

UNIVERSITY OF ZIMBABWE



**EVALUATING THE ACADEMIC ASSESSMENT AND EXAMINATION
STRUCTURES AND PROCESSES EMPLOYED BY THE UNIVERSITY OF
ZIMBABWE'S COLLEGE OF HEALTH SCIENCES:
CREATING OPPORTUNITIES FOR SEXUAL HARASSMENT?**

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in Women's Law, Southern and Eastern African Regional Centre for Women's Law,
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Abstract

This study focuses on examining the academic assessment and examination, systems and structures as they are implemented by the University of Zimbabwe's College of Health Sciences, to establish their efficacy in the prevention of sexual harassment of students by staff members. The study was therefore undertaken with a view to analyse and possibly pin point areas in the system that can be manipulated and exploited to sexually harass students. The study revealed that female students were indeed particularly at risk of sexual harassment. Certain aspects of the academic assessment system can be manipulated by both staff and students creating a vicious cycle of sexual exploitation. In carrying out this study a number of feminist theories and perspectives were engaged to fully explore the issue of sexual harassment in all its diverse forms and presentations from various standpoints. Legal frameworks both national and international were further employed in order to establish whether or not these adequately addressed issues to do with sexual harassment in institutions of higher and tertiary education and also to assess the extent to which Zimbabwe has fulfilled its obligation to adopt policies and legislation that comprehensively deal with and combat sexual harassment in all spheres of the society. The research methodologies and methods employed in this study were designed in such a way as to clearly listen for the realities of women in the College of Health Sciences, revealing their relationship and connection to the academic assessment procedures and then juxtaposing it with the provisions of the law. The studied found that a great deal needs to be done in the form of drafting, disseminating and enforcing clear comprehensive policies and Codes of Conduct to protect victims of sexual harassment and to properly discipline its perpetrators. On-going awareness campaigns, training and teaching should be actively conducted with a view to establishing and preserving a healthy and free learning environment which is conducive for students and teachers, female and male alike.

Dedication

To all my children for being my inspiration. To my husband, Nase, for understanding my dreams and dreaming with me. To my parents, Elizabeth and Moses Nengomasha, for laying the foundation upon which I build...

Acknowledgements

My gratitude goes to my supervisor, Professor Julie Stewart, for her profound patience guidance and encouragement.

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The whole SEARCWL staff, Cecilie, Sese, Rudo, Mai Tsomondo I thank you....

List of abbreviations and acronyms

CBZ	Commercial Bank of Zimbabwe
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
FGD	Focus group discussion
ILO	International Labour Organisation
MCQ	Multiple choice question
NGO	Non-governmental organisation
NORAD	Norwegian Agency of Development
SEARCWL	Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe
SI	Statutory Instrument
ZINASU	Zimbabwe National Students Union

List of international human rights instruments

Beijing Declaration and Platform for Action

Convention on the Elimination of All forms of Discrimination Against Women, 1979
(CEDAW)

CEDAW Committee's General Recommendation No. 19 (1992)

Discrimination (Employment and Occupation) Convention, No. 11 of 1958

Universal Declaration of Human Rights

United Nations Declaration on Violence Against Women, 1993

List of local legislation

Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution)

Health Professions Act

Public Service Act

Public Service Regulations, Statutory Instrument (SI) 1 of 2000

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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Sexual harassment is discrimination that is based on sex and gender with women being its primary victims who are subjected to unwanted and unfair sexual demands and requirements implicitly or explicitly which are directly perceived to influence the continued employment or education of its victims (ILO). This research seeks to evaluate the continued assessment and examining procedures and structures employed by the University of Zimbabwe's College of Health Sciences for opportunities of sexual harassment. It seeks to interrogate the structures that may give rise to sexual harassment and not the incidence of harassment as such. It aims to explore the existing perception, knowledge and awareness of sexual harassment among students together with the policy framework available at the University. Owing to its unique continuous assessment and examining structures of students undertaking their clinical studies in years three to five and at Master's level, the study location of the University of Zimbabwe's College of Health Sciences presents an ideal platform to examine the interaction of the structural provisions that may aid in the emergence of sexual harassment.

Accordingly this chapter opens with background information informing this study. This is followed by the research assumptions and questions and justification of the study. The limitations, de-limitations, also form part of this chapter.

1.2 Background of the study

Sexual harassment against women in medicine has been a topical issue under scrutiny for decades. A 1995 study found that 52% of all women in academic medicine said they had been sexually harassed. Since then sexual harassment in medical schools has not subsided but is rather believed to be on the rise, owing to a number of factors among which may be the change in demographics were the past five have seen the entry of more females into this historically male dominated space. Sexual harassment may very well be the male reaction to women encroaching into their space (Munando, 2017). I was interested to find out how the University of Zimbabwe as the oldest and largest university in Zimbabwe, recruiting from all

over the country was faring in light of policy and prevention mechanisms to protect their students from harassment.

