

SEXUAL HARASSMENT IN MALAYSIAN EDUCATIONAL INSTITUTIONS: CAUSES AND SOLUTIONS

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Abstract

The vitality of schools in proffering solutions to the societal challenges cannot be underrated. However, school as a hub and pivot place in addressing multifarious challenges in our society is faced with some social ills such as bullying and sexual harassment. An escalation of sexual harassment in schools' and on campuses cannot be denied. The greater challenge is inadequacy and ineffective measures to curb prevalence of sexual harassment. More so, there are only a few existing guidelines in combating sexual harassment such as the Penal Code, Employment Act and the Code of Conduct for Industrial Harmony. However, there is yet to be a proper academic focus providing an effective mode of minimizing the prevalence of sexual harassment in schools and institutions of higher learning by formulating a policy and procedure in eschewing sexual harassment in schools in particular, and society in general in Malaysia. Hence, this paper elaborately explicates the various issues relating to sexual harassment in the Malaysian schools and institutions of higher learning and further, the suggested approaches towards its prevention.

Keywords: Sexual Harassment, Educational Institution, Causes and Solutions

1. INTRODUCTION

Malaysia has continuously played a significant role in all spheres of human endeavours such as economy, political, social, education, technology and banking, among others, in Asia in general and South-East Asia in particular. Like many other countries, developed and developing alike, the country is not spared from various social problems such as baby dumping, assassinations, wrongful killings, injuries, bullying and sexual harassment, among others which undoubtedly are common scenarios or phenomenon today in the public domains. The school as a hub and pivot place in addressing multifarious challenges in our society is also faced with some social ills specifically bullying and sexual harassment. It must be pointed out that outraging modesty of another or using obscene language, suggestive remarks and unwanted physical contact, among others, is improper, unbecoming and unacceptable standards of behaviour in any civilised society.

Harassment consists of offensive, abusive, belittling, humiliating, threatening or intimidating behaviour directed at a person or a group of persons. Sexual harassment refers to sexual conduct which is imposed on, and is unsolicited or unreciprocated by the recipient (Ashgar, et.al, 2011). Examples would be repeated unwelcome

sexual comments, looks or physical contact, among others, which are usually committed by a male against a female. Sexual harassment may occur in many places such as in the workplace, schools, or other public places. In schools, sexual harassment may be committed either against the teachers or administrators of the institution or against peers or colleagues. For it to constitute sexual harassment the conduct of the accused must be unwanted or unwelcomed. The recipient must perceive the conduct as sexual in nature and further, it must be offensive or humiliating or a threat to his/her well-being (Ashgar, et.al, 2011).

Against the above backdrop, this paper is aimed at addressing the causes of sexual harassment in the secondary schools and institutions of higher learning and further, proposes viable solutions for its prevention in the Malaysian context. It is argued that the students must know when they are being sexually harassed either by their peers, teachers or others, during or after school hours and probably even in their own homes. It is noteworthy that sexual harassment is often committed in the classroom or other areas within the school premise, as well as on the way to and from school, which is basically outside the control of the school authority. Further, reference is also made to the mode of handling such cases with reference to the approaches taken by selective institutions of higher learning in Malaysia.

2. SEXUAL HARASSMENT REPORTED WITHIN AN ACADEMIC SETTING

An escalation of sexual harassment in schools and on campuses cannot be denied. The range of sexual harassment reported within an academic setting is alarming. The examples of the sexual harassment conducts includes, patting, pinching, constant brushing against the body; making sexually related comments, jokes and graphic drawing; degrading comments about one's appearance; displaying sexually suggestive pictures; forcing the victim to kiss someone; spreading sexual rumours about another, and blocking another in a sexual way. Further, more female are reported to have experienced sexual harassment as compared to male and it does impact their school performance, such as having difficulty concentrating on their studies, fear and lower self-esteem, among others.

