



REPORT OF THE

**JOINT PORTFOLIO COMMITTEE ON HIGHER AND TERTIARY EDUCATION,
INNOVATION, SCIENCE AND TECHNOLOGY DEVELOPMENT; AND WOMEN
AFFAIRS, COMMUNITY AND SMALL TO MEDIUM ENTERPRISE
DEVELOPMENT**

ON

**THE INQUIRY INTO THE PREVALENCE OF SEXUAL HARASSMENT IN
HIGHER AND TERTIARY EDUCATION INSTITUTIONS**

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NOTE BY VERITAS
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on 4th May 2022

.0 INTRODUCTION

1.1 The Joint Portfolio Committee on Higher and Tertiary Education, Innovation, Science and Technology Development (PPCHTEISTD), and Women Affairs, Community and Small to Medium Enterprise Development (PPCWACSMED) conducted an inquiry into the prevalence of sexual harassment in the institutions of higher and tertiary learning. Enjoined by Section 141 of the Constitution of Zimbabwe and Standing Order No. 23, the Committees resolved to conduct fact-finding visits to Higher and Tertiary Education Institutions so as to have an appreciation of the prevalence of sexual harassment in these institutions. This was with a view towards influencing policy and legislative development surrounding this topic in most of Zimbabwe's institutions as espoused by Sections 13 and 141 of the Constitution of Zimbabwe.

2.0 OBJECTIVES

The objectives of the enquiry were:

- 2.1 To ascertain the prevalence of Sexual Gender Based Violence (SGBV) and Sexual Harassment (SH) in institutions of higher and tertiary learning;
- 2.2 To assess the challenges institutions of higher and tertiary education are facing in curbing SGBV and sexual harassment; and
- 2.3 To gather input from the students on the sexual harassment challenges they face and the proposed remedial measures.

3.0 METHODOLOGY

3.1 The Joint Committee was divided into two teams and visited 15 HTEIs altogether.

Universities	Polytechnics	Teacher Training Colleges
University of Zimbabwe	Harare Polytechnic	Hillside Teachers' College
Midlands State University	Joshua Mqabuko Nkomo Polytechnic	Mkoba Teachers College
Great Zimbabwe University	Kwekwe Polytechnic	Belvedere Technical Teachers College
National University of Science and Technology		Mutare Teachers College
Chinhoyi University of Technology		
Bindura University of Science		

Education		
Africa University		
Harare Institute of Technology		

4.0 COMMITTEE’S FINDINGS

4.1 UNIVERSITIES

- 4.1.1 Most of the Universities did not have stand-alone sexual harassment policies. In the majority of the institutions, issues of sexual harassment were incorporated in the broader policy on harassment as was the case at Lupane State University and at the University of Zimbabwe where sexual harassment is addressed in the Student Charter, Life Skills Manual and Student Advisory Committee.
- 4.1.2 In most institutions, the majority staff members and students professed ignorance about the existence of the sexual harassment policies and their contents. For example, at Lupane State University, the staff highlighted that the sexual harassment policy was formulated by the administration of the institution without the input and buy-in of the other staff members. Similarly, at the University of Zimbabwe, one staff member opined that he was unaware of the existence of the policy and he would have wished to have been informed about its existence upon joining the institution.
- 4.1.3 More so, it was highlighted by both students and staff that sexual harassment was highly prevalent in the institutions of higher learning. Between the students, the most pervasive form of sexual harassment was verbal while physical sexual harassment was more prevalent between the staff and students. One Dean of Students of a particular University brought in another dimension of sexual harassment perpetrated by students against other fellow students whereby a first-year student brought her boyfriend in the room which she was sharing with another female student and they proceeded to be intimate in the presence of her roommate. The Dean received the report on the following day and the institution was yet to address that case of sexual harassment.
- 4.1.4 The high prevalence of sexual harassment in institutions of higher learning was attributed to the rising poverty level and substance abuse among students. Additionally, because there was inadequate on-campus accommodation, most students were staying off-campus and this exposed them to sexual harassment from their landlords and guardians as well as the community in general. One student at one of the Universities visited recounted an event when a lecturer requested to meet her very

early in the morning to give her learning materials. She pointed out that during the meeting the lecturer proposed love to her but she turned him down and the lecturer threatened to make her fail the module he was teaching.

