

# **WOMEN'S UNIVERSITY IN AFRICA**



*Addressing gender disparity and fostering equity in University Education*

## **SEXUAL HARASSMENT POLICY**

**2023**

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## **ACRONYMS**

<b>GBV</b>	Gender Based Violence
<b>HR</b>	Human Resources
<b>SADC</b>	Southern African Development Community
<b>SH</b>	Sexual Harassment
<b>SRC</b>	Student Representative Council
<b>WUA</b>	Women's University in Africa

## **1. BACKGROUND AND PURPOSE OF POLICY**

Women's University in Africa is committed to equality, dignity and non-discrimination of all persons and to creating a conducive environment of reciprocal respect among members of the University community. WUA recognizes that the conducive academic and professional environment includes the regard for the rights and feelings of all, free from sexual harassment. WUA affirms that sexual harassment is a violation of the fundamental rights, dignity, and integrity of a person and that it undermines the advancement of learning, dissemination of knowledge, research and productive work. WUA is therefore committed to ensuring the establishment of institutional mechanisms for the prevention of sexual harassment within the university community.

It is a core principle of WUA to ensure gender equality and justice through all WUA intervention and practices. The document is WUA's reaffirmation to zero tolerance to sexual harassment. Sexual harassment of employees, students and external service providers occurring in the university is unlawful and shall not be tolerated. Further, any retaliation of any individual for co-operating in an investigation of a sexual harassment complaint is similarly unacceptable.

WUA takes allegations of sexual harassment seriously and will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, prompt and appropriate corrective action as is necessary shall be taken, including disciplinary action. All complaints of sexual harassment will be treated with respect and in confidence.

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

This policy applies to all students and academic, administrative and support staff of WUA in University Departments/Campuses/Business Units. It also applies to WUA clients, customers, contractors and visitors. All sexual harassment is prohibited whether it takes place within WUA premises or outside, including at social events, business trips, training sessions or conferences sponsored by the university.

## **3. ROLES AND RESPONSIBILITIES**

The Deputy Registrar Human Resources and Administration shall be responsible for the implementation of this policy.

## **4. OBJECTIVES**

The objectives of this policy are to:

- Sensitize employees and students about their rights through training and dissemination of information about sexual harassment.
- Protect the rights of employees and students against sexual harassment through the creation of an institutional framework that responds to complaints of acts of sexual harassment.
- Provide redress including disciplinary action where appropriate.
- Create an institutional framework that encourages victims of sexual harassment to exercise their rights and take action to refuse to succumb pressures of sexual harassment.

#### **5. ENFORCEMENT PRINCIPLES**

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

- a) Any complaint lodged under this policy shall be treated with diligence, fairness, justice, and due process, following the regulations attached hereto.
- b) Confidentiality shall be maintained 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.
- c) Anonymous complaints are not permissible.
- d) In any investigation of sexual harassment allegations, the accused must promptly be made aware of the complaint and the identity of the complaint(S)
- e) Investigations must be conducted promptly and thoroughly.
- f) Both the complaint and the respondent must be notified of the outcome of the investigation.

#### **7. LEGAL FRAMEWORK**

The WUA Anti-Sexual Harassment Policy shall be viewed in conjunction with the WUA Human Resources Policy. The policy is guided by the following international, regional and local legal instruments:

- g) **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)**

Outlines sexual harassment as a form of violence.

**h) SADC Gender Policy**

Stipulates that any form of sexual harassment is discriminatory and a gross violation of the rights of the individual.

**i) SADC Protocol on Gender and Development (2016)**

Stipulates that legislation prohibiting all forms of GBV shall be enacted and enforced. It also outlines that perpetrators of gender based violence (GBV), including rape and sexual harassment must be tried by a court of competent jurisdiction.

**j) The National Gender Policy**

Outlines the need to legislate, enforce and educate all employees and employers against all forms of sexual harassment and unfair labor practices at work and in businesses.

**k) The Labor Act [Chapter 28:01]**

Section 8(h) describes sexual harassment as an unfair labor practice.

**l) The Constitution of Zimbabwe (2013)**

The Constitution does not expressly provide for the right to be protected against sexual harassment, although there are provisions which can be relied upon to protect individuals against sexual harassment. For example, Section 65 confers labour rights on every person and refers directly to the right to fair and safe practices and standards. Section 80 (3) of the Constitution also outlaws all laws, customs, traditions and cultural practices that infringe on the rights of women.