Sexual harassment is not merely a contemporary silent issue in the Malaysian academic institutions but is a worldwide problem. Previous studies have shown that sexual harassment in academic settings is prevalent in many countries such as in the United States, Netherlands, Germany, Canada, Taiwan, Pakistan, Philippines, Turkey and Ecuador, to name but a few (Sigal, J. et. al, 2005). As noted earlier, there are different categories of sexual harassment in the schools and universities. It can emanate from lecturer/teacher to student; student to lecturer/teacher; and student-to-student. The student-to-student sexual harassment is common and prevalent in secondary schools and tertiary institutions. This may take different forms such as verbal, non-verbal, physical and written.

Verbal harassment entails any upsetting or insulting words directed at someone based on her/his gender. For example, certain nicknames like 'stud,' 'babe,' 'chick', or 'sexy' may have some connotations. It also includes inappropriate sexual sounds like whistling, kissing sounds, and others. Non-verbal harassment may include leering or ogling with suggestive overtones, licking lips or holding or eating food provocatively, persistent flirting, nods, winks, gestures with hands, fingers, legs or arms denoting sexual activity. Physical harassment is any unwanted physical contact. This may include (but is not limited to) touching, grabbing or pinching in a sexual way. It may be regarded as sexual assault which is a criminal offence (Sigal, J. et. al, 2005). Written harassment includes printed material. It may take place by sending sexually oriented notes, letters, faxes, SMS, MMS, e-mail, given or sent directly to the victim or something that is placed where the victim might be able to see.

Despite advocacy of non-discrimination between female and male, sexual harassment in schools and higher educational institutions is drastically prevalent. There are few existing provisions in combating sexual harassment in the Penal Code that makes provisions for the offences of assault (section 351), outraging of modesty (section 354), rape (section 376), outraging of decency (section 377-D), criminal intimidation (section 503) and using words or gestures to insult the modesty of a woman (section 509). Specifically, section 509 states: "Whoever intending to insult the modesty of any woman, utters any words, makes any sound or gesture or exhibit any object, intending that such word or sound shall be heard, or such gesture or object shall be seen

by such woman, shall be punished with imprisonment for a term which may extend to 5 years or with fine or with both". Despite severe punishment for sexual assault in the Penal Code, recent research finding has shown that there is a high rate of the students' experience of sexual harassment in various schools and institutions of higher learning in Malaysia which have a tendency of causing long term psychological disturbances to the victims (Ng, C., Jamilah Othman, 2002). The survey of sexual harassment in the context of Malaysian schools and institutions of higher education is briefly discussed below.

2.1 Sexual Harassment Survey in Schools

A survey of sexual harassment was conducted in the secondary schools mainly due to the fact at this age, teenagers are not only concerned about their studies, but they also worry about social issues such as fitting in, having friends or being judged by their peers and conscious of their appearance. In addition to these concerns there are other problems associated with secondary school that can interfere with academic performance or cause physical and psychological problems. Bullying, sexual harassment as well as racial discrimination are major concern among the students in the Malaysian secondary schools.

As part of the safety in schools, several private secondary schools which implement similar educational program systems with the public secondary schools in Kuala Lumpur as well as in several states have been selected for this research survey in order to understand the extent of sexual harassment occurrence in the selected schools. Due to sensitivities of this research, the name of the secondary schools had to be withheld. For this research survey, two set of target audience had been approached namely, the students themselves as well as the teachers and the administrative staff. The survey is based on the response from 50 teachers and administrative staff members as well as over 200 respondents among students from these selected secondary schools.

From the survey result it was noted that a handful of teachers / administrative staff were aware of the seriousness of the issue and took proactive steps to deal with the problem in their respective schools. Significant numbers of students i.e., more than 50%, experienced harassment and they reported trouble sleeping, staying away from school and even avoiding school activities or sports. Some students even found it necessary to switch schools. The occurrence of sexual harassment is a reality for both girls and boys, although girls are more vulnerable to physical, emotional and sexual abuse.

2.2 Sexual Harassment in Institutions of Higher Learning

Sexual harassment is also a common problem among university students. Eighty (80) students as participants from selected local universities pursuing masters and PhD courses were selected. The interview sessions covered general questions regarding sexual harassment in Malaysian universities. Based on the discourse unit (D.U.), themes were generated. On the whole, the interview finding indicated that the students in the university were familiar with the term 'sexual harassment' and were aware of its incidence in the Malaysian context (D.U.1). Majority of interviewees agreed that sexual harassment is increasing among Malaysian public and private universities (D.U.2).