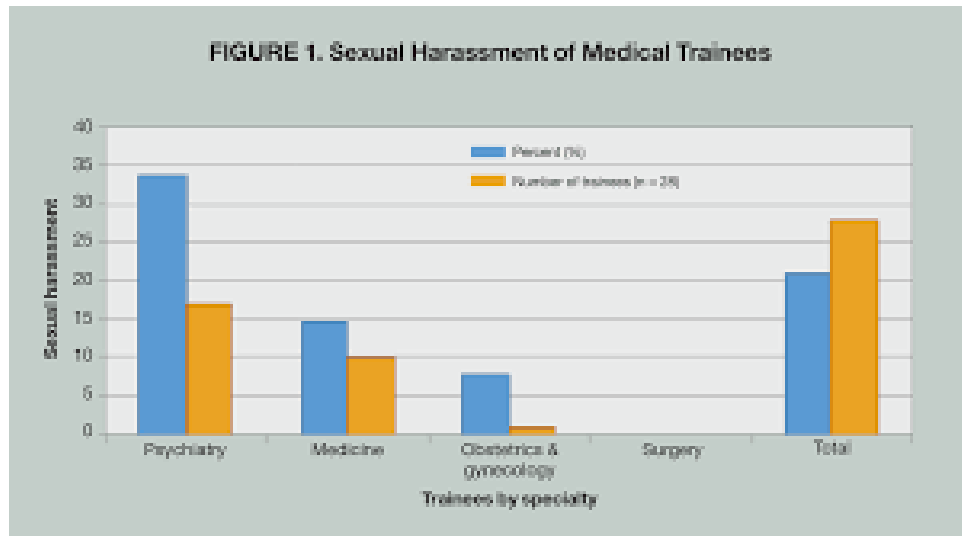
The College of Health Sciences presented a unique platform to gauge whether, as has happened in Hollywood and sport, women have come out and named and shamed serial sexual harassers and formed social media movements, for instance, the Weinstein #metoo movement. I was interested to see if the discipline of medicine in Zimbabwe would also have its own #metoo movement.

The College of Health Sciences also presented a unique dynamic in that its MMed students who are already practising Doctors are also at times employees of the Ministry of Health. I therefore needed to study sexual harassment policy frameworks from an educational student's perspective as well as from an employee's perspective to gauge whether both the education and the employment systems in Zimbabwe are taking sexual harassment seriously. I had to find out whether they have drafted and are enforcing adequate and comprehensive policies in line with Constitutional and international guidelines. It also presented an opportunity to see whether sexual harassment in medical school was confined only to students, i.e., undergraduate students, or whether it goes further and touches even those already who are employed as medical Doctors as well.

1.3 Statement of the problem

Sexual harassment is rife in most tertiary organizations internationally, regionally and nationally (Figure 1). The University of Zimbabwe is not exempt. The situation is further compounded by the lack of legal provisions in Zimbabwe that specifically deal with sexual harassment in learning institutions, moreover the learning institutions themselves, have policies that inadequately address sexual harassment leaving students vulnerable. The academic assessment and examination procedures that are employed by the University of Zimbabwe's College of Health Sciences are porous and leave gaps that can be manipulated for sexual harassment to take place, while no clear forums of redress and readily available, acceptable and accessible for use by the students. The University of Zimbabwe's Students' Charter, the University's Ordinance No. 30 and the University of Zimbabwe's Employees' Code of Conduct only allude to sexual harassment as an act of misconduct.

Figure 1: Bar chart of sexual harassment of medical trainees



1.4 Research objectives

The objectives of this study are:

- (1) To establish how the academic assessment procedures employed by the College of Health Sciences' Faculty of Medicine are manipulated to open up spaces for sexual harassment of women and/or men by their assessors (i.e., Tutors, Registrars, Mentors, Consultants, Lecturers, Examiners).
- (2) To explore the extent to which female medical students are exploiting the loopholes presented by the assessment procedures to secure academic advantage.
- (3) To establish whether or not the reporting mechanism in place at the medical school is being made use of and interrogating the challenges leading to non-use.
- (4) To establish the efficacy of the Students' Charter and Code of Conduct in protecting women from sexual harassment.

1.5 Research assumptions

- (1) The academic assessment procedures and methods of examination employed by the University of Zimbabwe's College of Health Sciences are not appropriately structured to effectively prevent and minimize the emergence of sexual harassment of students by staff members.
- (2) The academic assessment procedures as they are currently practised at the University of Zimbabwe's College of Health Sciences are prone to abuse by female students to obtain academic rewards.
- (3) The non-implementation of the University of Zimbabwe's Code of Conduct and the Students' Charter taken together and in the absence of a comprehensive and specific sexual harassment policy make students vulnerable to sexual harassment.
- (4) The reporting mechanisms and structures at the University of Zimbabwe's College of Health Sciences on sexual harassment are ineffective in encouraging victims of sexual harassment to make use of them.
- (5) Awareness-raising among students and staff members would possibly assist in curbing the harassment of:
 - (a) students by members of staff; and
 - (b) members of staff by students.

1.6 Research questions

- (1) Are the academic assessment procedures and methods of examination employed by the University of Zimbabwe's College of Health Sciences appropriately structured to effectively prevent and minimize the sexual harassment of students by staff?
- (2) Are the assessment and examining procedures as they are currently practised at the University of Zimbabwe's College of Health Sciences prone to abuse by female students to obtain academic rewards?

- (3) Is it the case that the non-implementation of the University of Zimbabwe's Code of Conduct and the Students' Charter taken together and in the absence of a comprehensive and specific sexual harassment policy make students vulnerable to sexual harassment?
- (4) Are the reporting mechanisms and structures at the University of Zimbabwe's College of Health Sciences ineffective in encouraging victims of sexual harassment to make use of them?
- (5) Would awareness-raising among students and staff members possibly assist in curbing the harassment of:
 - (a) students by members of staff; and
 - (b) members of staff by students?

1.7 Limitations of the study

The sexual nature of sexual harassment makes it a very sensitive, personal/private and therefore difficult subject to broach in any situation and setting. It appears to breed a culture of silence with a tendency of not reporting such that according to the then Dean of Students and a number of Consultants in various Departments, for example, Anaesthetics and Obstetrics and Gynaecology there are no official reported cases of sexual harassment in their Departments, and the College as a whole.

This is in spite of the fact that sexual harassment as recounted by numerous students interviewed takes place on an almost daily basis. The fact of non-reporting and subsequent lack of on the record cases posed a limitation in as far as concrete and tangible evidence is concerned. The subsequent information gathered is based on experiential data from victims, the unheard voices and rumours of cases from bystanders. However the lack of official record cannot be taken to mean that there is no sexual harassment going on.

