

HARARE INSTITUTE OF TECHNOLOGY

POLICY ON SEXUAL HARASSMENT

1.0 Preamble

Harare Institute of Technology is committed to creating a working and learning environment in which all individuals are treated with respect and dignity. No member of the University whether staff or students, should be subjected to sexual harassment. Each person has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment. The University will not condone the sexual exploitation of individuals and expects that all relationships within the University community be free of sexual harassment. Sexual harassment is a violation of Harare Institute of Technology Disciplinary and Grievance Handling Procedures and Article 9 of Ordinance 15, and thus is a basis for disciplinary action which may result in termination of employment, or expulsion for students.

2.0 Objectives of the Policy

The main objectives of the Policy are to:

- i. Identify what constitutes sexual harassment in the University.
- ii. Prevent sexual harassment and misconduct through education and awareness creation.
- iii. Investigate allegations and reports of incidents of sexual harassment and sexual misconduct in the University.
- iv. Administer appropriate disciplinary measures when a violation is found to have occurred as provided by this Policy and as such deter potential sexual harassment and misconduct offenders.
- v. Ensure that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face victimisation, retaliation or stigmatisation

3.0 Scope of the Policy

The Policy applies to:-

- i. All members of the Harare Institute of Technology, whether employed on permanent, contract or on part-time basis.
- ii. All students enrolled whether on conventional, parallel or block release.
- iii. Prospective employees and students.
- iv. All clients or members of the public encountered during the course of duty and any other with whom employees interact personally or by telephone, or by electronic communication.

4.0 Compatibility with other University Policies

This Sexual Harassment Policy should be read in conjunction with the following University policies:

- i. Harare Institute of Technology Act
- ii. Harare Institute of Technology Disciplinary and Grievance Handling Procedures

iii. Ordinance 15 The Rules of Student Conduct and Discipline

5.0 Definition of terms

- i. **“Sexual harassment”** is an unwelcome sexual conduct towards another person which could reasonably be expected to make the other person feel offended, humiliated or intimidated. The victims of sexual harassment can be men or women, or can occur between persons of the same gender. Sexual harassment can occur at all levels irrespective of the member’s status.
- ii. **“Complainant”** means any member or person who complains about being sexually harassed under this Policy
- iii. **“Head of Department”** means the Director or any member in charge of a Department or Unit
- iv. **“Staff Member”** means a person employed in the Harare Institute of Technology whether on permanent, contract or part time basis;
- v. **“Code”** means the Harare Institute of Technology Disciplinary and grievance Handling Procedures
- vi. **“Unwelcome sexual conduct”** means unsolicited sexual behaviour raised by a complainant in violation of this policy.

5.1 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. Regardless of the intentions, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

5.2 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:

5.2.1 Physical conduct

- i. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- ii. Physical violence, including sexual assault, indecent assault or rape;
- iii. The use of job-related threats or rewards to solicit sexual favors;
- iv. Forced sexual activity of any nature;
- v. Sexual assault with an object, sexual battery.

5.2.2 Verbal conduct

- i. Comments on a worker’s physical appearance, age and sex life.
- ii. Sexual comments, stories and jokes
- iii. Unwelcome sexual advances
- iv. Repeated and unwanted social invitations for dates or physical intimacy
- v. Insults based on the sex/gender of the worker

- vi. Condescending or paternalistic or sexist remarks
- vii. Sending sexually explicit messages (by phone or by email)
- viii. The use of job-related threats or rewards to solicit sexual favors
- ix. Swearing or using inappropriate language
- x. Unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- xi. Insults, jokes or anecdotes that belittle or demean an individual or a group's sexuality or Gender

5.2.3 Non-verbal conduct

- i. Display of sexually explicit or suggestive material e.g. photographs, pictures, reading matter or objects.
- ii. Offensive screen savers
- iii. Circulation of pornographic material in print or electronic form or written offensive messages of a sexual nature including emails, whatsapp and text messages
- iv. Sexually-suggestive gestures
- v. Whistling
- vi. Leering
- vii. Stalking
- viii. Excessive and unwanted attention in the form of love letters, telephone calls or gifts