The assumption of the respondents is that the initiative to prevent sexual harassment is still scarce, which may be the reason for the frequent occurrence. Further, many of the participants or interviewees felt that the victims are most commonly female students as they are more vulnerable to sexual harassment (D.U.3), while others stated that both male and female are victims (D.U.4). Some respondents believe that the Malaysian education system's emphasis on a western syllabus and low priority given to religious subjects, resulting in exposure to certain elements in the education system that may have influenced this issue (D.U.5). However, another viewpoint is that it is not the education system that causes this problem, but it is believed that the environment and society are the biggest reasons for sexual harassment (D.U.6).

In addition, majority of the respondents felt that students' invite sexual harassment on themselves by their

improper dressing. This is cited as one of the biggest factors. The emphasis on proper dress-code by university management is one of the ways in which this can be solved and this is being done by many universities. Further, majority of the respondents also agreed that close proximity must be illegalized in higher learning institutions. The reason is that close proximity is one of the major factors that can lead to negative manner and social effects occurring especially among students. Thus, students should abide by the rules prescribed by the universities and appropriate punishment should be imposed on the defaulters of the university regulations.

2.3 Sexual harassment involving teachers from the employment law perspective

In the context of employment law, sexual harassment is categorised as a major misconduct that could warrant dismissal from employment, if established on a balance of probabilities. Generally, employees of the public and private educational institutions, specifically the teachers and the administrative staff members of the school, are governed by the 'Guidelines for Handling Sexual Harassment in the Workplace Among the Civil Servant No. 22 of 2005' and the 'Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace', respectively. Besides defining 'sexual harassment' and mode of handling such offences, the above instruments serve as preventive measures against incidents of sexual harassment. Further, the Employment Act 1955 part XVA contains procedures in dealing with complaints of sexual harassments. Section 81F of the said Act makes it obligatory on the employer to attend to their employee's complaint of sexual harassment committed either by a co-worker or by the client / customer of the employer. Failure to act promptly on the complaint, the employer may be liable to fine of up to ten thousand ringgit, if found guilty.

3. DESTRUCTIVE EFFECTS OF SEXUAL HARASSMENT ON VICTIMS

The destructive effects of sexual harassment on victims are briefly noted herein although the same is not the primary aim of this paper. Previous studies have indicated that female students are more vulnerable to sexual harassment and they tend to experience sexual harassment during their college days which inferably will hitherto affect their academic performance (Cortina, & Wasti, 2005). Most of sexual harassment experiences by females are caused by male harassers (Berdahl, Magley, & Waldo, 1996). The literature shows that sexual harassment is so destructive to the psychological, physical and emotional well-being of the victims. In fact, a number of theoretical and empirical studies have demonstrated that sexual harassment has a tendency of causing long term psychological disturbances to the victims (Berdahl, Magley, & Waldo, 1996). Several studies have painstakingly examined the psychological impact of sexual harassment on the victims (American Association of University Women 2006).

Incidents of sexual harassment also contribute immensely to the low self-confidence, self-esteem and more detrimentally, it affects the psychological well-being of the victims (Pryor, John and Louise Fitzgerald, 2003). Self-esteem is crucial for students and is connected with anxiety (American Association of University Women Educational Foundation, 1995). Those with low self-esteem picture themselves as worthless and unpleasant. Symptoms of anxiety may be nausea, headaches, muscular spasms, insomnia and high blood pressure (American Association of University Women Educational Foundation, 1995). In a situation where sexual harassment persists, it may lead to severe stress and associated diseases on a student (American Association of University Women Educational Foundation, 1995). Significant numbers of students who experienced harassment reported sleeplessness, staying home from school and stopping activities or sports. Some students even found it necessary to switch schools.

The most irreplaceable implication of sexual harassment which psychologically affects the harassed person is health. Post-Traumatic Stress Disorder is commonly associated with the victims of sexual harassment or sexual victimization or assault. The individual responses to the sexual harassment will depend on the circumstances through which the harassment occurred (Frazier, (2000). For instance, female students who are sexually harassed or raped undeniably can result in pregnancy, which will certainly affect the academic performance of the victim besides affecting her health. The students could also be exposed to sexually transmitted infections (STDs). It has been reported that many female students that have been raped or sexually abused have

contracted STDs (Frazier, 1990). Further a physical attempt of the victim to resist the harassment could lead to physical injury (Osman, Suzanne, 2004).

