



MUAST

MARONDERA UNIVERSITY
OF AGRICULTURAL SCIENCES AND TECHNOLOGY

Anti-Sexual Harassment and Misconduct Policy

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Policy owner	Vice Chancellor
Policy administrator	Dean of Students
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Approved by	Senate
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Web address of this policy	http://www.muast.ac.zw



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1 Policy Statement

1.1 This policy is further designed to comply with applicable legal requirements including:

1.1.1 Constitution of Zimbabwe (2013)

1.1.2 Labour Act (Chapter 28:05)

1.1.3 Criminal Codification Act

1.1.4 Public Service Regulations S.11 of 2000

1.1.5 The Zimbabwe National Gender Policy 2013 – 2017

1.1.6 The African Charter on Human and Peoples Rights of Women in Africa

1.2 Marondera University of Agricultural Sciences and Technology (MUASt) seeks to maintain a safe learning, living, and working environment in which mutual respect is valued. To that end, all forms of Sexual Harassment and Sexual Misconduct, which includes, but is not limited to, attempted and completed acts of Sexual Assault, Relationship Violence, Gender-Based Stalking, Sexual Exploitation, or facilitation thereof, are strictly prohibited and will not be tolerated. This policy unequivocally states that staff and students must never use sexual overtones with the intent to embarrass or show disrespect to another person. This Policy also prohibits retaliation against an individual for making a genuine report of conduct prohibited under this Policy, as well as individuals providing information, participating in the investigation of any such report, or otherwise being involved in the process of responding to, investigating, or addressing allegations of Sexual Harassment and Misconduct.

1.3 Sexual Harassment and Sexual Misconduct ("Sexual Harassment and Misconduct") can occur to men, and women in the university community. Any act that falls within the definition of Sexual Harassment, Sexual Misconduct, or attempted Sexual Harassment and Misconduct, is a violation of this Policy. Individuals are therefore strongly encouraged to report incidents of Sexual Harassment and Misconduct to the University Administration structures (Student Affairs; Security; Chaplain; SRC), or to a confidante, as appropriate, immediately following their occurrence. The length of time between an incident and making a report will not affect the willingness of the University to investigate the allegations or to provide support and other services to the individual reporting the conduct. However, a prompt report, and the preservation of evidence, will significantly impact the ability of the University to conduct a full investigation.

1.4 The University strongly encourages the reporting of Sexual Harassment and Misconduct and seeks to remove any barriers to an individual or group making a report. The University Sexual Harassment Policy

recognizes that individuals who experience incidents of Sexual Harassment or Misconduct may be reluctant to report such conduct to the University because they fear that they themselves may be accused of policy violations, such as coming into university campus late at night or visit staff office after office hours or drug or alcohol use at the time of the incident. Accordingly, an individual who reports an incident of Sexual Harassment or Misconduct, regardless of whether they themselves have experienced the reported misconduct, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk, including where an individual or organization knowingly administers drugs to another person facilitating conduct prohibited by this Policy.

- 1.5 The University also encourages incidences of sexual harassment by third parties. All staff and students who are aware of incidences of sexual harassment, perpetrators of sexual harassment or victims of sexual harassment, should come forward with those reports for investigation. The University shall protect the identity of these third parties.
- 1.6 Sanctions or possible penalties for any member of the University community engaging in acts of Sexual Harassment and Misconduct, or engaging in acts of Retaliation, and referred for disciplinary hearing, may include:
 - 1.6.1 Verbal reprimand
 - 1.6.2 Written reprimand
 - 1.6.3 Suspension
 - 1.6.4 Demotion
 - 1.6.5 Expulsion
 - 1.6.6 Forced resignation.

The responsible Committee shall consider the following factors in penalizing perpetrators:

- (i) Gravity of the offense
- (ii) Frequency of the offense
- (iii) Any other extenuating circumstances.

2. Definition of Terms Related to Sexual Harassment & Misconduct

- 2.1 **Sexual Act:** Conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.
- 2.2 **Sexual Assault:** A sexual act that occurs (1) without consent of the other person, or (2) by threatening or coercing the other person, or (3) by placing the other person in fear that any person will suffer imminent bodily injury.
- 2.3 **Sexual Exploitation:** Non-consensual use of another individual's nudity or sexuality, other than Sexual Harassment, Sexual Assault, Relationship Violence, and Gender-Based Stalking. Examples of Sexual Exploitation include, but are not limited to, purposely or knowingly:
- 2.3.1 Touching the sexual or other intimate parts of a person, or causing such person to touch your sexual or other intimate parts, including intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts, and making another touch you or themselves with or on any of these body parts;
 - 2.3.2 Exposing one's genitals to another person without consent;
 - 2.3.3 Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
 - 2.3.4 Engaging in voyeurism (e.g. watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, without the consent of all parties);
 - 2.3.5 Disseminating, streaming, or posting images or video of private sexual activity and/or a person's intimate parts (including breasts, buttocks, groin, or genitals) without consent;
Prostituting another person; Possession of sexual materials that are illegal under Zimbabwe state law; or
 - 2.3.6 Knowingly exposing another person to a sexually transmitted infection or virus without the other individual's knowledge.
- 2.4 **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other unwanted verbal, non-verbal, written, visual, cyber, or physical conduct of a sexual nature, when the following conditions are present. Sexual harassment can be perpetrated by a male on a female, female on another female, male on male, female on male.

