



Lupane State University

Building Communities through Knowledge

SEXUAL HARASSMENT PREVENTION POLICY

TITLE:	SEXUAL HARASSMENT PREVENTION POLICY
MANAGEMENT POLICY NUMBER:	HR 02/17/LSU
COMPILED BY:	HUMAN RESOURCES
APPROVED BY:	COUNCIL

1. Introduction

- 1.1. This policy on the prevention of Sexual Harassment seeks to address acts and practices related to sexual harassment at all levels within the structures of Lupane State University.
- 1.2. In line with the Constitution of Zimbabwe all Zimbabweans shall enjoy equality, dignity and non-discrimination. Lupane State University therefore reaffirms its zero-tolerance for sexual harassment and is committed to creating an environment that respects and protects the rights of all its members, male and female.
- 1.3. This policy applies to all students, academic staff and non-teaching staff of Lupane State University as well as to others who participate in Lupane State University programmes, activities and employment in both on and off campus settings.

2. Definitions

- 2.1 For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, request for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature. Such conduct would constitute sexual harassment when:
 - (a) Submission to such conduct is made either explicitly or implicitly in terms or conditions of an individual's employment or academic achievement or advancement; or
 - (b) Submission to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting the employment and/or the academic standing of an individual; or
 - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, threatening, hostile or offensive working or learning environment.

3. Interpretation

- 3.1 In this policy, unless the context otherwise requires:

“Complainant” means a person who complains that she/he has been sexually harassed.

“Frivolous” means that the complaint has no reasonable basis at law or fact.

“Hostile environment” means unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

“Member of Staff” means an employee of the University duly appointed by the University authorities, namely academic staff, administrative staff, technical staff and workers

“Respondent” refers to a person against whom a sexual harassment complaint has been lodged.

“Senate Committee” means the Lupane State University Anti-Sexual Harassment Committee (LSUAHC).

“Sexual Assault” means non-consensual and/or abusive sexual conduct.

“Sexual body parts” include, but are not limited to areas around the genitals, breasts, thighs and buttocks.

“Student” refers to a student who has been duly admitted to the University.

“Unit Committee” means the Anti-Sexual Harassment Committee at the Faculty, Centre and Administrative department.

“University” means Lupane State University constituted in terms of the Act.

“Visiting Staff” are included under the University staff.

4. Enforcement Principles

Enforcement and implementation of this policy shall be based on the following principles:

- 4.1 Any complaint lodged under this policy shall be treated with diligence, fairness, justice and due process, following the guidelines attached hereto.
- 4.2 The University Registrar shall serve as resource person with regard to the interpretation of the guidelines.
- 4.3 All complaints of sexual harassment shall be treated with confidentiality to the extent practical. Only those individuals necessarily involved in the investigatory process and the decision regarding resolution of the complaint should ordinarily be provided access to information regarding any allegation of sexual harassment.
- 4.4 Anonymous complaints are not permissible.
- 4.5 In any investigation of sexual harassment allegations, the accused must promptly be made aware of the complaint and of the identity of the complainant(s).
- 4.6 Investigations must be conducted promptly and thoroughly.
- 4.7 Determination of whether conduct amounts to sexual harassment shall be on a case-by-case basis and determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.
- 4.8 Both the complainant and the respondent must be notified of the outcome of the investigation.

4.9 If the respondent is found guilty of sexual harassment, the punishment shall be executed through the appropriate channels of the University.

5. Objectives

The objectives of this policy are three-fold:

5.1 To sensitize the University community about the evils of sexual harassment, thereby engendering a sense of social responsibility and zero tolerance for such behavior.

5.2 To establish an institutional framework that encourages victims of sexual harassment to exercise their rights, maintain their dignity and refuse to submit to the pressures of sexual harassment.

5.3 To take action in eliminating sexual harassment at Lupane State University and impose corrective action as is necessary, including disciplinary action where appropriate.

6. Strategies

The University shall achieve its objectives through the following strategies:

6.1 Adopting and implementing the Anti-Sexual Harassment Prevention Policy.

6.2 Establishing Anti-Sexual Harassment Committee to handle complaints of sexual harassment.

6.3 Launching sensitisation programmes and advocacy for education about sexual harassment for students and staff at all levels of the University.

6.4 Equipping members of the University community with skills and tools to defend themselves against sexual harassment.

6.5 Prevention of sexual harassment into the curriculum of the compulsory course unit for all students.

6.6 Establishing a gender-responsive monitoring and evaluation framework for the prevention of sexual harassment.

6.7 Promoting action-based research that highlights the root causes and complexities of sexual harassment and developing a culture that is responsive to diversities.