More also culturally in the Zimbabwean context issues to do with sex and sexuality are not openly discussed much less with a stranger so it was difficult for me to obtain first hand life experiences of victims. However I found that as the interviews progressed and rapport and

trust slowly grew between myself and my respondents the personal information would come out. It was therefore necessary not to rush or push too hard too fast, but rather move at a pace that was comfortable for the respondents. I found this to be more effective however it was very time consuming as respondents preferred to speak hypothetically and also narrate what they had heard had happened to others. I however managed to obtain a handful of first hand information breaking down the barriers was cumbersome but I was successful in some cases.

Up to the time of writing I was unable to secure a meeting with the Dean of Students of the University of Zimbabwe, although numerous efforts were made to have a meeting to discuss issues relating to policy and awareness raising of students and the reporting mechanisms and the channels and procedures available to students.

1.8 De-limitations of the study

The study restricted itself to the University Of Zimbabwe's College of Health Sciences. Informants and respondents were drawn from the clinical stages of the undergraduate programme, specifically years 3 to 5 and the Masters (MMed) stages, the Tutors, Lectures/Consultants/Examiners and Registrars in the Faculty of Medicine. The reason for choosing this sample was mainly more to do with the fact that the study's main thrust was to assess the structure that may give rise to sexual harassment and not the incidence of sexual harassment itself. To this end the part three to final undergraduate students and the MMed students were perfectly placed for me to achieve this by looking at their academic assessment structures given the close interaction between teacher and student and proximity presented by the clinical stages of learning in this Department.

1.9 Significance of the study

This study argues that sexual harassment may be significantly reduced in universities if certain systems and operational procedures and protocols used in the assessment and examination processes that may create fertile breeding ground for the propagation of sexual harassment are revisited, adjusted and revised. It therefore seeks to examine the academic processes and systems of the College of Health Sciences and locate areas of opportunity and to determine how best these spaces can be closed to ensure the improved protection for both student and staff members. It is hoped that this exercise will reduce and eliminate sexual harassment.

I decided to carry out my research on the basis of the background of the prevalence of sexual harassment in institutions of higher and tertiary education. I was particularly interested in the structures and systems that may give rise to the incidence of sexual harassment of female students in the College of Health Sciences. It was important to hear from the students themselves the areas that they felt were being abused to sexually harass them to hear where the loopholes lay and how they were being manipulated. Building on this it was then possible to gauge their understanding of sexual harassment, what it meant to them as individuals, their perception of the violation. Also I was also able to hear why they do not make official reports starting from whether or not they were aware of the reporting mechanisms available to them. More importantly it became very important for me to find out what the University policies provide in terms of sexual harassment, and the implementation strategies of the institution to curb sexual harassment, with a view to establish its efficiency in protecting its students.

1.10 College of Health Sciences academic assessment structure for undergraduate and postgraduate MMed students

1.10.1 Academic assessment structure for undergraduate students

The undergraduate clinical training of medical students which starts from parts three to five involves their moving from the large main University campus to the Parirenyatwa group of hospitals. For their first two years they had attended lectures of up to 200 students a class during which they were continuously assessed based on written assignments and examinations. However when the students reach part three which marks the beginning of their clinical learning they are divided into small groups or ‘firms’ of about 10 students each and they begin their practical training which involves doing ward rounds, tutorials and calls (meaning being on duty overnight). These ward rounds are teaching rounds and are conducted by a number of people, a Lecturer (who is also a Consultant) or a Tutor (who may also be a Consultant) or a Senior Registrar or a Registrar in the Department, Junior or Senior Resident Doctor. A rotation system is employed where the students rotate through all the Departments in the Faculty, for instance, Medicine and Obstetrics and Gynaecology. The tutorials are conducted mainly by Tutors who may be Senior Registrars or Consultants. In the lower levels tutorials are carried out by intercalated students (the meaning of which will be explained later).

The clinical stages involve what is called ‘continuous assessment’ and this comes in the form of numerous written papers. The final examination comprises a written and oral exam. The oral exam involves the student performing certain tasks in a practical clinical situation. It is meant to be arranged in such a manner that the students do not know the patient case they will face on the exam day. According to the former Dean of Medicine, Professor Chidzonga, protection against students securing knowledge of the patient list prior to the exam is secured by prohibiting students from attending the wards a week before the exam. Further safeguards include: no single individual is responsible for selecting the patient cases; the student may be interviewed by up to six different individuals at each of at least 5 stations before completing the oral exam. The drawing up of the written exam paper is also done by a number of people and the clerks are then tasked with the compilation of the various parts.

1.10.2 Academic assessment structure for postgraduate MMed students

In the professional procession in the medical field, the MMed is one component that is crucial to obtain if one wishes to further one’s career. Upon completion of the undergraduate level, an individual becomes a Junior Resident Medical Officer and serves two years compulsory service with the Zimbabwe Government. After completing these studies, they are accorded the title of General Medical Officer and they may now choose to leave government employment and venture into private practice to become a general practitioner and the open practising certificate and registration with the Medical and Dental Practitioners’ Council of Zimbabwe enables them to do so.

It is only after completing the MMed that one then has the opportunity to become a specialist, a Consultant and even then move on to Professorship. It then becomes crucial to complete this MMed as it is the direct link to furthering one’s career in the medical field. The sexual harassment of female students at this important stage is an obstacle to their professional progression. This is why it is of utmost importance to interrogate the structures that may give rise to it with a view to reforming them.

The MMed like the undergraduate clinical levels also has a written and oral component in assessment and examination. Continuous assessment also takes place and for the MMed it takes the shape of an apprenticeship type of on-the-job training. So every day is an assessment day in that Consultants and/or Examiners who may very well be the same person assess as your performance as you go about your normal daily duty, to gauge your

competence or lack thereof. Daily teaching rounds are done and one must read ahead. The written exam makes up to 30% of the exam while the oral/clinical exam commanding the remaining 70%.

