

ZIMBABWE SCHOOL OF MINES

POLICY ON SEXUAL HARASSMENT

1. INTRODUCTION

- 1.1 Zimbabwe School Mines (ZSM) intends to have in place a policy that governs all issues of sexual harassment at the institution.
- 1.2 The School 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.
- 1.3 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.
- 1.4 Sexual harassment of students and employees is treated as a serious form of discrimination by the School and will not be tolerated.
- 1.5 The policy encourages and promotes the development and implementation of procedures that will lead to a ZSM environment free from sexual harassment.
- 1.6 The School 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.
- 1.7 ZSM 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 ZSM.
- 2.2 The victims and perpetrators of sexual harassment may include various stakeholders such as students, academic & administration staff, management, supervisors, clients, applicants, sponsors, contractors, employees, trustees or any other persons who have dealings with the School.

2.3 A non- employee or non-student who has become a victim of sexual harassment may lodge a grievance with the ZSM's management /Human Capital Department where the harassment has taken place within or outside the School's premises and when the harasser is an employee or student of ZSM.

2.4 The definition of employee shall be adopted from the ZSM Regulations as read together with the Labour Act and shall include management, lecturers, technicians, non-academic staff and any other individual who is in a contract of employment with ZSM.

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 Intimidation of students, and staff in order to tarnish the reputation of either the student or staff.
- 4.1.6 Requesting or asking female or male students to visit personal offices of supervisors, Lecturers, HODs, non-academic staff outside standard office hours to discuss assignments, tests and marks (0800 hours -1630 hours are the standard office hours).
- 4.1.7 Enquiring about one's sexual experiences and activities and discussing one's sexual prowess. Harassment occurs also when males or females discuss with a deliberate attempt to draw attention to either males or females around.
- 4.1.8 Usage of derogatory and abusive language. with reference to one's mother, father, brother or sister's bodies.
- 4.1.9 Hitting the body of a male or female students or employee with any item with the aim to sexually harass.
- 4.1.10 Male referring to female bodies and reproductive cycles to embarrass female students or employees at work or in class.
- 4.1.12 Giving money to students or staff in return of sexual favours.
- 4.1.13 Staff one hour with a student in an office
- 4.1.14 Making vulgar comments about a male or female on social media.
- 4.1.15 Touching one's intimate parts in the presence or absence of other colleagues.

4.1.16 Quid pro quo harassment where a ZSM 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.

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**

6.0 Monitoring and Evaluation

ZSM recognizes 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. ZSM Management and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the school will evaluate the effectiveness of this policy and make any changes needed.

6.1 Zimbabwe School of Mines 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 HOD's, and management), and the ZSM Student Representative Council 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 School 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 ZSM 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.
- 6.6 Personal relationships among consenting adults of ZSM Community shall be treated as private as long they do not breach the culture and social norms of the institution.
- 6.7 However, it is regarded highly inappropriate for any ZSM member of staff to engage in intimate relationships with students, subordinate or colleague on whose academic or work is required to conduct professional judgement.

7. CONFIDENTIALITY

- 7.1 Whilst ZSM 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. INVESTIGATION COMMITTEE

- 8.1 ZSM shall constitute an Investigation Committee appointed by the Principal when a case arises to conduct an initial enquiry/investigation on complaints of Sexual harassment which shall be composed of:- Chairperson

- a) Secretary (Human Capital Department)
- b) Gender Focal Person
- c) HOD Academic or Administration (Alternating)

- 8.3 The Committee shall summon and enforce attendance of any person facing sexual harassment allegations.
- 8.4 Shall receive evidence and institute a medical examination by a certified Medical Doctor if need be.
- 8.5 The Committee shall recommend action against the complainant if allegations against the accused are found to be false. This shall be considered serious violation of this Policy.

ZIMBABWE SCHOOL OF MINES

SEXUAL HARASSMENT PROCEDURE

1. PROCEDURE

1.1 Formal Procedure

- 1.1.1 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), Registrar, Gender Focal Team Chairperson immediately after the occurrence of the incident.
- 1.1.2 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 School hierarchy in writing.
- 1.1.3 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 Chief Executive Officer (Principal) of ZSM with recommendation for a Disciplinary Hearing.
- 1.1.4 The Labour Act, this Policy together with the Mining Industry code of Conduct where applicable shall be adopted in the administration of the disciplinary hearing in the case of the ZSM employees and students respectively. All staff and students to sign consent to abide by this policy, labour act and NEC code of conduct.
- 1.1.5 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.

1.2 Informal Procedure

- 1.2.1 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.
- 1.2.2 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.

2. PROCEDURE WHERE COMPLAINANTS ARE UNWILLING TO FILE A WRITTEN COMPLAINT

- i) A fact-finding initiative can be instituted where the Investigations Committee receives repeated allegations of offences against the same person where there is unwillingness to file a written complaint or appear as a complainant.
- ii) The Committee shall commence the investigation.
- iii) Witness shall be summoned in order to gather more evidence

3. COUNSELLING

- 2.1 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 Capital Department so that necessary arrangements can be made with the ZSM Chaplain.

4. PENALTIES AND REMEDIES

- i) The Disciplinary Committee/Disciplinary Authority shall recommend imposition of the following penalties: -
 - a) Dismissal from service
 - b) Written Warning
 - c) Withdrawal of student from ZSM
 - d) Withdrawal of false complaint

5. STRATEGIES TO CURB SEXUAL HARASSMENT AT ZSM

- i) Education and Publicity in the following manner: -
 - a) Upload this Policy on the ZSM Website.
 - b) To receive Policy upon registration as a bona-fide ZSM student.
 - c) Prominently display Policy on ZSM major Notice Boards.
 - d) Workshops on Sexual Harassment in collaboration with Government Ministries, State bodies and non-governmental organization (training & advocacy).
 - e) SRC Gender Representative to assist in the dissemination of Sexual Harassment information.

- f) Administration together with the Human Capital Section to conduct periodic Sexual Harassment workshop/sessions by hiring experts and to disseminate Policy to all staff.

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