5.3 Sexual Harassment also includes:

- 5.3.1 Using a position of power and authority to threaten or punish either directly or by implication, for refusing to tolerate harassment or misconduct or submit to sexual activity or for reporting harassment or misconduct or to promise rewards in return for sexual favors;
- 5.3.2 Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, promotion, training, work assignments, status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation;
- 5.3.3 Making a student's work or an employee's job more difficult because of that person's sex;
- 5.3.4 Disciplining or firing a subordinate who ends a romantic relationship;
- 5.3.5 Retaliation from a person in authority due to refusal of sexual favors which may include limiting opportunities for the complainant and generating gossip against the employee or other acts that limit access or change performance expectations after a subordinate refuses

repeated requests for a date.

6.0 Communication of the Policy

The HR Department/ Student Affairs Division will organize periodic training for staff members and students on sexual harassment issues. All new and existing members will be made aware of this policy by means of:

- i. Training
 - ii. Employee's handbook
 - iii. Employment contract
 - iv. By distributing the policy to employees
 - v. Posting the policy on the website
 - vi. Including the issue of SH in employee's on boarding and students orientation programs.
- All employees are encouraged to ask questions and to seek clarification on any aspect of the policy that they may find unclear.

7.0 Complaint Resolution Procedures

A member who either observes or believes that she or he has been or is being sexually harassed is encouraged to take the following steps:-

- i. Inform the offending person that his/her conduct is unwelcome and should cease immediately;
- ii. Record each incident (s) – noting what was said or done, date(s) times, location/places, and the names of any witnesses, complainant's response.
- iii. 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.

Complainant may make an anonymous report under this policy. However, complainants should be aware that anonymous reporting may make it more difficult to investigate the allegations given the serious implications of sexual harassment charges and the difficulties associated with their investigations. Employees are therefore encouraged to raise a complaint in a non-anonymous way.

7.1 Informal resolution of allegations

7.1.1 Where an employee 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 following complaint-receiving officials:-

- i. Head of Department /Supervisor
- ii. Designated member in Human Resources Department (in the case of staff members)
- iii. Designated member in the Student Affairs Division (in the case of students)
- iv. A trusted member either in the Workers Committee or Student Representative Council
- v. Any trusted staff member holding a position of authority in the university whom the complainant feels comfortable with.

- 7.1.2 The complaint-receiving officials will have meetings with both the alleged victim and the alleged harasser separately. The complaint-receiving official may take whatever steps short of formal sanctions that he or she deems appropriate to effect an informal resolution acceptable to both parties.
- 7.1.3 The member receiving the complaint will keep records of the complaint and its resolution and submit copies to the Human Resources Department through the Registrar's office or to the Student Affairs Division in the case of students. An Appendix form attached to this policy shall be completed.
- 7.1.4 If the informal procedure does not resolve the behaviour, or there is no acceptable resolution, the complainant may use the formal grievance procedure to obtain a resolution.

7.2 Formal resolution of an allegation

- 7.2.1 In order to initiate a formal grievance procedure, the individual needs to file a complaint in writing with any of the complaint-receiving officials listed above within reasonable time (not exceeding 30 days) of the occurrence of the behaviour that gave rise to the grievance.
- 7.2.2 Upon receiving a complaint of a sexual nature the complaint receiving official shall within two weeks of receiving the complaint forward the case to the Sexual Harassment Committee for further investigation.
- 7.2.3 At the completion of its investigations the Sexual Harassment Committee shall submit its findings to the Registrar who shall determine the way forward guided by section 10 of the University Code of Conduct or Ordinance 15 in the case of the perpetrator being a student.
- 7.2.4 Where the case is dealt with in terms of the Institute's disciplinary processes the complainant shall be advised of the outcome of the process by either the Human Resources Department or the Student Affairs Division.
- 7.2.5 Both parties involved have a right to appeal using the procedures outlined in the HIT Code or Ordinance 15.