1.11 Conclusion

This chapter presented the background to the study, highlighted the limitations and delimitations of the study and revealed the rationale for the study and entry point. The next chapter will discuss working definitions of sexual harassment

CHAPTER TWO

2.0 LAW AND LITERATURE REVIEW

2.1 Introduction

The chapter discusses various definitions of sexual harassment, the lack of a universally applicable definition and proposes a working definition of sexual harassment for purposes of this study. There is also a discussion of sexual harassment within the context of the legal and policy framework at the relevant University of Zimbabwe, national and international levels.

2.2 Definition of sexual harassment

2.2.1 *Sexual harassment: Lack of a universal definition*

There is no universally accepted definition of sexual harassment. Different institutions and organisations have come up with different definitions and explanations to try and demystify the phenomenon that has come to be recognised as sexual harassment. This is probably because it is such a personal conceptualization and processing of behaviour that makes it highly subjective and dependant on how one individual interprets the conduct and behaviour of another. In that space action, language and/or conduct becomes sexual harassment if one interprets it as such.

In its Code of Practice, the European Commission has defined ‘sexual harassment’ as:

‘unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work.’

It is against this background that I found it essential to have a working definition of sexual harassment in the environment within which it was being studied.

2.2.2 *Sexual harassment – Sexually coloured behaviour*

‘Sexual harassment is behaviour involving sexually suggestive remarks, unwanted touching, and sexual advances and requests for sexual favours, or physical conduct of a sexual nature that adversely affects a person ... and creates a hostile environment.’

(Stone, 2005: 728)

Figure 2 depicts an example of physical sexual harassment in which the culprit is unnecessarily crowding the victim's intimate and personal space and the placing of his hand on her shoulder is unwanted if her facial expression is anything to go by.

Figure 2: Image of an example of physical sexual harassment in which the perpetrator invades the victim's personal, intimate space and lays his unwelcome hand on her shoulder



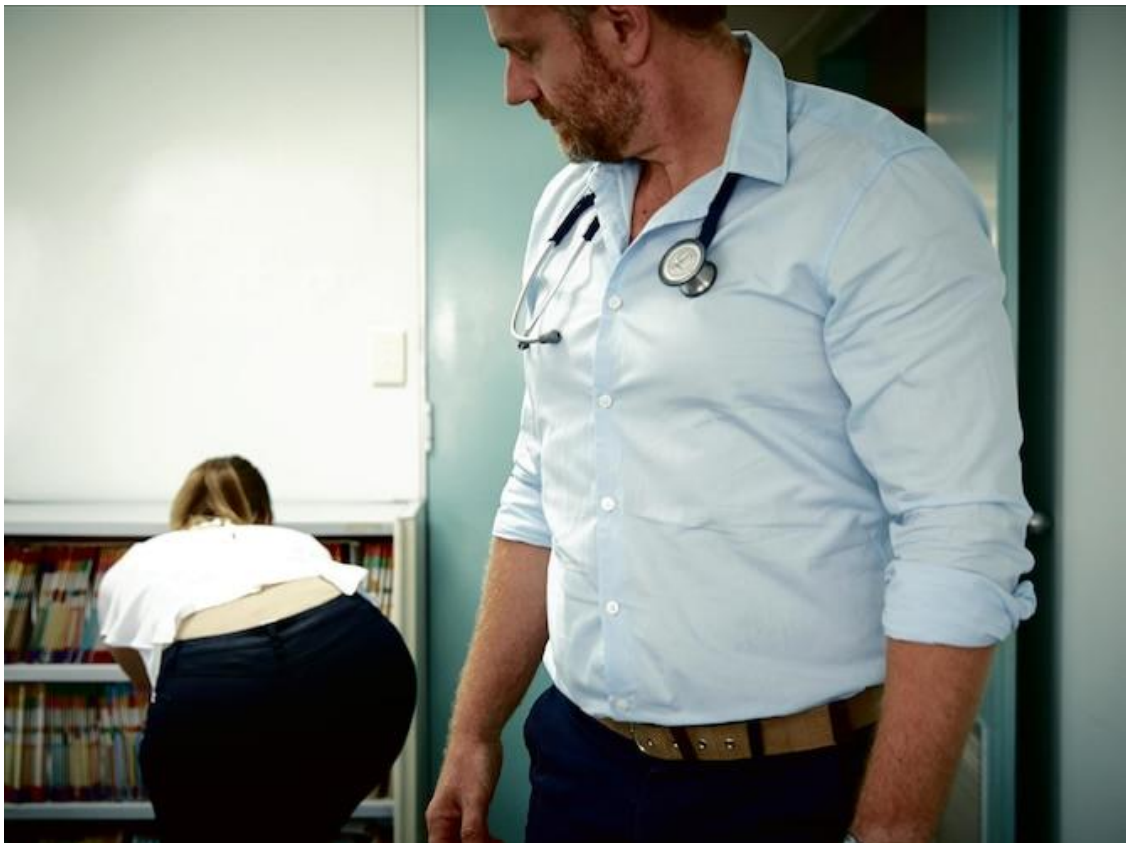
2.2.3 My definition: Unwarranted, unwanted and unsolicited behaviour

For purposes of this study I have chosen to define sexual harassment to mean behaviour/conduct that is unwanted and unsolicited which is of a sexual nature; is coloured with sexual undertones and/or connotations; is based on sex and has the effect of undermining the dignity of women and men in learning environments. It includes but is not limited to the conduct of superiors, supervisors and colleagues, and the implied or direct refusal or acceptance of these advances has the perceived ability to directly or indirectly influence decisions concerning academic advancement and future employment opportunities and advancements. This conduct and/or behaviour may result in intimidating learning environments, which are hostile or humiliating, for students and staff members. Grobler *et al.* (2002: 56) share the same sentiment on the definition of sexual harassment as they have defined it as:

‘Unwanted conduct of a sexual nature that violates the rights of a learner and constitutes a barrier in the learning situation.’

