UNAM HIV/AIDS
AND
SEXUAL HARRASSMENT
POLICY

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FOREWORD

HIV/AIDS remains a developmental issue that undermines the efforts and all en-routes made towards achieving Vision 2030 in this country. Coupled to this, are certain social status and circumstances of some subsets of the UNAM community which may lead and or make someone susceptible to sexual harassment in our institution; and these put the individuals in a vulnerable situation to contract HIV infection as a result. The epidemic has affected our health, livelihoods, economic perspectives, demographic future as well as many individual lives. Like elsewhere, the University’s efforts to reduce the impact of the disease, has been substantial; yet the numbers of people in need of prevention, treatment and support continue to grow. The University of Namibia as an entity has a mandate to inform, protect and facilitate prevention, care and support for its community members in the quest to fight HIV/AIDS and Sexual Harassment in its environment. This is also reflected in the UNAM Strategic Plan IV. This is demonstrated by the creation of the HIV/AIDS Unit which serves as an information center and a link between the University and other stakeholders in issues related to HIV/AIDS and Sexual Harassment.

Through the HIV/AIDS and Sexual Harassment Policy, the university would like to assure its community members (staff and students) that their health and general wellbeing is fundamental to the development and performance of this institution. The University is set to create a health promoting
environment; which facilitates learning and productivity among her community on a daily basis. It calls on each individual to cooperate in addressing issues related to HIV/AIDS and sexual harassment on our campuses across the country.

I am pleased to release the HIV/AIDS and Sexual Harassment Policy with the hope that we all will use it as a tool to address all issues stated in it; and provide the services to all our people on our campuses.

Furthermore, I trust that it will be widely used to improve our general response to the HIV/AIDS epidemic and Sexual Harassment.


Professor Lazarus Hangula
Vice Chancellor
University of Namibia
### ACRONYMS/ABBREVIATIONS

<table>
<thead>
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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>AIDS</td>
<td><em>Acquired Immunodeficiency Syndrome</em></td>
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<td>HIV</td>
<td><em>Human Immunodeficiency Virus</em></td>
</tr>
<tr>
<td>UNAM</td>
<td>University of Namibia</td>
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<tr>
<td>T-Cells</td>
<td>Type of blood cells that fight infections</td>
</tr>
<tr>
<td>TB</td>
<td>Tuberculosis</td>
</tr>
<tr>
<td>MoHSS</td>
<td>Ministry of Health and Social Services</td>
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<tr>
<td>DHS</td>
<td>Demographic Health Survey</td>
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<tr>
<td>DOS/ODS</td>
<td>Dean of Students/Office of the Dean of Students</td>
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<td>OVC</td>
<td>Orphans and Vulnerable Children</td>
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<tr>
<td>MGECW</td>
<td>Ministry of Gender Equality and Child Welfare</td>
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<td>GRN</td>
<td>Government of the Republic of Namibia</td>
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<tr>
<td>HAART</td>
<td>Highly Active Antiretroviral Therapy</td>
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<td>STI’s</td>
<td>Sexually Transmitted Infections</td>
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<td>HR</td>
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1. CONTEXT

1.1 INTRODUCTION AND BACKGROUND INFORMATION

This document deals with the University of Namibia (UNAM) Policy of HIV/AIDS and Sexual Harassment.

*HIV stands for Human Immunodeficiency Virus* which is a retrovirus that infects helper T-cells of the immune system and causes AIDS. The most common serotype, HIV-1, is distributed worldwide, while HIV-2 is primarily confined to West Africa. *AIDS stands for Acquired Immunodeficiency Syndrome which is* a disease of the immune system characterized by increased susceptibility to opportunistic infections such as Tuberculosis (TB), certain cancers such as Kaposi’s sarcoma, and neurological disorders: caused by a retrovirus and transmitted mainly through blood or blood products that enter the body’s bloodstream, especially by unprotected sexual contact, mother to child transmission or contaminated hypodermic needles.