Depression is a normally ascribed psychological disturbance to the victims of sexual harassment. Although, there are many other psychological and emotional feelings experienced by the harassed person, however the reality is that depression is among the most vital of them. In fact, these victims are usually found to be suicidal hence, requires legal and medical approaches (Campbell, 2005). The case of suicidal thoughts is taken seriously in many developed countries because the psychological impact of the sexual assault. For instance, there is National Suicide Prevention Lifeline (NSPL) in the United States of America (USA) whose primary responsibility is catering for those who are affected by suicidal thoughts following depression (National Center on Domestic and Sexual Violence, 2006). These victims need counselling by people who are expert in the subject matter.

Both the psychosomatic and physical effect of sexual harassment can result in low academic performance and grades. This is particularly so because the students who are psychologically and emotionally imbalanced will not be able to focus on their studies. For instance, the victim may elect to abandon a class due to fear of intimidation or they may restrict their involvement in classroom deliberations (National Center on Domestic and Sexual Violence, 2006). Hence, it is importantly paramount that sexual harassment which affects both the academic performance as well as the health of the victim either in secondary or university level in the context of Malaysia should be taken seriously. The above has been corroborated in the study of Straight *et al.* (2003) that female students in the college who are sexually harassed tend to be psychologically affected especially in terms of their health and their social behaviour or interaction. The impacts mentioned by the harassed female students include: lack of proper concentration in study, fear, and low self-esteem, among others (Guttek, & Koss, 1993).

4. SEXUAL HARASSMENT: THE CAUSES

As noted earlier, sexual harassment can happen anywhere within and outside schools, in the classroom, the locker room, on a field trip, sporting event, and even outside school premise such as on the way to and from school. However, sexual harassment is likely to happen when there is no clear observation from the school authorities for example, during class breaks, lunch or recess, among others. With the prevalence of sexual harassment in Malaysian educational institutions, no aggressive measures have taken to create awareness among its students about the issue. This probably could be because of the sensitivity of the issue amongst the Asian society which considers discussion on sexual acts including sexual harassment as taboo. For that reasons, it is hard for the students to learn what constitutes sexual harassment and more importantly what they need to do when they encounter such incidents. Having said the above, based on the research conducted in the selected secondary schools and the institutes of higher education, the causes for the high occurrence of sexual harassment in Malaysia are highlighted below.

4.1 Indecent dressing

While perception with regard to indecent dressing might differ, generally dressing that is revealing might influence the opposite sex in the school environment to initiate social interaction that might subsequently lead to sexual harassment (Muhammad Nazari Ismail, Lee KumChee and Chan Foong Bee, 2007). Wearing skimpy or transparent clothes for example, may arouse the sexual emotion that could lead to physical, verbal and non-verbal sexual harassment. Studies have shown that campus girls who are dressed skimpily are usually prone to receiving compliments, wishes and having their demands gratified (Chukwudi & Gbakoron, 2011).

4.2 Exposure to sexual materials

Students are enticed by sexual materials that are accessible to any internet browser and this arouses their sexual emotions which may lead to a desire to perform a sexual act on classmates. One of the hazards of information communication technology is the introduction of 'e-sexual harassment' with the use of electronic

networks for sending pornographic pictures, sexual messages and many other illicit sexual activities (Richard, 1993). Recent study shows that sexual jokes among employees could create a hostile work environment (Ashgar, et.al 2011). Inferably, sexual jokes are also common among the students which undoubtedly have a tendency of creating hostility by female students towards male students as they may perceive it as a form of harassment.