Figure 3 depicts an example of non-verbal sexual harassment in which the culprit is openly gawking at the victim’s bottom from behind as she bends over.

Figure 3: Image of an example of non-verbal sexual harassment in which the culprit uses his eyes



There are situations in which victims (e.g., medical students) may appear to consent and actively engage in sexual relations with culprits (e.g., medical Lecturers/Examiners, etc.). Owing, however, to the power dynamics of the relationship between them their consent is not real as they are merely reacting to and making the most of impossible situations.

2.2.3.1 Three categories of sexual harassment

I have identified three categories into which behaviour that may constitute sexual harassment may be classified:

- (a) Verbal sexual harassment. This is harassment that is verbalised and may take the form of, for example, sexually explicit jokes, cat calls, whistling.
- (b) Non-verbal sexual harassment. This harassment is not spoken but is implied and carries with it non-verbal cues or has sexual undertones, for instance, ‘elevator eyes’ where a male looks a female up and down slowly with a smirk on his face (the reverse is also possible). The suggestion here may be that the male is mentally undressing the female. The harassment may take the form of winking and smiling.
- (c) Physical sexual harassment may involve but is not limited to the following: touching, patting, rubbing against someone.

2.2.3.2 Significance of the definition

This definition offers a comprehensive descriptor of the behaviours and conduct that may be referred to as sexual harassment. It became a working analytical framework which identified the behaviour that was the subject of the study. I discussed with my respondents that the intention of the definition was to give a clearer picture of what it is by giving a holistic explanation of the behaviour, including what its markers and identifying codes may be. The emphasis of the definition therefore was on the fact that the behaviour had to be unwanted, unwarranted, unsolicited and coloured with sexual innuendos and connotations.

It was important for me to have a definition that addressed what I thought were key precepts and/or underlying violations such as gender harassment which is a form of sex discrimination and has the effect of undermining and threatening the dignity of women and men in learning environments. My findings will reveal, however, that it is mostly women who are affected by sexual harassment and their sexual integrity is violated. It was also necessary for me to have a definition that spoke to the power dynamics that are at play. Whether inherent, actual, or perceived, sexual harassment thrives due to a certain amount of abuse of power of those in authority over those beneath them.

Depression, which is a mental problem, may be caused by sexual harassment and it may overwhelm its victims (Figure 4).

Figure 4: Image of a female medical student overwhelmed by depression



2.3 The Zimbabwe legal framework

2.3.1 *The Constitution of Zimbabwe*

Section 2 of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution) provides:

- ‘(1) The Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency.
- (2) The obligations imposed by this Constitution are binding on every person, natural or juristic ...’

Section 17(1) makes it an obligation for the State to promote full gender balance in Zimbabwean society, and in particular -

- ‘(a) The State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men;

- (b) The State must take all measures, including legislative measures, needed to ensure that –
 - (i) both genders are equally represented in all institutions and agencies of government at every level ...’
- ...
- ‘(2) The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies.’

This section of the Constitution makes it a state obligation to ensure the protection and free participation of women on a basis of equality of men and women in all spheres of the Zimbabwean society and this includes the education sector. If anything, more stringent measures in terms of policy and legislation may be necessary in light of the historic discrimination that women suffered in terms of access to education compared to their male counterparts. It is therefore my opinion that allowing sexual harassment to persist in institutions of higher and tertiary education, particularly at the University of Zimbabwe, the nation’s leading university, makes a mockery of this obligation and the implementation of effective comprehensive policy and legislation is needed as a matter of urgency to combat and finally eliminate it. Also the state has to take measures that compel universities to draw up relevant comprehensive policies to work in tandem with national legislation to effectively protect women and guarantee their right not to be discriminated against but rather to enjoy equality on an equal basis with their male counterparts.

Section 24 which addresses work and labour relations provides -

- ‘(1) The State and all institutions and agencies of government at every level must adopt reasonable policies and measures, within the limits of the resources available to them, to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families.
- (2) The State and all institutions and agencies of government at every level must endeavour to secure -
 - (a) full employment;
 - (b) the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities.’

Within the context of creating a learning environment free of sexual harassment for the nation's trainee doctors, the College of Health Sciences has failed to fulfil these abovementioned obligations including the fact that it has: allowed sexual harassment to persist; turned a blind eye to its existence; failed to accord it the serious attention that it demands; failed to actively engage in student and staff awareness campaigns against it; failed to establish and apply institutional policy with clearly outlined reporting structures and sanctions for protecting victims and appropriately disciplining culprits. Essentially, it has adopted a hush-hush approach to the whole subject, as evidenced by the former Dean of Students of the College of Health Sciences who, by his own admission, confessed that sexual harassment is rarely ever discussed, as if it were taboo to do so:

‘The University does not talk about these issues of sexual harassment or hold seminars or trainings to raise awareness, I myself have only ever attended at least one seminar and this was actually not for students where Professor Julie was present. More needs to be done and said about sexual harassment.’

The University together with the Ministry of Higher and Tertiary Education, as well as the Ministry of Health under which the Consultants, and some Registrars fall as employees of the Public Service, have failed to fulfil this Constitutional right.

Section 56 of the Zimbabwe Constitution speaks to issues of equality and non-discrimination:

- ‘(1) All persons are equal before the law and have the right to equal protection and benefit of the law.
- (2) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.
- (3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status ... or whether they were born in or out of wedlock.
- (4) A person is treated in a discriminatory manner for the purpose of subsection (3) if -

- (a) they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subjected; or
- (b) other people are accorded directly or indirectly a privilege or advantage which they are not accorded.'

Section 80 of the same Constitution speaks to the rights of women -

- '(1) Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.
...
- (3) All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.'

