees and discussants were asked the question whether we shouldn't bother about Sexual harassment because it is difficult to define, the majority (male and female) responded that we should bother about it. The main reason why they felt that we should bother about it is because the identifiable features of sexual harassment are well known on the campus. According to the view of one female SUCC (Students' Union of Chancellor College) executive member, which is shared by many, she argued that it is not difficult to define because:

The things that lead to the word 'sexual harassment' are there, we see them, people are being raped and are being asked to offer their bodies to get grades, people swear at one another. We should not just let it go, we should talk about it, it can be eradicated.

From these responses, it is clear that harassment is prevalent on campus but individuals (male and female students as well as academic staff) were unwilling to hand over filled questionnaires.

What couldn't be denied by all the respondents interviewed is that sexual harassment is a very sensitive issue. Although they were not supposed to fill their names on the questionnaires, it is most likely that they were concerned with confidentiality. Informally, some students and academic staff felt that the issue was too sensitive and personal to the extent that divulging the information on paper needed a higher level of assurance from the researchers that they will not be individually attributed to the findings. What worsened the scenario is that the researchers themselves are employees of the same institution. This daily interaction of the researchers with the student body and academic

staff probably triggered the fear that each questionnaire could easily be linked to the individuals who filled them, even if their names were not indicated.

In individual interviews and FGDs, the scenario was different. The respondents and discussants had ample time to ask questions related to objectives of the study and why their participation may be of importance. Such kind of personal contact and informality in the process removed their fears and encouraged them to say more than what the researchers had anticipated. More importantly, four research assistants who also happened to be students (two male and two female) were responsible for data collection amongst the students. As research assistants were their peers, they were more encouraged to express themselves on all issues of sexual harassment on campus.

The FGDs, especially in the mixed groups, played another interesting educative role. Through the discussions in the groups it transpired that misconceptions between male and female students were highlighted and clarified. The process also enabled the student community to become more familiar with the complexity and nature of sexual harassment on campus.

Despite the success from the qualitative approaches, the low response rate from the questionnaires had a negative effect on the overall quality of the findings. For example, almost every male and female student interviewed (either individually or through FGDs) responded that there is high occurrence of peer (student to student) sexual harassment on campus. They also highlighted that the most common form of harassment is verbal and non-verbal while physical harassment is rare. Taking into consideration that the study did not use the quantitative data, it is impossible to establish the exact severity and level of this harassment. Although, they all admitted that the male lecturer to female student harassment does occur on campus, they mainly argued that it is normally lower as compared to peer harassment.

Such kinds of findings, though valid, do not have an intended impact as they can not be statistically expressed and more importantly, there is no proper comparison to the previous study conducted in 1994. Some questions still remain unanswered such as: Is there any improvement on the situation or it has worsened since 1994? How serious is the problem now?

Interviewees and discussants were also asked to mention factors or situations that may lead towards sexual harassment of female students. Most students, whether male or female, indicated that improper dressing was the main factor. However, there were still huge debates over this issue. For example, it couldn't be established what improper dressing meant. Other additional views on factors or situations that lead towards sexual harassment of female students included:

- Carelessly showing 'green lights' (showing interest in the male student or lecturer but with no real commitment).
- Making frequent visits to the person's (male student's) room.
- The way female students dance during a party which may arouse sexual desires of male students.
- Developing close friendships with male lecturers.
- How female students 'shake' their body as they are passing by the males.

Although each of these points were heavily discussed in the FGDs, it is extremely difficult to disaggregate these vital responses according to age, ethnicity, year of study and sex. In other words, further analysis of such kind of information is automatically stalled.

In 1993, the American Association of University Women Educational Foundation (AAUW) conducted a survey of public educational institutions, which revealed that students are unlikely to report cases of harassment because “victims may also suffer retaliation or complete alienation from classmates if they complain” (AAUW quoted in Chuang and Kleiner, 1999, p.15). Taking into consideration that the approach of this Chancellor College study heavily relied on qualitative aspects, it was difficult to establish specific number of individuals who had actually failed to report to authorities because for fear of reprisals. This finding could have been very critical to help the college to review its organisational structural arrangement for reporting such cases.