**Sexual harassment** is defined as an unwanted conduct of sexual nature. The unwanted nature distinguishes it from the behaviour that is welcomed and mutual.
The conducts of sexual nature constitute sexual harassment if:

- the behaviour is persistent, although a single incident of harassment can also constitute sexual harassment;

- the victim has made it known to the perpetrator that he/she finds the conduct offensive; or

- the perpetrator should have reasonably realized that the conduct is regarded as unacceptable, taking into account the respective positions of the parties in the place of the employment, the nature of their employment relationship and the nature of the place of employment.

Across the globe HIV/AIDS has been regarded as a major national development challenge especially in developing countries. Namibia still ranks among the worst affected countries in the SADC region in terms of HIV/AIDS infection, after Malawi and Botswana. According to the Sentinel survey, the prevalence rate of HIV infection in Namibia is estimated at 17.8% (MoHSS, 2007). As a result, maternal mortality has increased from 257:1000 to 449:100 000 live births in 2007 (DHS, 2006/7). The number of OVC in Namibia are estimated at 75 000 with the majority orphaned as a
result of AIDS. It is a known fact that the HIV/AIDS pandemic has far-reaching socio-economic impact, particularly in the health, education and employment sectors as well as for the national fiscus. The impact of HIV/AIDS in the education sector in Namibia is observed in many aspects in relation to teacher and scholar absenteeism in the teaching environment.

It is inevitable that the HIV/AIDS pandemic has had a profound effect on student recruitment and enrolment, both directly and indirectly. Furthermore, gender-based violence is on the increase in Namibia and is coupled with gender inequality which is regarded as a risk factor for HIV infections. Gender based violence manifests itself widely through sexual harassment. Literature clearly states that sexual harassment put the victim at the risk of contracting HIV infections and HIV/AIDS has been the leading cause of death in Namibia since 2002 (MGECW, 2008).

The purpose of this policy is to provide a framework of information and action that will guide the University community to develop an adequate response to HIV/AIDS and Sexual Harassment incidences. As such, this policy framework commits UNAM to mitigate the impact of the disease on the University community and their dependents, as well as on the wider community through its community service commitment. Accordingly this policy is intended to provide an institutional response to both the national, as well as personal challenges that the HIV/AIDS pandemic poses.
1.2 NATIONAL POLICY RESPONSE


Other legal frameworks that influenced this Policy include among others, the Labour Act No. 11 of 2007 and the UNAM Sexual Harassment Policy of 2008.

The University recognizes an undeniable link between sexual harassment, human rights and public health in the context of HIV/AIDS. One aspect of the interdependence of human rights and public health is demonstrated by studies showing that HIV prevention and care programmes with coercive or punitive features, result in reduced participation and increased alienation of those at risk of infection. In particular, people will not seek HIV-related counseling, testing, treatment and support if this would mean discrimination, lack of confidentiality and other negative consequences. Therefore, it is evident that coercive public health
measures drive away the people most in need of such services and fail to achieve public health goals of prevention through behavioural change, care and health support. The protection and promotion of human rights are thus necessary both to the protection of the inherent dignity of persons affected and infected by HIV/AIDS and to the achievement of public health goals of reducing vulnerability to HIV infection, lessening the adverse impact of HIV/AIDS on those affected and empowering individuals and communities to respond to HIV/AIDS.

1.3 THE UNIVERSITY RESPONSE

Studies among UNAM students (1999 (55%), 2007 (34%), 2008 (35%), and 2009 (52%) showed that between 34-55% of them are sexually active when entering tertiary education. It also indicates that the frequency of students’ sexual activities increases over the course of their studies at UNAM. There is a significant number of students who report inconsistent use of condoms during sexual activities. In 2007, the overall HIV prevalence was estimated to be 1.9% within the university community.

UNAM has experienced absenteeism, psychological stress, labour and skills loss as well as deaths related to HIV/AIDS among its community over the years. However, the University is unable to pronounce itself on these informal figures as such data are not kept. For this reason, it is imperative that the University develops a
response to the HIV/AIDS pandemic, including sexual harassment for three principal reasons:

1) The University is the principal agency for the development of high-level human resources for the nation. UNAM has a responsibility to build high-level research capacity relevant to all areas of national development.

2) The nature of the university community with its diverse membership and strategic national importance.