Sexual harassment violates all of these Constitutional rights and the organisations are therefore mandated to effect reasonable measures for the progressive realisation of equality in institutions of tertiary education by tackling the incidence of sexual harassment.

2.3.2 Public Service Act

The Public Service Act does not have a provision on sexual harassment and its provisions are yet to be aligned with those of the Constitution. Hopefully the new wave of administration will take action to remedy this soon. The Public Service Regulations, Statutory Instrument (SI) 1 of 2000 which are made in terms of section 31 of the Public Service Act govern the conditions of service of employees within the public sector. They therefore apply to the Tutors, Mentors, Lecturers, Consultants, Examiners and some MMed students who may also be Registrars in the University of Zimbabwe's College of Health Sciences as they are also employees of the Ministry of Health and as such fall within the public sector which is governed by these Regulations.

The Regulations merely classify sexual harassment as an act of misconduct, which trivialises this serious offence. This should be rectified by having separate policy and specific and clearly laid out procedures for victims to follow and which will bring culprits to justice. I and Matsikidze agree that the Regulations are deficient in categorising sexual harassment merely as discourteous behaviour (which trivialises the offence) and as an act of misconduct which

only an employee can commit which means that it is not an act for which an employer can be charged or disciplined. The implications of this is it leaves students who are also employees vulnerable to abuse at the hands who are significantly more senior than they and who are able to take advantage of this gap in the Regulations. In addition, the Regulations only contemplate sexual harassment within a hostile environment. Hostile environment like the *quid pro quo*, presupposes behaviour by an employer or his representative. However in matters of either access to employment opportunities for training or promotion, sexual harassment is an issue which is mainly relevant to an employer's conduct. This aspect is not catered for in the Public Service Regulations and they therefore need to be reviewed and changed accordingly.

Section 4 of the Regulations provides that 'improper, threatening, insubordinate or discourteous behaviour, including sexual harassment, during the course of duty towards any member of the Public Service or any member of the public' is an act of misconduct. Despite this provision, the Regulations are flawed in that they do not give a detailed account of the spectrum of behaviours which may be categorized as sexual harassment.

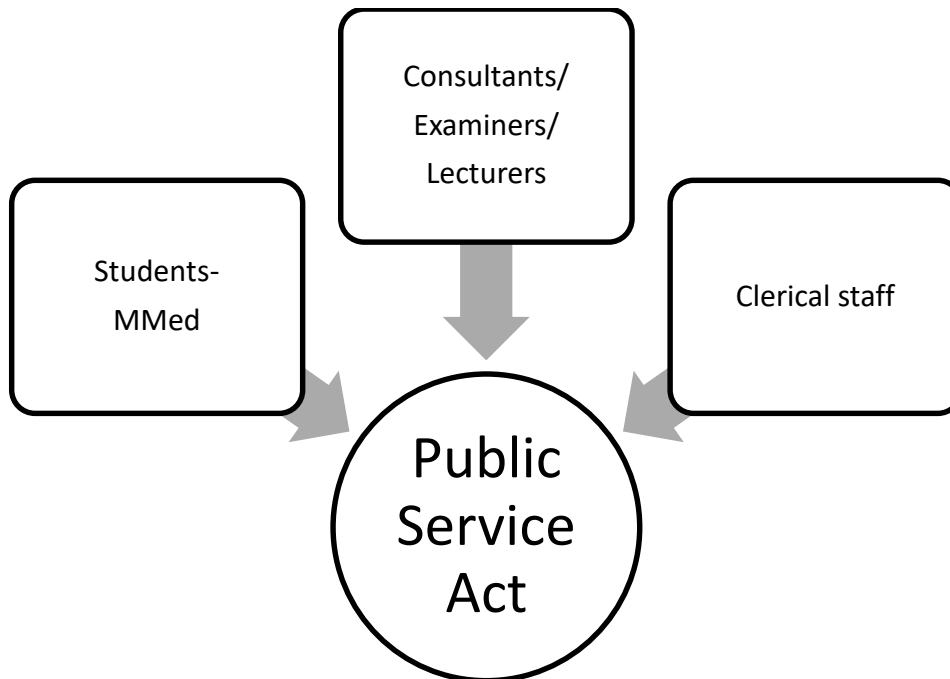
Section 42 of the Regulations provides for a disciplinary authority which appoints committees such as the Public Service Commission, Ministerial and Departmental heads to investigate and authenticate claims of sexual harassment. This is largely dependent upon the grade of the aggrieved party.

Figure 5 is a diagram which illustrates the various groups of people who are governed by the Public Service Act. The students, particularly the MMed students, who may also be Registrars and are employees of the Ministry of Health are governed by this Act. Consultants, Lecturers, Examiners are also employees of the Ministry of Health and are as such governed by this Act. The clerical staff though may be employed by the civil service and again this Act is applicable to them.

Noting that this piece of legislation is applicable only to employees of the Public Service I asked myself into what category those MMed students who may be in private practice fall and how they may be categorised in terms of this study. I realised that they would just be considered students the same as undergraduate students and therefore they would seek redress in terms of the University of Zimbabwe's institutional policy framework.

A channel of redress that may be available to MMed students would be the Medical and Dental Health Professions Board which is governed by the Health Professions Act.