Probably one important question that may be asked is why students responded to the questions administered in the Phiri *et al* (1994) and not in a study conducted 14 years later. There could be some few explanations on this. Firstly, 1994 was a year when Malawi had just voted for multiparty politics after 30 years of autocratic and brutal rule. This newly acquired political dispensation was not fully understood then. During the one party rule, people willingly responded to what they were asked to do without questions. This one party rule legacy therefore had a positive and sometimes negative impact on social science research. Currently however, respondents are aware of their rights and they do not feel “coerced” to respond. Another important point worthy mentioning is that the study by Phiri *et al* (1994) did not sample the respondents. All female students were given questionnaires hence maximized the chances of increasing the response rates. More importantly, before the questionnaires were distributed, a well publicized seminar entitled “Violence Against Women” was conducted which generated interest amongst the female students.

The Role of disciplinary committees

The findings related to a review of organisational arrangement were not affected by the low response rate as it heavily depended on an analysis of the available records. Consequently, this section focuses on the role of the college’s disciplinary committees. The college has two disciplinary committees that may handle sexual harassment issues: College students’ disciplinary committee and the University Office Appointments and Disciplinary Sub-Committee. The former handles students’ issues while the latter focuses on academic and administrative staff of Chancellor College and the whole University.

College students’ disciplinary committee

According to Chancellor College Student’s Rules and Regulations, the College Students Disciplinary Committee (Section 12:1) “is responsible for considering cases of misconduct and makes recommendations to the Principal for a final decision after hearing the student”. This committee is comprised of: (1) Vice-Principal- Chairperson; (2) College Registrar or Assistant Registrar or Administrative Assistant who is the secretary; (3) Warden; (4) Students College Union Advisor; (5) Matron/Home sister [Dean of students]; (6) Four students representatives from the College Union and (7) One co-opted member of staff.

According to Section 13:1 of rules and regulations, two thirds of the members of the committee form a quorum at any meeting. The committee is supposed to operate in full accordance to the rules of natural justice. Consequently, relevant facts and witnesses may be presented by the accused or the complainant. The same rules and regulations under sub-heading ‘Conduct and Behaviour’ (Section 11), lists some of the acts that may be interpreted as misconduct and these include “Harassment of staff or fellow students” and “use of abusive language” (Section 11:1 g and h)

Despite this set up, according to the college administration officials, the committee has been encountering several challenges such as: Firstly, in most cases the accused sometimes deliberately doesn’t show up to appear before the committee; and when the committee makes a decision without hearing his/her side of story, such kind of students win their case when they lodge an appeal in conventional courts. Secondly, the committee has many times failed to meet because it normally fails to form a quorum. For instance, in the whole of 2007 there was no single meeting of the committee yet there were numerous complaints and cases to be discussed. Thirdly, in some years, the four students representatives from the College Union tend to defend their ‘colleagues’ even if there is clear evidence that they were in the wrong. This sharply divides the committee to the extent that the final decisions made are not always the best- however this is not the case in all years as it depends on the composition of that year’s student union’s commitment to curb student indiscipline. Finally, even though the complainant may have a valid case, it is sometimes difficult to call upon witnesses- whom for fear of reprisals sometimes don’t show up hence ultimately the defendant has an upper hand.

Most students claimed that building up “evidence is a big problem” in sexual harassment cases; and one male student mentioned during FGD that “a guy in Kenyatta hostel continues to harass female students because he is not punished, every time he goes to the disciplinary nothing happens”.

Looking at the trend of reported and cases handled by the college disciplinary committee from 2001 to 2007, a total of 56 cases were reported of which seven were related to sexual harassment representing 12.5%. In 2007 nine cases were reported to disciplinary committee of which one was related to sexual harassment. Among all sexual harassment related cases, the highest number of three representing 37.5% of these cases occurred in 2005.

Table 4: Summary of cases reported to the College Student’s Disciplinary Committee from 2001 to 2007

Year	Months												Total
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
2001	0				0				1	4	1	2	8
2002	0	3	1		0	*2	3	5			1	1	16
2003	0		*1	*1	0			1					3
2004	0		1	1	0		*3		1				6
2005	0		2	2	0	**3	*1						8
2006	0				0			2	4	1			7
2007	0				0					*8	1		9

NOTE: The asterisk represents sexual harassment case.