3) Through this policy the University will provide leadership in teaching, research, and community engagement on HIV/AIDS and its impact at tertiary institutions as well as providing leadership in promoting human rights based approach to HIV/AIDS and sexual harassment.

Community participation and involvement lies at the heart of this policy and as key to its overall success. UNAM needs to adopt a proactive approach to matters of sexual harassment and HIV/AIDS as they relate to staff and students.
2. THE POLICY

2.1 PREAMBLE

Recognizing that UNAM is currently experiencing the impact of HIV/AIDS pandemic and striving, as an institution of higher learning, to be socially engaged;

And further acknowledging the relevant provisions of the Constitution of the Republic of Namibia, the Namibian HIV/AIDS Charter of Rights, the National Gender Policy, the Labour Act of 2007, the National Policy of Population and Sustainable Development, as well as the National Policy of HIV/AIDS;

And further accepting the importance of addressing stigma on the basis of HIV/AIDS, sexual harassment and the need to promote a human rights based approach to sexual harassment and HIV/AIDS;

And further recognizing that studies among students revealed that over half of entering students are sexually active and that the rate of students’ activity increased over the course of the University residence;

The University is therefore committed to play its full part with other sectional, regional and international partners in mitigating the impact of sexual harassment and HIV/AIDS, both on its internal
constituency (i.e., UNAM community) and on the Namibian society;

The University aims to achieve this by integrating sexual harassment and HIV/AIDS into its teaching, research and community service;

In achieving the above, the University hopes to build a caring and socially-engaged community based on the integrity of, and respect for, the human person;

2.1.1 The University of Namibia shall be guided by and be based on the following principles:

- *Promotion and protection of human rights*: the dignity and human rights of all staff and students shall be promoted, protected, and respected irrespective of their HIV status, in line with the Namibian Constitution, International Human Rights and other relevant statutes;

- *Non-discrimination and de-stigmatization*: no person (staff or students) shall suffer from any form of unfair discrimination or sexual harassment. Stigmatization against any person on the basis of real or perceived HIV status. Sexual harassment shall be discouraged. Protection shall be provided against such practices;
Confidentiality: all information concerning the HIV/AIDS status and any incident of sexual harassment of staff and students shall be dealt with in strict confidentiality;

HIV/AIDS and Sexual Harassment intervention: interventions shall be guided by evidence-based human rights approaches;

Multi-sectoral involvement: all sectors of the University shall be involved in the education, prevention, protection and fight against HIV/AIDS and sexual harassment;

Gender equality and equity: equality and equity between men and women, boys and girls shall be promoted among staff and students of the University;

Outreach: it is recognized that the University is part of the wider Namibian community where it renders community services;

Conformity to the National HIV/AIDS and National Gender Policy: the policy will comply with the National HIV/AIDS and Gender Policy.
3. INSTITUTIONAL FRAMEWORK FOR POLICY IMPLEMENTATION

The University of Namibia is obliged to develop, implement, monitor and evaluate an Integrated Policy that encompasses both aspects of Sexual Harassment and HIV/AIDS related issues.

3.1 POLICY STATEMENTS

- Policies, structures and procedures shall be put in place that effectively protect the rights of all individuals at the university, with regard to harassment, victimization or stigmatization;

- UNAM shall develop processes and written procedures in the event of any complaint lodged regarding any form of harassment, victimization or stigmatization as defined;

- UNAM shall engage in continuous teaching programmes/awareness campaigns to empower both employees and students in the prevention of harassment, victimization or stigmatization;
UNAM shall develop and provide structures and processes for the treatment and support of those infected or affected by HIV/AIDS, as well as victims of harassment;

UNAM shall establish structures to prevent and limit incidences of victimization which are supportive in nature;

UNAM shall engage in continuous research, monitoring and evaluation of policy implementation;

The effective participation of both internal and external stakeholders in the design, implementation, monitoring and evaluation of all relevant policies and programmes shall be ensured.
4. **THE POLICY COMPONENTS**

The components of the policy are:

1) Creating an enabling environment;

2) Provision of prevention and support services for HIV/AIDS and sexual harassment;

3) Provision of treatment, care and support for employees (including their families as per UNAM prescriptions) and students;

4) Impact mitigation;

5) Research, monitoring and evaluation.