Figure 5: Diagram illustrating the groups of people who are governed by the Public Service Act



2.3.3 The University of Zimbabwe's regulatory framework

The University of Zimbabwe has an Employees' Code of Conduct which defines 'sexual harassment' as unwarranted conduct of a sexual nature that affects the dignity of men and women at work. It includes physical, verbal and non-verbal conduct that is sexually coloured, offensive, intrusive, degrading or intimidating. The definition is inadequate in a number of ways:

- (a) The content of the definition itself is inadequate. It is vague and embarrassing. It does not fully explain the phenomenon of sexual harassment or set out or anticipate the various forms and presentations through which it may manifest itself. It does not therefore offer a comprehensive description of it.
- (b) The Code lacks mechanisms to identify, detect and resolve cases of sexual harassment, i.e., boards of inquiry, counselling services, post-harassment support centres. Setting up such boards could easily rectify this gap and go a long way in

assuring staff and students that the University as an organisation really takes its obligation to ensure the protection and safety of its students and staff seriously and does not just pay lip service to the problem by simply saying the right thing to the right audience on the right platforms while offering nothing in terms of real and tangible evidence of action.

- (c) The Code provides that a harasser found guilty of charges of sexual harassment may be dismissed. However since there is a provision that allows the harasser to offer evidence in mitigation, dismissal may never happen. Also since this is a punitive measure aimed at disciplining the harasser, it does not take into account the pain and suffering of the victim and therefore does not in real terms rectify what the victim has gone through.

Section 1.14 provides of the University of Zimbabwe's Students' Charter provides:

‘As a student you should watch out for, and seek to overt, sexual harassment. Sexual harassment is strictly prohibited and expulsion of staff and students are consequences of such behaviour wherever and whenever they are detected.’

It defines ‘sexual harassment’ as follows:

‘Sexual harassment refers to suggestions, intimidation, bullying or coercion of a sexual nature or the unwelcome or inappropriate promise of rewards in exchange of sexual favours ... may manifest itself in a wide range of behaviour from the mild to the more serious and overt forms of an emotional or physical nature ... can be perpetrated on a student, either female or male, by a fellow student or by a member of staff on student.’

The shortcomings of this definition of sexual harassment are revealed especially when it is compared with the comprehensive policy provisions of other universities, for example, the University of New Brunswick's discrimination, sexual harassment and harassment policy. While such policies may be more comprehensive, I have not been able to ascertain whether that has directly resulted in better protection for students and staff. What can be said is that such comprehensive policies can possibly allow for the establishment of more protective measures to prevent and seek redress against sexual harassment.

The policy has in section 3.2.7 defined sexual harassment to mean:

‘Sexual Harassment: conduct of a sexual nature such as, but not limited to, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands for sexual favours, or repeated innuendos or taunting about a person’s body, appearance or sexual orientation when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or academic accreditation; or
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment or for academic performance, status or accreditation decisions affecting such individual; or
- (c) such conduct interferes with an individual’s work or academic performance; or
- (d) such conduct creates an intimidating, hostile or offensive working or academic environment.

Behaviour conducted in whole or in part through electronic means (such as e-mail, web postings, text messaging and other forms of electronic behaviour) shall be included within this definition.’

Civil society in Zimbabwe has also attempted to assist in closing the gap that is presented by a lack of specific and comprehensive policy by drawing up a blueprint against which university institutions can map out and draw up a more comprehensive policy against sexual harassment. For example, the Director of Female Students’ Network, Evernice Munando, registered her concern that Zimbabwean universities have failed to make use of a blueprint which was inspired by a survey conducted by her organisation that found that sexual harassment is rife on the nation’s university campuses. The survey which was conducted in Zimbabwe’s tertiary education institutions in 2015 found that 98% of female students had encountered sexual harassment largely at the hands of male lecturers. She said that to date only the Midlands State University and Great Zimbabwe University have attempted to amend their vague policies by adopting some of the guidelines suggested by her organisation.

The University of Zimbabwe’s Ordinance No. 30 is vague and does not specifically speak refer to sexual harassment but merely infers it when it speaks of students’ conduct and a breach of that conduct. This policy document does not offer students any tangible protection from sexual harassment.

2.4 International human rights framework

The International Labour Organisation (ILO) has defined sexual harassment to mean behaviour that is sex-based, unwelcome and offensive to its recipient. According to the ILO, sexual harassment may present itself in two forms, *quid pro quo* or hostile working environment in which case the exhibited behaviour or conduct leads to the formation of conditions that may be intimidating or humiliating to the victim. The ILO has identified 3 categories into which sexual harassment may be classified:

- (a) physical violence which may include but is not limited to touching, unnecessary close proximity;
- (b) verbal - comments and questions about appearance, lifestyle, sexual orientation, offensive phone calls;
- (c) non-verbal behaviour, for instance, whistling, sexually suggestive gestures, and the display of sexual materials.

The definition of the ILO is therefore very wide and covers a wide range of scenarios in which sexual harassment may occur.

The Discrimination (Employment and Occupation) Convention, No. 11 of 1958 also notes sexual harassment is a form and cause of discrimination that national legislation needs to address. The rationale here is that it disturbs the equality of opportunity and treatment of men and women in employment and occupations.

Article 2 of the United Nations Declaration on Violence Against Women, 1993 provides:

‘Violence against women shall be understood to encompass, but is not limited to, physical, sexual and ... including ... sexual harassment and intimidation at work.’

In its preamble, the Universal Declaration of Human Rights, 1948, provides against discrimination and recognises the inherent equality, dignity and inalienable rights of all members of the human family.

Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides:

‘For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

The CEDAW Committee produced General Recommendation No. 19 (1992) to further explain sexual harassment and the following of its provisions are relevant. It has defined sexual harassment as a form of discrimination:

Paragraph 1:

‘Gender based violence is a form of discrimination against women that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.’

Paragraph 6:

‘It includes acts that inflict physical, mental or sexual harm or suffering, threats acts, coercion and other deprivations of liberty.’

Paragraph 18:

‘Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and making sexual demands, whether by words or action. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when a woman has reasonable grounds to believe that her objection would disadvantage her in connection with the employment, including recruitment or promotions, or when it creates a hostile working environment.’

Paragraph 24(i) provides that states parties should take, effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all

kinds of violence, including, *inter alia*, violence and abuses in the family, sexual assault and sexual harassment in the workplace.