6.8 Setting up sexual harassment channels of communication for reporting emergency cases of sexual assaults.

7. Sexual Harassment and Academic Freedom

7.1 This policy is intended to combat genuine sexual abuse and harassment and shall not limit academic freedom or the principles of free inquiry and expression. The policy is not intended to restrict teaching methods, freedom of expression, or social contact nor will it be permitted to do so.

7.2 Sexual harassment, however, is neither legally protected expression, nor the proper exercise of academic freedom. On the contrary, sexual harassment compromises the University's integrity, as well as its tradition of intellectual freedom. Therefore, the exercise of the right to academic freedom is subject to protection from that which constitutes sexual harassment.

8. Implementing Organs

8.1 A Senate Committee known as the Lupane State University Sexual Harassment (LSUSHC) is the body, with the appellant jurisdiction, charged with the duty and authority to ensure full implementation of this Policy.

8.2 Each Faculty/Centre and Administrative Unit shall appoint a Unit Sexual Harassment Committee to deal with complaints at the local levels.

9. Application

Sexual harassment is prohibited for both on-campus and off-campus University settings between and among:

- (a) Students;
- (b) Academic Staff;
- (c) Non-teaching Staff;
- (d) Students and Staff Members;
- (f) Staff Members of various categories.

10. Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to:

- (a) Unwanted physical contact of intimate body parts such as; patting buttocks or stroking breasts, massaging any part, scratching the palm or deliberate brushing against the body;
- (b) Unwanted and persistent explicit or implicit propositions to engage in sexual activity such as, sending sexually explicit messages, in any form of media.
- (c) Exposure of sexual body parts;
- (d) Unwanted demands for sex in exchange for employment or academic favours, such as threats of employment termination if a subordinate refuses the supervisor's sexual advances or promise of higher grade on submission to sexual advances;

- (e) Unwanted verbal communication, sexual epithets, jokes, written references to sexual conduct, sexual gossip, deficiencies or prowess;
- (f) Unwanted non-verbal conduct such as facial expressions, suggestive finger and other body gestures;
- (g) Sexual assault.

11. Prohibition of Retaliation

- 11.1 A student or member staff shall not retaliate against or victimize a person who complains of sexual harassment.
- 11.2 A student or member of staff shall not retaliate against or victimize a witness who provides evidence of sexual harassment.
- 11.3 A respondent who retaliates or victimizes a complainant of sexual harassment commits a disciplinary offence, and shall on satisfaction, be subjected to disciplinary action and the disciplinary action shall reach out all the agents, colleagues and accomplices of the person respondent.

12. Frivolous or False Accusations

- 12.1 A student or member of staff who makes a frivolous, malicious and vexatious or false accusation of sexual harassment against another person commits a disciplinary offence.
- 12.2 A person convicted of disciplinary offence under this regulation shall be liable to any or a combination of the following:
 - (a) Written warning
 - (b) Ordered to give a “public” apology to the aggrieved party
 - (c) Ordered to compensate the aggrieved party;
 - (d) Dismissal;
 - (e) Demotion;
 - (f) Suspension
 - (g) Transfer.

13. Confidentiality

- 13.1 When a person in authority receives a complaint of sexual harassment, that person shall as practical, treat the complaint with utmost confidentiality.
- 13.2 Where it is necessary to interview a witness, the Committee shall maintain strict confidentiality.
- 13.3 Any person handling a case of sexual harassment and any party to the case shall treat it with confidentiality except where disclosure is necessary to prevent imminent harm.

13.4 An appointed member who fails or neglects to respond in a timely and appropriate manner to a complaint of sexual harassment commits an offence and is liable to be penalised under Clause 20.

13.5 Anonymous complaints are not permissible.

14. Procedural Matters

14.1 Sexual Harassment Committee

The University shall set up Sexual Harassment Committee at two levels:

- (a) At every Faculty, Centre or Administrative Department. This shall be referred to as the Unit Anti-Sexual Harassment Committee.
- (b) Each Committee shall be composed of persons of high integrity of whom at least 50% must be women.

14.2 Unit Committee

The composition of the Unit Committee shall comprise a pool of ten persons as follows:

- (a) The Administrative Head of the Unit;
- (b) One senior members of non-teaching staff;
- (c) One Secretarial/Technical members of non-teaching staff;
- (d) One junior members of non-teaching staff;
- (e) Two student representatives[If a student is involved].