4.1 **Creation of an Enabling Environment**

An enabling environment means that the management and leadership of the University of Namibia is involved and ensure that all relevant/appropriate policies, structures, processes and procedures are in place to prevent and limit victimization with regard to both sexual harassment and HIV-status.

The enabling environment shall refer to the following areas:

- Leadership and management commitment;
- Development and availability of all relevant/appropriate policies which will protect the rights of all students and employees of UNAM, with regard to harassment, victimization or stigmatization.

- Development of processes and written procedures in the event of any complaint lodged regarding any form of harassment, victimization or stigmatization as defined in the relevant documents.

- Establishment of structures (material, human resources, procedures) to prevent and limit incidences of victimization; and of supportive nature (Refer to UNAM grievance procedures).

4.2 Provision of Prevention and Support Services or HIV/AIDS and Sexual Harassment

The university has a duty to educate and inform its members about HIV/AIDS and sexual harassment. Appropriate information on all aspects of prevention and care shall be made accessible to staff and students through integrating HIV/AIDS and Sexual Harassment into teaching, research and service activities of all the University faculties, centres and units.
In addition to teaching and research activities, strategies to prevent the spread of HIV/AIDS and sexual harassment on campus shall include:

- Sponsoring awareness programmes and discussion forums on UNAM Radio and other relevant university programmes;
- Creating a website for information dissemination and discussions;
- Training peer educators and counselors;
- Providing information and counseling sessions at the clinic;
- Distributing electronic and printed literature;
- Acting against sexual harassment of staff members and students;
- Support groups for both staff and students.

4.3 Provision of Quality Treatment, Care and Support for Employees and The Students

Since the beginning of the antiretroviral programme in Namibia, the Social Eligibility Criteria has included that each person must have a designated treatment supporter before starting Highly Active Anti Retroviral Therapy (HAART). This should be someone at home, in the community, or at the workplace, that can accompany the person to visits and assist with the daily adherence to HAART. Where possible, persons who are unable to name a treatment supporter on their own may benefit from connection with a
community-based organization or a home-based care agency to assist with treatment support. Each case should be evaluated on its own merit.

- UNAM will treat employees and students who are infected or affected by HIV/AIDS with empathy and care. Reasonable assistance, which may include sick leave, compassionate leave and information regarding the virus and its effects, will also, be provided to such employees and students; if families are involved they will be referred to the Ministry of Gender Equality and Child Welfare.

- Employees and students living with HIV/AIDS will be treated no less favorably than staff with any other serious illness/condition, in terms of statutory and company benefits, workplace compensation and where appropriate other services.

- The UNAM Health Clinic will offer a broad range of services to prevent and manage HIV/AIDS, including treatment for the relief of HIV/AIDS-related symptoms, and reproductive and sexual health services.

- UNAM community members with opportunistic diseases such as Tuberculosis and Sexually Transmitted Infections (STI’s) will be referred to appropriate medical services.
UNAM health professionals will continue to monitor the health status of HIV positive employees as well as any other medical condition.

Confidential counseling services will be provided at the UNAM Health Clinic, HIV/AIDS Unit, Human Resources Department, and the Office of the Dean of Students as well as in Faculties.

UNAM will support community members who have been exposed to sexual harassment and refer them for specific services accordingly.

The UNAM Health Clinic, Human Resources Department and the Office of the Dean of Students (DOS) will follow-up preventive and supportive services required by all employees and students related to HIV/AIDS and Sexual harassment.

4.4 Impact Mitigation

The University has a duty to ensure that the following inclusive sustainable services are implemented to address the plight of members affected by sexual harassment or infected and affected by HIV/AIDS:

- Multisectoral approach to address needs of infected and affected groups;
- Implementing campus preventive and awareness programmes;

- Providing skills training, material support and any relevant assistance required by affected and infected groups;

- Provision of information on how to access social assistance grants, benefits, scholarships and other statutory services available to the group;

- Training of peer educators and counselors.