- 4.1.5 The staff in most institutions, particularly at Solusi University further attributed the high prevalence of sexual harassment in universities to the degradation of the socio-cultural and moral fabric as well as the increased exposure to media content such as pornography. For example, it was highlighted that some students deliberately sat in a provocative manner during the face-to-face lectures. Other lecturers submitted that students were sending pornographic content in the WhatsApp chat groups that were being used by lecturers to deliver their education-related content and information. They also reiterated that some of the lecturers did not view students as “*mwana wechikoro*” but as consenting adult capable of making rational decisions despite other factors that may compromise their ability to decide and act rationally and this had contributed to the prevalence of sexual harassment. Essentially, it was highlighted that these lecturers and staff members deliberately disregarded the *in loco parentis* principle as far as students are concerned. These sentiments were also buttressed at Solusi University where it was opined that institutions did not make deliberate efforts, through the Students’ Affairs Department to understand the background of a student. The University staff pointed out that it was difficult to get evidence of cases of sexual harassment as most students reported these cases upon graduation.
- 4.1.6 Most of the students, particularly the female staff and students were apprehensive in reporting these cases. In instances where reports were received, the male students would report on behalf of the female students and the female students were reluctant to follow-up on the case. Most of the staff and students feared victimisation and stigmatisation that usually followed issues of sexual harassment. It was also pointed out that the reporting structures espoused in the sexual harassment policies were not clear and did not protect the student. Furthermore, in most of the policies, the student was supposed to report to the Chairman or Dean who might be the perpetrator or a colleague of the perpetrator. Some of the staff and students observed that they were unaware of the reporting standards and procedures such that it was difficult for them to seek recourse.
- 4.1.7 Some institutions, such as the National University of Science and Technology (NUST) had taken steps to raise awareness on sexual harassment issues. These interventions

included online surveys to gauge the awareness on sexual harassment and the deliberate engagement of the civil society to support awareness campaigns. However, the non-academic Dean's office did not qualify to receive funds and therefore they could not continue to carry out the research and awareness campaigns on sexual harassment.

4.2 TEACHER-TRAINING COLLEGES

4.2.1 It was highlighted from the submissions received from both the staff and students that while there were no official reports on cases of sexual harassment, rumours around the institutions pointed to the fact that sexual harassment was rife.

4.2.2 It was further highlighted that this prevalence was higher between students and lecturers particularly during the supervision of the Curriculum Depth Study (CDS) projects. It was alleged that most lecturers would suggest what was colloquially referred to as "*thigh for a mark*" if the student wanted to pass and graduate with their diploma. The students opined that due to the power dynamics that are between the staff member and the student, the students were apprehensive to report such cases. As in Universities, the students opined that they feared victimisation and stigmatisation that came with reports of sexual harassment. The students also highlighted that the reporting structures did not protect the students and did not offer a guarantee of reprieve after reporting such cases. It was noted that in most cases, the perpetrators of the sexual harassment were the ones who sat in the disciplinary committees.

4.2.3 The administration of the institutions pointed out that they had made deliberate efforts to empower the students to report such cases. This included the production and distribution of the sexual harassment policy to both staff and students during the orientation week. Further, it was pointed out that the institutions implemented other interventions such as counselling sessions, incorporation of sexual harassment into curricula and have suggested that the students record their conversations with the harasser to get evidence. Other institutions such as Mkoba Teachers College had a strict policy against sexual harassment and this had led to the dismissal of several staff members who had been found guilty of the vice. However, in most institutions, most staff and students pointed out that they were unaware of the existence and contents of the sexual harassment policies.

4.2.4 Additionally, the submissions also revealed that there was limited or no sensitisation and implementation of the sexual harassment policy, the reporting standards and

procedures were unclear, most institutions were guided by SI 1 of 2000 but the staff at the institutions were not trained to handle cases of sexual harassment. Moreover, our culture which is largely patriarchal did not allow women to report cases of sexual harassment and this was worsened by the fact that sexual harassment is treated as a civil and not a criminal case. Lastly, it was highlighted that the lack of an institutional sexual harassment policy from the Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development (MHTEISTD) had militated against the fight against sexual harassment in institutions of higher and tertiary learning.

4.3 POLYTECHNICS

4.3.1 Team A visited Joshua Mqabuko Nkomo and Harare Polytechnics for the purposes of obtaining views on the prevalence of sexual harassment.