**m) Public Service Commission Sexual Harassment Policy (2022)**

States that a work place should be an environment free from gender based violence including sexual harassment and every stakeholder is requested to play a part in efforts to eradicate sexual harassment at all work places.

**8. DEFINITION OF TERMS**

- a) **Complainant** – means any member or person who register a complaint about sexual harassment under this Policy.
- b) **Respondent** – means an individual reported to be perpetrator of conduct that constitutes sexual harassment.
- c) **Complaint** – means a verbal or written report of sexual harassment made in person by mail, telephone or through any responsible form.

- d) **Retaliation** – means the act of punishing or behaviour targeted at someone as a way of revenging for action done by the target of such behaviour.
- e) **Sexual harassment** – means any act where an employer or member – (a) Demands from any employee or prospective employee any sexual favour as a condition of – (i) recruitment for employment or (ii) the creation, classification or abolition of jobs or posts; or (iii) the improvement of the remuneration or other conditions of employment of the employee; or (iv) the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or (v) the provision of facilities related to or connected with employment; or (vi) any other matter related to employment; or (b) engages in unwelcome sexually-determined behaviour towards any employee or client, whether verbal or otherwise, such as making physical contact or advances, sexually colored remarks or displaying pornographic materials in the work place.
- f) **Unwelcome sexual conduct** – means unsolicited sexual behaviour raised by a complainant in violation of this policy.

## **9. DEFINING SEXUAL HARASSMENT**

For purposes of the present policy, sexual harassment means unwelcome and unwanted sexual advances, requests for sexual favours, and other verbal, written or physical contact of a sexual nature that creates a hostile or offensive environment. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### **9.1 Physical Conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault, indecent assault or rape
- The use of job-related threats or rewards to solicit sexual favours
- Stalking

### **9.2 Verbal Conduct**

- Comments on a worker's physical appearance, age and sex life.
- Sexual comments, stories and jokes
- Unwelcome sexual advances

- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex/gender of the worker
- Condescending or paternalistic remarks
- The use of job-related threats or rewards to solicit sexual favours
- Swearing or using inappropriate language.

### **9.3 Non-Verbal Conduct**

- Sharing or displaying of sexually explicit or suggestive material e.g. photographs, reading matter or objects.
- Offensive screen savers
- Sexually-suggestive gestures
- Whistling
- Leering
- Indecent exposure
- Sending sexually explicit messages using electronic gadgets

Such conduct would constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly as a condition of an individual's employment or academic achievement or advancement; or
- Submission to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting the employment or the academic standing of an individual; and
- Such conduct has a 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.

A single incident is enough to be considered as sexual harassment, it does not have to be a repeated behaviour. The person who engages in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment.

## **10. PREVENTION AND COMMUNICATION STRATEGIES**

Consistent with the existing law under Zimbabwe, WUA shall take all reasonable steps to ensure prevention of sexual harassment at the University through targeted action. Such steps shall include:

- Adopting and implementing the WUA policy on Anti Sexual Harassment.

- Establishing Anti Sexual Harassment Inquiry Committees to handle complaints of sexual harassment.
- Equipping members of the University community with skills and tools to defend themselves against sexual harassment.
- Integrating sexual harassment into the curriculum of the compulsory course unit on ethics for all students.
- Establishing a gender responsive monitoring and evaluation framework for the prevention of sexual harassment.

This sexual policy shall be well disseminated and steps taken to create a conducive environment for employees and staff to report incidences of sexual harassment.

The Human Resources and Administration Section, supported by the Gender and Diversity Centre and the Marketing, Communications and Public Relations Department, shall take the lead in communicating the policy through:

- Awareness campaigns
- Posting the policy on the website
- Mandatory sexual harassment training for all employees as part of their induction into the university.
- Distributing the policy to employees
- Including the issue of sexual harassment in students' orientation programs
- Translation and communication of the Policy in different languages including Shona, English, Braille for the visually impaired, and Sign Language for those with hearing impairments.
- Producing anti-sexual harassment IEC materials (brochures, flyers, posters, banners, T-shirts, etc.).

## **9. COMPLAINT-RECEIVING OFFICIALS**

WUA recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment.

**For WUA employees**, the complaint-receiving officials could be:

- Head of Department;
- Supervisor;
- Member of the Human Resources and Administration Section;
- Member of the Workers Committee; or
- Director, Gender and Diversity Centre.