4.5 Research, Monitoring and Evaluation

Monitoring and evaluation is important for any programme implementation. For the university to be sure that the policy is implemented, a system should be developed to monitor and evaluate the process to see whether the main aim is achieved (HR, DOS and HIV/AIDS Unit). Furthermore, to see if the policy implementation has made any impact, research and evaluation should conducted in the interim or at the end of the five year cycle.

UNAM shall therefore, do the following:
- keep and maintain adequate records on HIV/AIDS prevalence and incidences of Sexual Harassment through the HR Department and the Office of the Dean of Students;

- promote, support and actively participate in HIV/AIDS and sexual harassment research;

- develop an updated agenda, keep an inventory of past and ongoing research and ensure timely dissemination of research findings;

- advocate for the implementation of research findings which positively impact on the HIV/AIDS epidemic and sexual harassment;

- develop core indicators on HIV/AIDS and sexual harassment which will facilitate the monitoring and evaluation of the implementation of the policy;

- utilize the results from the monitoring and evaluation indicators to manage both HIV/AIDS and sexual harassment in the institution (HR, Health Clinic, Students records, reports of sexual harassments).

The UNAM Integrated HIV/AIDS and Sexual Harassment Policy shall be reviewed periodically in accordance with new developments in these areas.
5. ANNEXTURE 1

5.1 FORMAL DISCIPLINARY PROCEDURE FOR STAFF IN CASE OF SEXUAL HARASSMENT

In case of an incident of sexual harassment the following disciplinary procedures shall be followed against any Staff Member of UNAM:

a) The incident is reported to the immediate senior/supervisor of the Staff Member or Head: Security, alternatively the direct senior initiates the process;

b) The immediate senior of the Staff Member suspected of misconduct or Head: Security informs the Director of Human Resources of UNAM;

c) If the nature of the incident is serious, or the alleged transgressor responsible is not identifiable or the alleged transgressor may interfere with evidence or witnesses or if in the interest of UNAM the Director of Human Resources may verbally suspend such a staff member. The alleged transgressor may be suspended at any time before or after he/she is charged with misconduct, on full remuneration, with the instruction that he/she must report to the Director of Human
Resources within 48 hours at a set time to receive a written notice of suspension;

d) The direct senior/supervisor and/or Head: Security, in collaboration with the Director of Human Resources, conducts an investigation to determine the facts, witnesses and extent of the incident with the aim to record the incident as precisely as possible and records the names and statement of witnesses;

e) The Director of Human Resources may request internal or external expertise to assist, should it be required;

f) The direct senior/supervisor or any staff member may act as initiator subject to the approval of the Director of Human Resources;

g) After determining the facts the Director of Human Resources shall go through the Code of Conduct and schedule of misconducts to select the most appropriate misconduct;

h) The Director of Human Resources shall draft the notice of the disciplinary hearing and include all misconducts in one hearing;
i) The Director of Human Resources shall determine the Chairperson and determine the date and place of the hearing;

j) The Notice with attached charge sheet to the Staff Member, shall be issued after all the facts have been determined or after the conclusion of the investigation;

k) The alleged transgressor is required to sign for receipt of the notice personally, the signature shall be proof of receipt only and shall not be an admission of guilt of any allegation;

l) The Notice shall be given at least five working days prior to the commencement of the hearing and shall conform to the pro forma contained in this policy;

m) The staff member being charged is required to deliver/transmit within five working days from the date that he/she signed for receipt of the Notice, to the Director of Human Resources, a written admittance or denial of the charge and should he/she so desires, a written explanation of the misconduct with which he/she is charged with;

n) If the alleged transgressor admits to the charge or fails to comply with the direction as stated above in paragraph m, he/she shall be deemed to have been found guilty of 21
misconduct as charged and the Director of Human Resources shall constitute a Disciplinary Hearing for sentencing within 15 working days from the date of receipt of the written admittance or date of expiry of the five working days period;

o) If the alleged transgressor denies the charge, the Director of Human Resources shall constitute a Disciplinary Hearing within 15 working days from the date of receipt of the written denial;

p) If the alleged transgressor is not satisfied with the outcome of the Disciplinary Hearing, such Staff Member shall appeal in writing within 10 workings days after he/she received the outcome of the hearing in writing from the Director of Human Resources;

q) The appeal should be directed to Council Appeal Committee as per UNAM Rules and Regulations.