University Office Appointments and Disciplinary Sub-Committee

The Condition of service for Academic and Administrative staff also provides for the disciplinary procedures. Section I 3(e) states that the College/University Office Appointments and Disciplinary Sub-Committee shall handle all disciplinary cases involving an academic or administrative staff. This committee shall “recommend to the Chairperson of the University-wide Appointments Committee for appropriate action to be taken against the Staff”. Under ‘Misconduct and Discipline’ (Section I 2) the list of types of cases of misconduct interestingly starts with sexual harassment. Specifically, this section states that one type of misconduct warranting disciplinary action is when a staff member “Sexually harasses a *bona fide* student of the University of Malawi or another Staff Member of the University of Malawi” (Section I 2a).

Taking into consideration the complexity of the term ‘sexual harassment’, the conditions of service doesn’t bother to define what this harassment constitutes. Another observation is that in practice the Disciplinary Sub-Committee itself is not set up as highlighted in the University Act. According to the former college acting Registrar, the college Disciplinary Sub-Committee is normally appointed by college Principal and comprises of Deans and some Professors with the college Registrar as the secretary. According to him, it is normally a large committee. However, the *University of Malawi Act, (1974) - amended 1998* Statute XVI, Section 2 states that the college Appointments and Disciplinary Sub-Committee shall consist of (UNIMA, 2006, p.490):

- a. The Principal as chairperson
- b. The College Registrar, who shall be secretary of the Committee
- c. The Dean; and
- d. One senior member of staff

Apart from this anomaly (i.e. what the act says and what happens in practice), the set up of the disciplinary committee gives no room for student representation in a case where the student’s issue is at stake such as sexual harassment. It is not surprising therefore that student feel that it doesn’t make sense to report to the college administration because promotion of their welfare at such a level is not guaranteed.

According to the University administration records, for the past five years only one case of accusing a lecturer of sexual harassment was reported to the college administration. Although almost two year have passed since the case was reported, it has not yet been concluded. It is worthy discussing further this reported case. When a female student reported about this sexual harassment to the college administration, she was informed that she must write a report on the same. She reluctantly accepted to write the report and submitted it to the college administration. A few months later, she learnt that the report had been leaked and passed on to some government officials at the Ministry of Women and Children Affairs in Lilongwe. She felt stigmatized and lost confidence in the whole procedure as she had expected it to be secretive. Taking into consideration that now several students know about this case and nothing has so far been done makes students to further lose confidence in the reporting procedures.

A final observation is that the disciplinary procedures as articulated in Terms and Conditions of Service are not compatible with issues related to sexual harassment. The

procedures are framed in the context of specific job-related performance management systems.

Concluding remarks

The paper acknowledges that when one approach to the study on sexual harassment is omitted, there is bound to be some critical questions that remain unanswered. Consequently, the quality and relevance of the study findings are likely going to be seriously affected as this paper has discussed. Despite the methodological challenges the study revealed some issues that need to be addressed. Based on the conclusion drawn from the study, issues of sexual harassment at Chancellor College have to be dealt with while bearing in mind the following challenges and/or recommendations:

Lack of a proper legal definition of what constitutes sexual harassment

Although the discussants and interviewees provided an understanding of sexual harassment that was close to the universally acceptable definition, it is still important that all the relevant college documents should have a clear definition of the same.

Lack of a clear university policy on sexual harassment

Related to the point above, the University of Malawi still lags behind in developing a sexual harassment policy. The growth of the university over the past years and its recent quest for a balanced male vs. female student intake puts the institution at a very vulnerable position.

Lack of clearly defined structures to report cases of sexual harassment

As already discussed in the findings, the current structures of the college disciplinary committees have proved ineffective in relation to dealing with issues of sexual harassment. The Chancellor College community doesn't trust the current set-up and hence it will not have a long term impact in curbing harassment.

Other additional issues include:

- Lack of basic training regarding sexual harassment
- The 'culture of silence', fear of reprisals and fear of being labeled by the college community (stigmatization)
- Arguably an absence of political will amongst most stakeholders to debate over the issue
- High staff turnover which inhibits the intergenerational cultivation of professionalism

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