8.0 Composition of the Sexual Harassment Committee

There shall be a Sexual Harassment Committee constituted as follows:

- i. Senior Member of Academic/ Administrative Staff/ Dean of Students as Chairperson
- ii. Head of Department of the complainant
- iii. Chief Security Officer (in the case of staff)
- iv. Campus Life Coordinator (in the case of students)
- v. Nursing Sister
- vi. Chaplain (in the case of students)
- vii. Two members from the Workers Committee or four Student Representative Council
- viii. Assistant Registrar, Human Resources as Secretariat

8.1 Terms of Reference for the Sexual Harassment Committee

- i. Receiving complaints on Sexual Harassment.
- ii. Carrying out investigations into reported sexual harassment cases.
- iii. Recommending appropriate further action on a given case.

- iv. Making follow up on complaints sent to the Registrar.
- v. Act as witnesses in Staff/Students Disciplinary Hearings.

9.0 Counselling

Management may seek appropriate professional advice and arrange for counselling for the complainant, during and after the investigation of the complaint as required.

10.0 Remedial action towards the harasser

Misconduct constituting harassment or retaliation will be dealt with appropriately. Depending on the severity of the case, such action may include warning, reprimand, reassignment, demotion, suspension or dismissal/expulsion. The disciplinary action shall be taken by the appropriate disciplinary authority in accordance with the HIT Code of Conduct, Ordinance 15 or HIT Act.

11.0 Retaliation

- 11.1 Retaliation against any individual who reports an incident of sexual harassment or who participates in an investigation of a claim of sexual harassment is prohibited and represents a serious violation of this policy. It constitutes separate grounds for disciplinary action.
- 11.2 A claim of retaliation by a complainant, respondent or witness may be pursued using the steps set out in the disciplinary procedures. If evidence exists to support that retaliation occurred, appropriate action will be taken.

12.0 Criminal Offences

Depending on the severity of the sexual harassment the victim may lodge criminal charges with the Zimbabwe Republic Police against the perpetrator. In such cases the university will cooperate with the law enforcement agents and may still pursue its own disciplinary measures pending the legal finalization.

13.0 Onlooker Involvement

- 13.1 Anyone who witnesses or is aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. Action taken by colleagues can positively impact on defining work culture.
- 13.2 If colleagues witness sexual harassment they are encouraged to:-
 - i. provide support to their counterpart who is being subjected to sexual harassment
 - ii. formally or informally challenge the behaviour
 - iii. report the sexual harassment
- 13.3 However, in some instances witnesses may wish to remain anonymous and where appropriate, anonymity will be provided. Members should know that it may not be possible in some circumstances to keep the identity of a person providing information anonymous as the case may require full details of the allegations for appropriate investigation to take place.

14.0 Monitoring and Evaluation

HIT recognizes the importance of monitoring the implementation of the Sexual Harassment policy within the university. All HODs are expected to highlight cases of SH and how they were dealt with in their quarterly reports.

15.0 Confidentiality

15.1 In order to protect an employee's privacy, disclosures of sexual harassment will be treated in confidence. However, in some instances, a case may need to be escalated or referred without the agreement of the employee particularly where the incident may culminate to be:

- i. a criminal offence
- ii. occupational health and safety risk
- iii. require disciplinary action

15.2 However, where there is such a situation, the person handling the matter will notify the person who made the disclosure.

16.0 False or malicious complaint

Employees who knowingly provide false information or make false or malicious allegations of sexual harassment without any merit, may be subject to separate disciplinary action.

17.0 Effective Date

This Policy document shall take effect from the date it is adopted by the Institute Board and shall be read in conjunction with the applicable terms and conditions of service.

18.0 Review of Policy

The University will review this policy whenever it is deemed necessary.

APPENDIX 1

REPORT OF A SEXUAL HARASSMENT CASE

Name of Victim: Post:.....
Department:
Date of Employment:.....

Name of alleged Perpetrator: Post:
Department:

Name of Complaint Receiving Official.....Post:
Department:

Nature of Complaint (Give Details)

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Attach any relevant documents.

Method of Resolution (Formal or Informal):.....

Resolution made:

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Signature of victim:.....	Date:.....
Signature of perpetrator:.....	Date:.....
Signature of Complaint Receiving Official:.....	Date:.....