5.2 Appeal

Within ten (10) working days of being informed of the outcome (sanction) of the Hearing by the Director of Human Resources, in writing, the transgressing Staff Member shall give Notice of the Intention to Appeal and submit the grounds of the Appeal, indicating whether new evidence will be presented.
The Notice of Appeal shall be given to the Registrar through the Director of Human Resources.

The Director of Human Resources and/or Secretary shall ensure that all documents, Minutes (and/or audio tape recordings), Summary and Decision used during the Disciplinary Hearing be made available to the Registrar.

Employees can appeal against any disciplinary action to the next supervisor in the chain of command and appeal against decisions of the Staff Disciplinary Committee to the Council Appeal Committee.

Upon receipt of all the documents, Council Appeal Committee shall decide how the Appeal will be conducted (for full details see UNAM Disciplinary policy and procedure).

5.3 CONTACTING THE POLICE

No aspect of the Sexual Harassment Policy and Procedures shall operate to prejudice or prevent the rights of the Complainant to contact the police at any time in order to obtain protection for him or herself, should the Complainant consider that to be appropriate or necessary.
In the event that the Complainant contacts the police, the Management Representative, Designated Officer, Head of Department/Unit and/or members of the Conciliation Office involved in investigating a given incident of sexual harassment, shall liaise with and extend all reasonable co-operations to the police in their enquiries.

5.4 CONFIDENTIALITY

It shall be a fundamental principle of the Sexual Harassment Policy and Procedures that, wherever possible, the utmost confidentiality, in respect of both the Complainant and the alleged offender, is maintained throughout any investigation and/or proceedings brought under the provisions contained in this document.

Accordingly, file references and other correspondence regarding sexual harassment will be kept to a necessary minimum and, except where ordered by a court of competent jurisdiction or generally under law, no disclosure of such investigations and/or proceedings, including their recommendations and results, shall be made to any third party (that is, any party not directly concerned with or affected by the investigations and/or proceedings in question).
5.5 DISCRETION AND REVIEW

- Any matter or incident which relates to sexual harassment but is not expressly covered in this document shall be referred to the Disciplinary Committee in its discretion. The Disciplinary Committee shall act promptly by implementing such procedures and penalties, which are considered reasonable for the resolution of such matter or incident.

- The Sexual Harassment Policy and Procedures will be subject to on-going review by the Human Resources Directorate. The Directorate shall make recommendations as appropriate and from time to time to the Vice Chancellor who, if necessary will take the matter to the University Council for purposes of implementation of the relevant recommendations or otherwise.
6. **ANNE XTURE 2**

6.1 **FORMAL DISCIPLINARY PROCEDURE IN CASE OF SEXUAL HARASSMENT OF A STUDENT**

Sexual harassment refers to sexual overtures or conduct, including those that relate to the student's sexual orientation, that is unwelcome, personally offensive, and affecting morale, thereby interfering with a student's ability to study or participate in University activities. No student, male or female, should be subject to unasked for and unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment may manifest itself in misconduct by a staff member that undermines the student's relationship with educators and with other students. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct by an individual is used as a factor for educational decisions affecting the individual; or

- The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or
creating an intimidation, hostile, or offensive working or learning environment.

6.2 REPORTING PROCEDURES

1. Any student who believes that s/he is being sexually harassed should immediately report the situation to the Dean of Students or Dean of the Faculty where a student is registered, or to any University staff/official.

2. Any University staff member who receives a report of sexual harassment from a student, becomes aware that a student is being subjected to sexual harassment, or in good faith believes that a student is being subjected to sexual harassment, is required to report the matter to the Office of the Dean of Students immediately. In the event of the complaint involving any of the staff members in the Office of the Dean of Students, the matter must be immediately reported to any of the Pro-Vice Chancellors’ offices.