4.3.2 As in the Universities and Teacher-training Colleges, it was widely agreed by both staff and students that sexual harassment was prevalent. It was also widely agreed that between students, verbal sexual harassment was more prevalent while between staff and students, physical sexual harassment was prevalent.

4.3.3 It was also highlighted that there were very few or no cases of sexual harassment at the institutions visited. This was attributed to the under-reporting of cases due to fear of victimisation and stigmatisation. The students pointed out that they were unaware of the existence of sexual harassment policies and the reporting standards and procedures thereof. One lecturer at one of the polytechnics visited pointed out that while there were sexual harassment policies within the institutions, the policies were not being implemented. He argued that these policies were there to ensure compliance with the directives from the Ministry rather than as tools to eradicate the rampant sexual harassment. Other students expressed their mistrust in the reporting structures noting that the disciplinary committees were comprised of the perpetrators or colleagues of the perpetrators of sexual harassment.

4.3.4 At Harare Polytechnic, the students pointed out that they were afraid of reporting sexual harassment cases because of fear of failure. They reiterated that 60% of their overall assessment marks comes from the continuous assessment tests which are marked by the lecturer and hence they cannot possibly open cases of sexual harassment against their lecturers. Another student pointed out that during supervision of their projects some lecturers ask for money so that they can give the student a

rewrite or a higher mark.

- 4.3.5 Other students highlighted that they were sexually harassed by the security personnel at the institution in the name of verifying the institution's identity card. They revealed to the Committee that some security officers call the students by pet names such as "baby" or they call them by describing their physical appearances. The students bemoaned the lack of a Student Representative Council (SRC) which they pointed out was dissolved by the school's administration following their petition to Parliament against fees increases to Parliament. They further bemoaned the lack of a counsellor at the institution and hence they have no avenues to seek reprieve when they are faced with such situations.

5.0 COMMITTEE'S OBSERVATIONS

- 5.1 The non-physical form of sexual harassment experienced by students in Universities and Colleges are:
- a) sexual comments/jokes/songs/whistles about body and dressing, threats and intimidations about failing the course, pressure for sex, cyber bullying, sexual advances, sexual gifts and spreading sexual rumours/lies. The physical forms are; sexual touching, hugging and kissing;
 - b) physical assault; and
 - c) attempted rape.
- 5.2 There is a lack of a clear and universal definition of sexual harassment both nationally and internationally.
- 5.3 The narrow understanding of sexual harassment is compounded by Legislative gaps, particularly the unclear definition of sexual harassment in Zimbabwe's Constitution No. 20: 2013, the Labour Act 28:01 and the SI 1 of 2000, resulting in ignorance about what sexual harassment really is.
- 5.4 The Committee noted the constricted interpretation of the Labour Act 28:01 which describes sexual harassment as an unfair labour practice, and does not apply to students in non-employment contexts, particularly higher and tertiary education institutions.
- 5.5 SI 1 of 2000 is not specific regarding student-to-student sexual harassment, lecturer-to-student and non-lecturing staff-to-students sexual harassment at higher and tertiary education institutions. This is because the *in loco parentis* role in the S1 1 of 2000 refers to teachers at primary and secondary schools as employees in charge of minors.

This scenario does not apply to adult students who are not employees and are regarded as consenting adults. In this regard, currently, there is no legal instrument on sexual harassment that pertains to higher and tertiary education institutions in the country.

- 5.6 The prevalence of sexual harassment in institutions of education is high but most of the cases go unreported.
- 5.7 Sexual harassment in Zimbabwe is regarded as a civil and not criminal matter. The non-criminalisation of sexual harassment results in its normalisation and non-reporting of such cases.
- 5.8 There is no sexual harassment policy that covers students in institutions of higher and tertiary learning at a national level, rather institutions are independent to come up with their policies peculiar to their institutions hence there is no coordination.
- 5.9 In Teacher Training Institutions sexual harassment is most experienced during teaching practice and during project consultation.
- 5.10 Students are apprehensive in reporting issues of sexual harassment for fear of intimidation and victimisation. This was largely due to the lack of trust in the reporting process and the lack of a litigation culture.
- 5.11 While institutions have sexual harassment policies, there is limited awareness and sensitisation of the policy to the students and staff.
- 5.12 Most of the policies do not outline the reporting procedures to be followed when reporting a case of sexual harassment.
- 5.13 Female students constituted the majority of the victims of sexual harassment
- 5.14 Even though female students were considered the most likely victims, they also perpetrate sexual harassment against male students and male lecturers by making sexual advances through their inappropriate dressing, sexually inviting language and sitting postures.
- 5.15 College management mishandles sexual harassment cases either intentionally or out of ignorance, though, lacking close monitoring of institutional activities, not taking action on reports, not completing investigations, dismissing cases and protecting perpetrators. This causes institution members to lack trust in the system, leading to non-reporting of cases.
- 5.16 The lack of adequate student accommodation exposed most students to the threat of sexual harassment.
- 5.17 Students' financial constraints, particularly females, may be creating a desperate atmosphere in them to pass the course by all means, rendering them susceptible to