**For WUA students**, the complaint-receiving officials could be:

- Programme Coordinator;
- Department Chairperson;
- Faculty Dean;
- Designated officer in the Student Affairs department;
- University Chaplain;
- Member of the Students Representative Council
- Director, Gender and Diversity Centre
- Campus Coordinator (for students in satellite campuses)

## **10. COMPLAINT PROCEDURES**

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. A complainant who either observes or believes that she or he has been or is being sexually harassed is encouraged to take action either through **Informal** complaints mechanisms, **Formal** complaints mechanisms, or **Outside** complaints mechanisms.

### **10.1 Informal complaints mechanism**

Where an employee/student does not contemplate the prospect of a formal enquiry and is merely seeking assurance that the offensive conduct will not be repeated, she/he can discuss the matter with any of the complaint-receiving officials.

The designated person will:

- a) give an opportunity to the alleged harasser to respond to the complaint
- b) ensure that the alleged harasser understands the complaints mechanism
- c) facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter

- d) ensure that a confidential record is kept of what happens
- e) follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- f) ensure that the above is done speedily and within 14 days of the complaint being made

If the informal procedure does not resolve the behaviour, or there is no acceptable resolution, the complainant may use the formal sexual harassment grievance procedure to obtain a resolution.

## **10.2 Formal complaints mechanism**

- 10.2.1 If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.
- 10.2.2 In order to initiate a formal grievance procedure, the individual needs to file a complaint in writing with any of the complaint-receiving officials. The complainant is encouraged to file a complaint within reasonable time of the occurrence of the behaviour that gave rise to the grievance.
- 10.2.3 The designated person who initially received the complaint will refer the matter to the Deputy Registrar, Human Resources and Administration to instigate a formal investigation. An Inquiry Committee of at least three members will be appointed in accordance with this policy. The investigating committee must include both females and males.
- 10.2.4 Within 7 working days after completion of the investigation the concerned parties should be notified. Within two weeks from agreeing to corrective action, the designated member of the Human Resources and Administration Section will notify the parties about the outcome of the investigation. Complainant has a right to appeal against the decision taken after the investigation.

## **10.3 Outside complaints mechanisms**

WUA acknowledges that some employees may not feel comfortable bringing a complaint through the disciplinary measures at work. In such instances, a person who has been subject to sexual harassment can also make a complaint outside of WUA. They can do so through the courts and other institutions such as the Zimbabwe Gender Commission.

## **11. DISCIPLINARY MEASURES**

- 11.1 If the respondent is found guilty of sexual harassment, the punishment shall be executed through the appropriate channels of the university. The nature of the sanctions and disciplinary action taken will depend on the frequency, gravity and extent of the sexual harassment and whether it is threatening or humiliating. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial.
- 11.2 Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:
- verbal or written warning
  - adverse performance evaluation
  - transfer
  - demotion
  - suspension from work/studies
  - dismissal from work
  - expulsion from studies
- 11.3 Employees/students, who knowingly provide false information or make false or malicious allegations of sexual harassment, shall be subject to separate disciplinary action.

## **12. RESPONSIBILITIES**

### **12.1 Responsibilities of the Complaint Receiving Official**

When a designated person receives a complaint of sexual harassment, he/she is expected to:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

## **12.2 Responsibilities of the Complainant**

A complainant who either observes or believes that she or he has been or is being sexually harassed is encouraged to:

- Record each incident (s) – noting what was said or done, date(s) times, location/places, and the names of any witnesses
- Report any case of sexual harassment, exploitation or abuse to the relevant authority. Where the relative power or status of the person involved makes direct discussions difficult, the person is encouraged to raise his/her concern formally or informally to the designated officials following the procedures set in this policy.
- Make a complaint in good faith. A complainant should have reasonable belief that inappropriate conduct occurred.
- Raise a complaint in a non-anonymous way. While a complainant may make an anonymous report, it makes it more difficult to investigate the allegations given the serious implications of sexual harassment charges and the difficulties associated with their investigations.
- Report to the Zimbabwe Republic Police if anyone displays behaviour like stalking, indecent/aggravated sexual assault, rape and obscene language or any form of harassment through electronic or social media platforms which is of a criminal nature.