4.3 Use of illicit drugs

Studies have shown that sexual misconduct has been committed under the influence of drugs besides negative effects on the personality of students (Katz, Fromme, 'Amico, 2000). Further, the prevalence of the use of alcohol among secondary school and college students has contributed to sexual harassment (Dermen and Cooper (1994). However, it has been noted that there is no consistent findings regarding the use of alcohol as a factor leading to sexual harassment (Jennifer Brown, and Peter). Interestingly, in the context of Malaysia, in the 1980s, the Ministry of Education had advocated for proactive action against youngsters or youth involved in drugs and alcohol in schools (Amir, & Latiff, 1984). Although these efforts are on-going nonetheless, with the current scenario of the prevalence of sexual harassment among the youngsters, more aggressive efforts in combating the use of illicit drugs among youngsters are needed.

4.4 Activities in secluded environments

It is on record that in the context of school or college environments, where activities are allowed to be conducted in secluded area, sexual harassment would most like occur (Adams-Curtis, Forbes, 2004). For instance, where male and female student/teacher are allowed to conduct a task in a secluded area, the tendency of sexual harassment is more likely to occur compared to those who are engaging in their activities in a group and in an open place.

5. ELIMINATION OF SEXUAL HARASSMENT: SOLUTIONS AND RECOMMENDATIONS

Regardless whether the victim files a formal complaint or requests action, the school must take reasonable steps to promptly conduct a thorough investigation and take corrective action. The incident of sexual harassment is normally brought to the attention of the school authority through a formal complaint lodged by the complainant. If the information is from other sources, such as a witness to the incident, an anonymous letter, or the media report on the harassment, the school should respond in the same manner described above if it is reasonable for the school to conduct an investigation. As the complaint of sexual harassment is a serious matter, before appropriate remedial action could be taken, the authority must ensure that the complaint is well founded. The statement taken from the complainant must be carefully studied so as to ensure that it is adequately supported by evidence and is not riddled with inconsistent or untrue statements.

The appropriate steps should be tailored to the specific situation. For example, the school may need to develop and publicise new policies or conduct training. Depending on the nature and severity of the harassment, counselling, discipline, or further separation of the victim and harasser may be necessary. Responsive measures should be designed to minimize the burden on the victim as much as possible. If the school's initial response does not stop the harassment and prevent it from happening again, the school may need to take additional, stronger and effective measures (Dziech, Billie Wright, Weiner and Linda, 1990).

Sexual harassment can be eliminated if schools and universities have clear and effective policies in place for the purpose of its prevention and cure. The policy must prohibit all forms of sexual harassment and a copy of this policy together with the complaint procedure must be made known and visible to all students, parents, and school employees. Further, the policy should be posted in a public place, for example, in staff rooms or the bulletin board of the school. Also a description or summary of the policy, with names of persons to contact for more information, should be included in all major school publications such as handbooks, course catalogues, or orientation materials. No matter how comprehensive the policy is on paper, it will be ineffectual unless it is

enforced (Fitzgerald, & Shullman, (1993).

The young should be educated to understand and act against sexual harassment. This is done through training the students in the secondary schools and in institutions of higher learning. The training should be proactive where the participants should be made to answer questions such as the forms of sexual harassment; the prospective victim and the perpetrator; and possible action taken by the victim, among others. The aim is to create awareness among students about the issue of sexual harassment.

The Parent-Teacher-Association (PTA) can play a pivotal role in creating a healthy school and community climate that is free of sexual harassment. A founding purpose of PTA is to promote safety for children and youth. They can work together with other community leaders and concerned citizens on the preventive measures as well as the implementation of the sexual harassment policy. In any case, the school authority is also responsible for creating, distributing, training and enforcing the schools sexual harassment policies. Needless to say, it would require the commitment from all the members of the organisation to enforce the policies.

Religious doctrine, faith, creed and morality are effective to eradicate antisocial and immoral behaviour. It could be argued that sexual harassment is one of anti-social behaviours that religious moral values could address. From a religious perspective, all forms of sexual harassments are considered a sinful act and can contribute towards the destruction of society. It has been vividly explained that spiritual and moral standards of religions are essential in dealing with all forms of sexual harassment especially among students in Malaysian schools. However, today people are more preoccupied with material wealth that little attention is given to faith and moral standards within the society. As a result, many immoral acts are prevalent in the society.