sexual harassment.

- 5.18 Across the majority of the institutions visited, there were no statistics on sexual harassment and this may be attributable to the non-reporting of cases.

6.0 COMMITTEE'S RECOMMENDATIONS

- 6.1** There is need for the Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development to formulate a comprehensive, definitive and contextual model institutional sexual harassment policy which is peculiar to higher and tertiary education institutions by June 2022.
- 6.2** The Ministries of Higher and Tertiary Education, Science and Technology Development; Public Service, Labour and Social Welfare and Primary and Secondary Education should work towards strengthening of the legal provisions by August 2022. The Constitution No. 20: 2013, the Labour Act 28:01 and the SI 1 of 2000 should be amended to provide a clear definition of sexual harassment. The handling procedures and penalties of sexual harassment should be clear.
- 6.3** Universities and colleges need to streamline the sexual harassment grievance handling procedure and this may include the establishment of an independent body to address these grievances. The body should be in place by June 2022.
- 6.4** The Ministry of Finance and Economic Development (MoFED) should address the poverty prevalence gap on both the lecturers and students by providing an adequate remuneration package for the lecturers and student grants by December 2022.
- 6.5** The Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development in conjunction with the Ministries of Finance and Economic Development and Local Government and Public Works and the private sector should swiftly develop a policy directed towards addressing the student accommodation shortages by June 2022.
- 6.6** The Ministries of HTEISTD and WASMECD together with the civil society should raise awareness on sexual harassment through the use of dramas, videos, infographs and speeches starting from March 2022 on an ongoing basis.
- 6.7** The institutions of higher and tertiary learning should capacitate and operationalize Victim Friendly Units and Sexual and Reproductive Health Rights focal persons within their institutions to deal with issues of sexual harassment by March 2022.
- 6.8** There is need to criminalise SH and also impose stiffer penalties on the perpetrators and those who fabricate falsehoods on sexual harassment and this should also extend to

those who see and fail to report sexual harassment cases. This may be done through the review of the Criminal Law and Codification Act by the Ministry of Home Affairs and Cultural Heritage by June 2022.

- 6.9** There is need to for institutions of higher and tertiary learning to invest and encourage research in sexual harassment with a view towards improving the existing body of knowledge on the issue.
- 6.10** There is need for the Zimbabwe Council of Higher Education in conjunction with the institutions of higher and tertiary learning to review the examination and supervision processes to enhance objective examination and the elimination of one-on-one supervision by December 2022.
- 6.11** The Zimbabwe Council for Higher Education (ZIMCHE) should incorporate modules on religion and professional ethics within the education curricula which include courses on sexual harassment by June 2022.
- 6.12** There is need for the Ministry of HTEISTD to include a bold provision that governs the student-lecturer relationships and place the burden of moral responsibility on the lecturer by June 2022

7.0 CONCLUSION

It is apparent that sexual harassment is rife in most institutions of higher and tertiary learning. Yet, in most instances, these cases of harassment got unreported due to a range of factors which include intimidation and the fear of victimisation. Additionally, it was clear that in most institutions, students and staff were unaware of the existence of a sexual harassment policy. In institutions where the policy was available, the policy was inadequate, lacking a comprehensive definition of sexual harassment and lacking in the sexual harassment grievance handling procedures. It is therefore pertinent that the Ministry of Higher and Tertiary Education, Innovation, Science and Technology, moves with speed towards crafting a comprehensive model institutional sexual harassment policy that will protect both the staff and students. Additionally, the Government should swiftly move towards crafting the national sexual harassment policy directed towards curbing the scourge of sexual harassment in Zimbabwe.