## **12.3 Responsibilities of the Deputy Registrar, Human Resources and Administration**

It is the responsibility of the Deputy Registrar, Human Resources and Administration to promote a workplace free of sexual harassment. This entails a responsibility to:

- Facilitate the capacitation of supervisors and employees on the policy and procedures to prevent and respond to sexual harassment.
- Track training to ensure that all are reminded from time to time.
- Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
- Notifying the police if criminal activities are alleged.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
- Act as a point of contact for a person considering making a complaint or seeking information about sexual harassment.
- Set a personal example of an appropriate behaviour

#### **12.4 Responsibilities of the WUA Management**

WUA management shall give all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. The management support to be provided includes:

- Secretarial and administrative support for training and other preventive actions
  - Helping to set up Sexual Harassment Inquiry Committees.
  - Secretarial support during any enquiries incidental to the foregoing
  - Adequate financial resources for all activities
- 
- WUA management shall recognize and handle allegations of SH brought to their attention either informally or as part of the formal grievance procedure which they will be required to attend.
  - The responsibility of taking prompt action on relevant office recommendations lies with the Office of the Vice Chancellor. She/he shall appoint the Sexual Harassment Inquiry Committees.
  - WUA management is expected to provide adequate protection to Human Resources Officers in case of threats and any retaliation. Support and protection shall be provided by the management if matters go to court in the event that the conduct complained against amounts to a specific offence under the Zimbabwean law or under any law in existence.
  - Management should in all cases defend the Enquiry Committee and the complainant.
  - The WUA management will actively assist and do all that is necessary to ensure the safety of a complainant in the office premises or otherwise, in respect to any duties /activities performed in connection with her/his work which takes place outside office premises.
  - The WUA management has to ensure that the Inquiry committee retain their autonomy and may work unhindered.

#### **12.5 Responsibilities of all employees/students**

- Maintain and advocate for a culture that promotes a sexual harassment free workplace and learning environment.
- Acquaint with the various options and internal channels available to them for reporting and/or otherwise addressing sexual harassment.

- Report directly and immediately any incident of sexual harassment, exploitation and abuse that they have experienced or witnessed in good faith to the relevant person or office timeously.
- Participate in any sexual harassment training organised or provided by WUA
- Treat any allegations or complaints of sexual harassment with appropriate confidentiality and non-judgementalism.
- Fully cooperate with those responsible for investigating reports of prohibited conduct under this policy.
- Guard against victimization or stigmatisation for making or being involved in a complaint of sexual harassment.
- Enquire on investigations and remedial action taken or recourse on the reported sexual harassment case.
- Provide support to their counterpart who is being subjected to sexual harassment
- Raise objections in the manner the investigations have been conducted, if necessary.
- Highlight or report conflict of interest in the complaint handling mechanisms.

#### **12.6 Responsibilities of the Office of the Vice Chancellor**

The Office of the Vice Chancellor shall take a lead role in ensuring compliance with the Sexual Harassment Policy and will be responsible for:

- Constituting the Anti-Sexual Harassment Committee established under this policy and appointing its Chair
- Receiving reports of findings and recommendations of the Anti-Sexual harassment Committee and following up on recommended actions.

#### **13. PSYCHO-SOCIAL SUPPORT SERVICES**

WUA Management shall seek appropriate professional help and counselling services for the complainant and alleged perpetrator, during and after the finalization of the matter. Counsellors should be professional and capacitated regularly. E- Counselling services will be considered to help protect the victims' identity.

#### 14. IMPLEMENTATION OF THIS POLICY


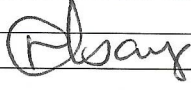
WUA will ensure that this policy is widely disseminated to all relevant persons. It is the responsibility of every Head of Department to ensure that all his/her employees are aware of the policy.

- The provisions of this policy shall not restrict the powers of the management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.
- The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
- The WUA legal officer shall serve as a resource person with regard to the interpretation of the regulations.

#### 15. MONITORING AND EVALUATION

WUA management recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. The selected individuals responsible for receiving and dealing with sexual harassment cases will provide an annual report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. Through the annual reports, employee/student surveys, and feedback from victims, the company will evaluate the effectiveness of this policy and complaint procedures, and make any changes needed. The policy will be reviewed after every 3 years.

#### 16. DOCUMENT VERSION MANAGEMENT AND CONTROL

Document Name	Sexual Harassment Policy	 WUA
Version Reference	1.0	
Document Owner	Human Resources and Administration	
Council Chairperson's Name	Rachel Clibays	
Date of Approval		
Signature		
Review Date		