Many knitted ideas and thoughts regarding sexual norms are discussed from a religious perspective. The scholars' *ijtihad* in prohibiting male and female social interaction that can lead to illegal sexual affairs is based on the precepts of "blocking the means to sin" popularly known as "*Sadd al-Dhari'ah*". Another precept explains that whatever leads to the unlawful is also unlawful. Therefore, it can be inferred that phone calls to the opposite sex with sexual desire can lead to sexual assault or harassment; accordingly such acts are also unlawful. Therefore, these Islamic precepts and moral values can be formulated into procedures, policies and guidelines in combating sexual harassment among students in schools and institutions of learning in Malaysia. As a result, the inculcation of religious moral values among the students will be helpful in restricting the social interaction between male and female students in schools and institutions of higher learning in the country.

6. POLICY AND PROCEDURE ON SEXUAL HARASSMENT IN UNIVERSITIES

Although many schools and universities in Malaysia generally do not have a specific policy and procedure on sexual harassment, in many universities in the country however, sexual harassment would constitute a breach of the internal University Disciplinary Rules, and as such, it would be sanctioned. This is discussed below with reference to the International Islamic University Malaysia and University Malaya.

6.1 International Islamic University Malaysia

The International Islamic University Malaysia (IIUM) Student's Discipline Rules 2004 contain provision on sexual misconduct. For example, rule 30 provides: "No person not being a *mahram* shall within or outside the University, engage in any kind of sexual conduct with any member of the University or visitor to the University which may also include other serious or persistent unwanted sexual contact or conduct, such as harassment, threats, intimidation or unwanted touching or fondling." Similar provision involving employees of IIUM is found in the Staff Disciplinary Rules 2005 (Amendment 2012). Cases involving sexual misconduct among students will be tried by the Domestic Inquiry (tribunal) which will hear the charge and make its recommendation to the Student Disciplinary Committee which will then decide whether to accept, vary, or decline the recommendation made by the panel of the Domestic Inquiry (D.I.). Aside from the above, although IIUM has not adopted any specific policy on sexual harassment in campus, nevertheless there are certain codes of conduct in place which can

serve as measures to control incidents of sexual harassment in the said institution. These measures are as follows:

6.1.1 Dress Code

The University has prescribed a dress code standard for female and male students. The sample of this dress code is pasted or placed in strategic places on the campus. As noted earlier, one of the causes of sexual harassment is physical attraction. It is therefore necessary for the University authority to put in place a mechanism for guiding student's dress code. Vigorous enforcement of the dress code is necessary to ensure that incidents of sexual harassment do not occur.

6.1.2 Sitting arrangement

It is common practice in IIUM to separate the sitting arrangement of both genders, within and outside classrooms. It is the practice of the University that the sitting arrangement of both sexes in the classroom, conferences, and training programme are segregated. This sitting arrangement would be able to minimise incidents of sexual harassment besides encourage concentration and attention in classroom.

6.1.3 Minimization of privacy

Offices and public places in IIUM are built or constructed with translucent glasses easily viewable from outside. This may serve as a check on an erring staff member or student and prevent unnecessary abuse. Also, it is common to see security personnel especially at night patrolling the campus. In a situation where students are found to be in close proximity, action can be taken immediately.

6.1.4 Installation of closed circuit television (CCTV)

This is another instrument put in place to curb unlawful activities, especially sexual harassment on campus. CCTV has a psychological effect on the attitude of the student. They are installed in strategic places on campuses and capable of exposing ill acts of students and staff. This has gone a long way to control indecent attitude on campus and checkmate the behavioural pattern of students and staff. Where this is truly functioning, acts of sexual harassment can easily be noticed and appropriate measure can be subsequently taken against it.

6.2 University of Malaya

In an attempt to create a safe and healthy working environment for students and staff, University Malaya (UM) in 2008 issued a hand book titled 'Code of Practice on the Prevention and Handling of Sexual Harassment Cases in the University'. The university has also established the Sexual Harassment Complaint Bureau to support the UM community who need help in handling sexual harassment issues. The power of the Bureau is to investigate and take appropriate measures against the harasser. The Code identified various forms of harassment such as verbal, non-verbal or physical kind. The Code proves that the UM is committed in nurturing an environment that is free from sexual harassment. The Code has specified the procedures of complaints against sexual harassment within the campus which are highlighted below:

The complaint is to be made by completing the sexual harassment Form which is within legislative and common law framework of Malaysia such as sexual assault and molestation. Complaints not made through the prescribed Form may still be attended to by the Sexual Harassment Complaint Bureau so as to relieve the complainant of the burden of sexual harassment. The complainant will be advised by the Bureau as to the appropriate actions to be taken.

