

# **POLICY ON SEXUAL HARASSMENT**

## **1. PREAMBLE**

- 1.1 The Midlands State University desires to have a policy that governs all issues of sexual harassment in the institution. The University observes the rights of students and employees to pursue educational, social, cultural, employment and professional activities in an atmosphere that respects their rights and dignity. As such, any harassing, threatening, or intimidating activity, or any practice by an employee or student which unreasonably abuses, endangers, jeopardises personal safety, or interferes with official duties, class attendance ,or educational pursuits is strictly prohibited. Sexual harassment of students and employees is treated as a form of discrimination by the University and will not be tolerated.
- 1.2 The policy encourages and promotes the development and implementation of procedures that will lead to a University environment free from sexual harassment. The University fully commits itself to protecting its members from such unlawful conducts and as such provides a set of procedures to expeditiously deal with this problem in order to prevent its future occurrence. The University thus encourages all its members to report all incidents of sexual harassment in order to create an environment which is not intimidating or hostile and interferes directly with students' learning as well as employees' work.

## **2. APPLICATION OF THE POLICY**

- 2.1 The policy is intended to guide the management, employees and students of Midlands State University. The victims and perpetrators of sexual harassment may include various university stakeholders such as students, academics, management, supervisors, clients, applicants, sponsors, contractors, employees, trustees or any other persons who have dealings with the University.
- 2.2 Nothing in the above mentioned list confers authority on the University's management to conduct a Disciplinary Hearing with non- employees and non-students.
- 2.3 A non- employee or non-student who has become a victim of sexual harassment may lodge a grievance with the University's management /Human Resources Department where the harassment has taken place within the University premises and the harasser is an employee or student of the University.

## **3. DEFINITION OF SEXUAL HARASSMENT**

- 3.1 Sexual Harassment shall be taken to refer to any conduct of a sexual nature, and includes;
  - 3.1.1 Any behaviour that involves unwelcome sexual advances and or remarks, requests for sexual favours; and
  - 3.1.2 Any verbal or visual conduct of a sexual nature by way of words, gestures, acts or comments that would embarrass, humiliate, intimidate, demean or compromise a reasonable person at which such persistent advances (even though a single incident of harassment can constitute sexual harassment),requests, comments or conduct were directed; and

- 3.1.3 The victim of such unwelcome sexual advances, remarks, requests, comments, or conduct has made it clear either explicitly or implicitly that such behaviour is regarded as offensive and the perpetrator has been made aware by that response that the behaviour is regarded as unacceptable; and
- 3.1.4 Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of a person's employment, admission, class attendance, living in residence, or academic performance and progress; and
- 3.1.5 Such conduct has the effect of unreasonably interfering with work or academic performance or the effect of creating an intimidating, hostile, or offensive work, residential or learning environment.

#### **4. FORMS OF SEXUAL HARASSMENT**

4.1 The determination of what constitutes sexual harassment will vary with the particular circumstances. However, the following shall include some of the forms of sexual harassment:

- 4.1.1 Unwanted physical contact which is sexual in nature including patting, fondling, kissing, cornering or grabbing as well as strip search by or in the presence of the opposite sex, sexual assault or physical intimidation.
- 4.1.2 Suggestive sexual comments; such as sexually related jokes, sexual innuendos, foul sexual language, obscene sexual gestures or enquiries or comments about one's sexual life and unwanted graphic comments about a person's body made in their presence or directed towards them.
- 4.1.3 Displaying pornographic and sexually suggestive pictures, cartoons, drawings and sexual objects and also indecent exposure.
- 4.1.4 Transmitting sexually offensive text, written, telephonic and any other electronic and non-electronic communications.
- 4.1.5 Quid pro quo harassment where a University employee or student attempts to influence the salary, training, dismissal or any other condition of employment for a sexual favour or where in the case of a student their academic performance (The definition of employee shall be adopted from the University Regulations as read together with the Labour Act and shall include management, lecturers, teaching assistants, non academic staff and any other individual who is in a contract of employment with the University)

#### **5. LEGAL REQUIREMENTS**

- 5.1 The policy does not provide a complete list of what maybe regarded as sexual harassment under Zimbabwean law. However, the Labour Act and related legislation such as the Criminal Codification Act compel employers and those in positions of authority to uphold fair practices in the workplace and institutions in which case, issues of harassment play a fundamental role.

#### **6. GUIDING PRINCIPLES**

- 6.1 The University is committed to creating an environment that upholds human dignity and respect for employees and students by eliminating all forms of harassment and hence encourages all its members to report such incidents. All such

matters will be dealt with promptly and expeditiously according to the laid down procedures.

- 6.2 All persons occupying supervisory positions (including deans, departmental chairpersons and management), representatives of the student affairs department and the students' representatives shall take reasonable steps to disseminate this policy to inform their respective constituencies of the forms of sexual harassment and the procedures to be followed in reporting such cases.
- 6.3 These aforementioned must also provide reasonable advice to the victims of sexual harassment in their constituencies who may come to them.
- 6.4 The University through the Gender Committee shall from time to time develop sensitisation programmes for students and employees on issues related to sexual harassment.
- 6.5 All University employees and students shall be deemed fully conversant with this policy as shall apply (and be amended) from time to time. It shall therefore not be a valid defence to plead ignorance of the Policy.

## **7. CONFIDENTIALITY**

- 7.1 Whilst the University commits itself to dealing with cases of sexual harassment expeditiously according to the laid down procedure, it also observes the sensitivity of the cases so related. As such, all such cases shall be given due consideration with respect to those issues and the responsible authorities dealing with issues of sexual harassment must ensure that the cases are investigated and handled in a manner that ensures confidentiality.

## **8. PROCEDURE**

### **8.1 Formal Procedure**

- 8.1.1 Any student or employee who believes that he/she has been subjected to sexual harassment should report the case to his /her immediate supervisor (in the case of employees) or Student Affairs department (in the case of students) immediately after the occurrence of the incident.
- 8.1.2 In the event that the aforementioned is the perpetrator of the sexual harassment, the matter should be reported to the next responsible persons in the University hierarchy in writing.
- 8.1.3 In the event that the responsible persons are the perpetrators of the harassment, then the matter should be reported to the Registrar in writing .The Registrar will investigate the complaint forthwith and report it to the Vice Chancellor of the institution for a Disciplinary Hearing.
- 8.1.4 The Midlands State University Code of Conduct and the University Student Conduct and Discipline Ordinances (Ordinance 2, 2000) shall be adopted in the administration of the disciplinary hearing in the case of the University employees and students respectively.
- 8.1.5 The legal rights of the victims are not limited by this policy hence nothing herein shall deter a victim of sexual assault from pressing separate criminal /civil charges against the alleged perpetrator.

## **8.2 Informal Procedures**

- 8.2.1 Any student or employee who believes that he/she has been subjected to sexual harassment shall have the right to choose whether to lodge their grievance formally or informally. However, if the informal procedure fails to provide satisfactory outcomes for the victim they may also lodge a formal complaint.
- 8.2.2 In the event that they feel that the matter may be handled informally, then the Responsible Authority who receives the matter at hand may organise an informal meeting with the complainant and the alleged offender so that the issue is amicably handled in their presence.

In the event that the victim of sexual harassment has been affected so much that they may need counselling, then they may liaise with the Human Resources Department so that necessary arrangements can be made.

The policy shall be amended from time to time.