3. Any university staff member or student who witnesses sexual harassment of a student should take immediate appropriate action to intervene to stop the sexual harassment.
4. When a student reports such conduct to the Office of the Dean of Students, or the office to whom the Student Representative Council may take the matter, the person or office receiving such complaint shall take immediate steps and do the following:
   i) Obtain a written statement from the complainant regarding the allegations;
   ii) Obtain a written statement from the accused;
   iii) Obtain written statements from witnesses, if any; and
   iv) Prepare a written report detailing the investigation.

5. An investigator may be appointed from the University Security Services to conduct the investigation. The investigation should be completed within fourteen (14) workdays.

6.3 DISCIPLINARY ACTION AND PROCEDURES

   Upon completion of the investigation, the investigating officer or the Office or person who received the report shall:

   i) Subject to University laws of protecting the confidentiality of personal identifiable student information; inform the complainant(s) and the accused individual(s) in writing of the results of the investigation.
ii) If either the complainant(s) or the alleged individual is under the age of 18, subject to the above limitation, his or her parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, notified when an informal resolution to asexual harassment complaint is attempted, notified when a complaint is filed, and notified in writing of the investigation results;

iii) The investigating officer or the Office or person who received the report shall thereafter forward the report to the Dean of Students;

iv) Students shall be disciplined in line with the University Student Code of Conduct and procedures stipulated therein shall apply hereto mutatis mutandis;

v) Staff members shall be disciplined according to the University Staff Code of Conduct and procedures stipulated therein shall apply hereto mutatis mutandis;

vi) If there is sufficient evidence to support the allegation, disciplinary action, up to and including dismissal, may be taken against the offender;

vii) If the allegation of sexual harassment is against a student and there is sufficient evidence to support the allegation,
disciplinary action, up to and including suspension or expulsion, may be taken against the offender;

viii) If there is insufficient evidence to support the allegation, no record will be made of the allegation in the complaining student’s record. No record of the allegation will be placed in the accused Staff or in an accused student’s record if insufficient evidence supports the allegation;

ix) In the event the investigation discloses that the complaining student submits a false report or complaint or has falsely accused another individual of sexual harassment knowingly or in a malicious manner, the complaining student may be subject to disciplinary action, up to and including expulsion;

x) The term “false report or complaint” refers only to those made in bad faith and does not include a report or complaint that could not be corroborated or which did not rise to the level of unlawful sexual harassment;

xi) In the event the sexual harassment, the investigating officer after consultation with the person or office which originally received the complaint will refer the matter to the Namibian Police;
In addition to the above (xi), in the event the sexual harassment involves serious racial harassment the investigating officer after consultation with the person or office which originally received the complaint will refer the matter to the Ombudsman of Namibia in terms the Constitution of Namibia.

6.4 CONFIDENTIALITY, NOTIFICATION OF RESULTS AND RECORD KEEPING

1) Any investigation will be conducted, to the maximum extent possible, in a manner that protects the privacy of both the complainant and the accused. However, if it is suspected that child abuse has occurred, such abuse will be reported to the Police under Namibian Legislation.

2) Any student submitting a complaint about sexual harassment shall be entitled to privacy in how their complaint will be handled. The privacy of

i) the complainant(s) or victims, if different,

ii) the accused individual(s), and

iii) the witnesses(s) shall be maintained consistent with the University's obligations to investigate, to take appropriate action,
and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

3) An authorized University official may seek waiver of confidentiality rights in order to inform the complainant of remedial measures undertaken.

4) The University shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained in a confidential file or record accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

6.5 RETALIATION

No retaliation will be tolerated by the University or by any of its employees or students against a student who reports harassment in good faith.

Any person found to have retaliated against another individual for reporting an incident of sexual harassment. Retaliation taken against:

(i) any person bringing a complaint of sexual harassment;
(ii) any person assisting another person in bringing a complaint of sexual harassment, or;

(iii) any person participating in an investigation of an act of sexual harassment may be subject to the same disciplinary action provided for harassment offenders.

6.6 PERIODIC REVIEW

A periodic review shall be conducted to determine the effectiveness of this Code and campus response mechanisms and the coordination among Campus Administrative Offices in cases of student harassment.
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