The Bureau will in the case of formal complaints, carry out investigations to obtain important information as follows: (i) clarification on sequence of events; (ii) parties involved; (iii) the time it happened; (iv) whether the

offence was committed for the first time or a repeated offence; (v) whether any physical evidence available regarding the incident; (vi) witnesses, if any, that could corroborate the incident; and (vii) whether the incident has been reported to a third party. The tardiness to lodge a report/complaint or the lack of physical evidence of a struggle should be held against the complainant. The evidence gathered by the Bureau will determine the appropriate steps or measures to be taken.

The suspected offender will be given the right to enter his defence. That is, he or she will be given the opportunity to explain and clarify the sequence of events. The essence of this is to ensure a fair trial. There are a few possibilities of actions by Bureau which may include: dismissing the complaint as being baseless; a solution without official action taken against the offender with the consent of the complainant; or a finding that the complaint is viable or has really occurred.

Where the complaint was established, disciplinary action will be taken against the harasser as follows: (i) where the harasser is a staff member of the university, such a person may be reprimanded, fined, salary movement withheld, demotion, or dismissed from employment; (ii) where the harasser is a student, such student may be warned, fined, prohibited from entering any part of UM campus, suspended from studies in UM, or expelled from UM; and (iii) where the harasser is an outsider, the person may be prohibited from dealing with UM community members or prohibited from entering any part of UM campus. Where the allegation of sexual harassment is found to be baseless, suitable compensation may be considered for the person wrongfully accused.

It needs to be mentioned that apart from the procedures set out in the Code to address incidents of sexual harassment in the campus, the University has introduced a Special Committee on Sexual Harassment. The sole task of the Committee is to create awareness on the campus as to the evil effects of sexual harassment and educate the students of their rights in the event it does occur. The Committee is also involved in training suitable students and staff of the University with counselling skills to assist those who have become victims of sexual harassment. It is also expected of the Committee publicise information regarding the existence of the Code of Practice for Prevention of Sexual Harassment in University Malaya. With the adoption of the policy on sexual harassment as above, the University has proven its seriousness in addressing this issue. This is a good and commendable step which should serve as an example to other institutions of higher learning to take similar pragmatic steps and measures towards the prevention of sexual harassment in their respective environment.

7. CONCLUSION

Sexual harassment incidents in the schools or institutions of higher learning are considered as a social liability. The extent of seriousness of sexual harassment is reflected in its psychological impact on the victims' academic performance besides affecting their health and self-esteem. It is paramount that there must be cooperation among the relevant authorities, community and religious leaders and government officials in order to address the predicament and detrimental consequence of sexual harassment in schools and institutions of higher learning. It is the school's obligation to ensure that the harasser does not get a second chance to commit the same offence against the victim or others. Although, there are no legal requirements for the schools and universities in Malaysia to have a specific in-house policy and procedure in dealing with cases of sexual harassment, nevertheless, some have on their own initiative, adopted certain policies and procedure. For example, the Sexual Harassment Complaint Bureau of the University of Malaya provides help to victims in handling sexual harassment incidents and this is a good initiative which may be emulated by other universities. This effort might create a safe and healthy working and learning environment. A formation of a policy and procedure on sexual harassment is in fact a very effective tool curbing incidents of sexual harassment. After all, it is the responsibility of schools and universities to provide a safe and conducive learning environment for their students and staff, free from any form of sexual harassment. Otherwise a long-reigned paradigm that schools and universities are safe environments for the youth to be would be undermined.

8. ACKNOWLEDGEMENT

The principal researcher, Prof. Dr. Ashgar Ali Ali Mohamed of Ahmad Ibrahim *Kuliyah* of Law, IIUM

acknowledges the financial support of this research by the Malaysian Ministry of Higher Education (MOHE). The Research Management Centre (RMC), IIUM is also acknowledged.

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