The administrative head of the unit shall be the chairperson of the Unit Committee.

The Unit Committee shall select Deputy Chairperson and other members of the Unit Committee.

An ad-hoc three-person investigating team representing each membership category shall be selected by the Chairperson of the Unit Committee from the pool to deal with each arising case.

Where the Chairperson of the Unit Committee is the subject of a complaint, the Deputy Chairperson shall be responsible to select the ad hoc investigating team.

The decision of the Unit Committee shall be subject to appeal to LSUSHC.

14.3 Lupane State University Sexual Harassment (LSUHC)

LSUHC has appellant jurisdiction over decisions made by Unit Committees.

The Composition of the Senate Anti-Sexual Harassment Committee shall comprise a pool of nine persons as follows:

- (a) The Pro-Vice-Chancellor;
- (b) The Chairperson of the University Disciplinary Committee;
- (c) One representatives from each Faculty
- (d) Dean of Students

- (e) University Legal Proctor
- (f) Two student representatives
- (g) One representatives of Senior non-teaching staff
- (h) One representatives of Secretarial/Technical/Senior non-teaching staff

The Pro-Vice-Chancellor shall be the Chairperson of the LSUSHC.

An ad hoc three-person investigating team shall be selected by the Chairperson of LSUSHC from the pool to deal with each arising case.

Where the Chairperson of LSUSHC is the subject of a complaint, the Deputy Chairperson shall be responsible to select the ad hoc investigating team.

15. Guidelines for Documenting Sexual Harassment

- 15.1 It is important to document sexual harassment. Hence, it is vital that an account of the incident(s) complained about be documented as soon as possible after its occurrence, especially in cases of formal complaints.
- 15.2 The written account should include the following:
 - (a) Date;
 - (b) Time and place of each incident;
 - (c) The conduct and words involved in the incident;
 - (d) The victim's response; and
 - (e) The names of any witnesses.
- 15.3 The victim may confront the individual whose conduct is offensive, unwelcome or intimidating and request that such conduct stop. The request must be direct and consistent.

16. Investigations

- 16.1 The Unit Committee shall carry out investigation of a complaint of sexual harassment with independence, objectivity and with due diligence and respect for rights of both complainant and the respondent.
- 16.2 A member of any Committee investigating the alleged sexual harassment shall not be connected with the allegation in any way. If conflicted he/she should be excluded from the process.
- 16.3 A complaint should be lodged within seven working days.
- 16.4 A complaint shall be investigated and disposed of within three months after the lodging of the complaint, except in special circumstances.

17. Protection of Personal Dignity

The complainant or respondent shall not be allowed to unnecessarily and repeatedly recount the events complained of, as recounting the experience of sexual harassment is difficult and can damage the party's personal dignity.

18. Service on Respondent

The relevant Committee shall summon the respondent who shall respond in writing within fourteen days from the date of service, except in special circumstances.

19. Failure to respond to summons

A Respondent that has been summoned and fails to lodge a written response within the prescribed period commits an offence and is liable to be penalised.

20. Monitoring

The Vice-Chancellor shall put in place mechanisms to monitor complaints that have been upheld for purposes of ensuring that the harassment has stopped within the Institution.

21. Penalties

21.1 A person found guilty of sexual harassment shall, depending on the gravity of the offence, shall be liable to any or a combination of the following:

- (a) Written warning;
- (b) Ordered to give a public apology to the aggrieved party;
- (c) Ordered to compensate the aggrieved party;
- (d) Suspension;
- (e) Dismissal;
- (f) Demotion;
- (g) Transfer.

21.2 A convicted person may be dealt with in accordance with the disciplinary provisions of the Lupane State University.

The penalties given by the relevant Committee on Sexual Harassment shall not preclude the victim from seeking remedy/remedies provided by the judicial framework.

22. Appeals

22.1 A person aggrieved by the decision of the Unit Committee may, within fourteen days of the decision, appeal against the decision to the LSUSHC.

22.2 The LSUSHC shall dispose of all appeal cases within three months of lodging the appeal except in special circumstances.

23. Interpretation

23.1 The interpretation of this Policy rests with the office of the Registrar.

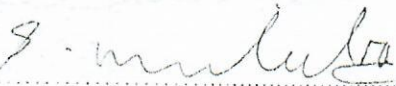
24. Effective Date

24.1 The Policy shall take effect on the date it is signed by the Chairperson of Council.

25. Review

This Policy shall be reviewed as and when the need arises.

Approved:



Chairperson of Council

Date:

19/6/19