2.4.1 Submission to or rejection of that conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs or activities, or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or

Such conduct creates a **hostile environment**:

2.4.2 A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programmes and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

2.4.3 The frequency, nature and severity of the conduct;

2.4.4 Whether the conduct was physically threatening;

2.4.5 The effect of the conduct on the Complainant's mental or emotional state;

2.4.6 Whether the conduct was directed at more than one person;

2.4.7 Whether the conduct arose in the context of other discriminatory conduct;

2.4.8 Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and

2.4.9 Whether the conduct implicates concerns related to academic freedom or protected speech.

2.4.10 A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

2.5 **Student:** Any person registered for, enrolled in or auditing any course(s) at Marondera University of Agricultural Sciences and Technology.

3. Justification for the Policy

3.1 Marondera University of Agricultural Sciences and Technology (MUASt) is committed to creating and maintaining a community in which its members are free from all forms of harassment, exploitation, intimidation, and violence consistent with its obligations under Constitutional Law of the Republic of Zimbabwe. The University recognizes the long-lasting and detrimental effects of Sexual Harassment and Misconduct on individuals, on our entire community, and on our mission to prepare a brand

of students to lead productive, responsible and creative lives. This University policy therefore, strictly prohibits any form of Sexual Harassment and Misconduct, and the University is committed to: (1) eliminating, preventing, and addressing the effects of Sexual Harassment and Misconduct; (2) cultivating a climate where all individuals are well-informed and supported in reporting incidents of Sexual Harassment and Misconduct; and (3) providing a fair and impartial process for investigation and adjudication of reported incidents of conduct prohibited by this Policy.

4. Applicability of the Policy

- 4.1 This Policy applies to all University employees; temporary employees and students who are enrolled in university at the time the conduct occurs, irrespective of whether the behavior occurs on or off-campus.
- 4.2 A selected team of eight members, known as the Sexual Harassment Action Team (SHAT) comprises of the Senior Proctor, 2 Faculty Deans (male & female) Student Affairs Administrator, 2 SRC Representatives (male & female) University Gender Focal Person, Security Officer is responsible for the operations and implementation of this University policy.

5. Statement on Privacy; Requests for Anonymity

With respect to any report made under this Policy, the University cannot guarantee confidentiality, but will make all reasonable efforts to protect the privacy of participants, in accordance with applicable state law, while balancing the need to gather information to assess the report and to take steps to eliminate any Sexual Harassment and Misconduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this Policy:

- 5.1 **Privacy:** Privacy means that information related to a report of Sexual Harassment and Misconduct will be shared with a limited circle of the University staff who “need to know” in order to assist in the provision of appropriate support, as well as the assessment, investigation, and resolution of the report. All University staff members who are involved in the University’s response to reports of conduct prohibited by this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with the Employee Official Secrecy Act.

Further, both parties, and witnesses, have reasonable expectations of privacy in the investigation and resolution of matters subject to this Policy. It is anticipated and expected that the parties to a complaint will observe the same standard of strict privacy, which is in their mutual best interest. Failure to maintain the privacy of information may, in some circumstances, be regarded as retaliation under applicable policy and itself subject the violator to disciplinary action.

5.2 Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, and those who provide administrative services related to the provision of medical and clinical care, mental health providers, counselors, and all of whom may engage in confidential communications within the University structures when a report is made to them while serving in that capacity. Collectively, these individuals are referred to as “Confidential Staff.” When information is shared by an individual with a Confidential Staff, or a community professional with the same legal protections, the Confidential Staff cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information, or they have been provided permission by the individual that disclosed the information.

If a Complainant does not want to participate in an investigation, or expresses a desire to administration for their identity not to be shared (e.g. remain anonymous), the University reserves the right to investigate and/or take other appropriate action as may be necessary to protect the safety of both parties and the campus community. The decision as to whether the University will proceed with an investigation or pursue other appropriate action under these circumstances ultimately rests with the University Administration.

6. Policy Review

This policy shall be reviewed after 2 years from the date of approval (to allow for a quick review of the policy), thereafter it will be reviewed every three (3) years in consultation with all the relevant offices and stakeholders.

7. MUAST Sexual Harassment Acknowledgement by Staff/ Student

I..... do hereby acknowledge that I have read, understood and agreed to be bound by the provisions of this Sexual Harassment & Misconduct Policy on this day of..... 20.....

Date

Signature