CEDAW makes it a state obligation: to include the principle of gender equality and non-discrimination in national constitutions; to enact laws of equality and non-discrimination while removing previously discriminatory laws (Hellum, 2017).

In order for the state to comply with its obligations under CEDAW and General Recommendation No. 19 and ensure that gender equality and non-discrimination legislation is effectively enforced there is a need to establish clear and proper complaint procedures which are accessible and visible to students. These procedures should take into account and include not only sanctions that appropriately discipline perpetrators but remedies that adequately give justice to, compensate and restore victims.

As a ratifying state of CEDAW, Zimbabwe has accepted and undertaken to fulfil its obligation to put in place and give effect to legal measures that respect and protect women's rights to protection against sexual harassment. This protection and respect of women's rights should invariably extend to its workplaces and educational institutions both private and public and they should therefore protect and university students and staff alike. In fulfilling these obligations the legal measures should include hearings which are conducted by independent boards of enquiries. Legislation needs to be enacted to award compensation (monetary or otherwise) to victims of sexual harassment; the provision of counselling services and the delivery of punitive sanctions against abusers including imprisonment for the most serious of cases. Establishing independent boards of inquiry to handle complaints would possibly encourage victims to report cases of abuse since perpetrators would be less likely to have any influence over their proceedings.

2.5 Conclusion

Apart from discussion the various definitions of sexual harassment, this chapter covered the local and international legal framework dealing with the offence as well as the organizational policy framework available at the University of Zimbabwe. The next chapter discusses the methodology used in data collection.

CHAPTER THREE

3.0 METHODOLOGY AND METHODS OF DATA COLLECTION

3.1 Introduction

This chapter explores the methodology and data collection methods that were used in carrying out this research. The choice of methodology was guided by feminist perspectives which assume that ‘the personal is political’. In studying sexual harassment it was important for me to listen to the voices of the women themselves for their experiences with sexual harassment. In so doing I found that qualitative and not quantitative methods were more appropriate (Walker *et al.*, 1988).

3.2 Methodology

3.2.1 Women’s law approach

In an effort to assess the academic assessment procedures and how they are implemented at the College of Health Sciences and establish whether they are appropriately structured to guard against the violation of female students by way of sexual harassment, I needed to employ an appropriate research framework. To this end I made use of the women’s law approach. This is a methodology which takes women as the starting point, by looking at, reviewing and listening to their voices to establish their real life stories, the reality on the ground as they live them and which then become their lived realities. This methodology became crucial in examining and understanding the lived realities of undergraduate medical students during parts three to five of their Degree and postgraduate female students at the University of Zimbabwe’s College of Health Sciences as far as sexual harassment is concerned. The methodology is centred on the collection of empirical data on the ground which focuses on women’s lived realities and experiences. This then becomes the foundation and basis of analysis of the position of women in law and society (Bentzon *et al.*, 1998).

I interviewed female and male students. I was very attentive as I listened to them speak of their experiences in the medical school. This methodology was particularly appealing to me primarily due to its interactive approach which allowed me to constantly engage with the lived realities of the students as they were recounted to me as well as the data that I collected and the normative social realities and perceptions held by people. (Bentzon *et al.*, 1998).

This approach proved to be immensely helpful in the data collection process and the appropriate interpretation of that data through analysis. For example, having noted the problem of sexual harassment that is experienced by women in different spheres of society and that the University was one such institution where the occurrence of sexual harassment was high, I carried out this research to ascertain if, where and how the academic assessment and examination structures and processes employed by the University's College of Health Sciences could give rise to the risk of sexual harassment and offer possible remedies for its victims.

To begin with I assumed that the University of Zimbabwe had no policies dealing with sexual harassment in connection with students or staff. In my first week of interviews it became clear that that assumption was not holding up. It was challenged because the evidence showed that there were policies but their adequacy, detail and implementation were in doubt. While my first inclination was to leave out the policy aspect of my research, I now decided to re-strategise and question why the problem of sexual harassment persisted in the face of the University's policies which opposed it. I then started querying issues concerning the adequacy, comprehensiveness and implementation of these policies. I was able to tackle the problem in this manner because this approach gives the researcher space to review and re-evaluate the research journey during the data collection process as it progresses which means that the researcher is not held prisoner to their original hypothesis.

Following this approach, data was collected on the basis of the prevailing situation on the ground. As a result, I was careful not to let myself be bound by my initial assumptions and what I thought I knew about the issue. This also opened me up to listen for and take note of issues as they emerged. An example of this was discovering from the students that the fee structure of the medical school as well as the pseudo-market for examination material compounded their vulnerability to sexual harassment.

Being an interactive process, the woman's law approach enabled me to explore and probe the respondents for further information and explanations on issues of same sex harassment which I had not thought about but which I realised were very relevant to my study. I realized that the perception of power/authority and influence of an individual had played or was playing an important role in female students' non-reporting of sexual abuse of female students. It was thus instrumental in assessing and ascertaining the implications of the sexual harassment of

students, identifying the possible human rights violations, assessing state obligations and coming up with valid and appropriate recommendations for state compliance.

3.2.2 Gender and sex analysis

This approach enabled me to lay bare and establish which of the sexes is most affected in situations of the existence of sexual harassment. According to Coates (1999), gender envisages the social relations between and characteristics of women and men. It is concerned with women's and men's participation in the determination of their lives including access to rights, power and control over resources. In carrying out the research I was particularly eager to unravel the gender dynamics in courtship and sexuality. This would help me understand who was at the receiving end of these unwanted, offensive and unwarranted sexually coloured advances and what prompts those who make them persist in behaviour that is not reciprocated and who at times use force to attain what they want.

Gender means that people are born either male or female, but they learn to be girls and boys through a process of socialization. Society shapes the appropriate behaviour and attitude, the roles and activities for each gender in relation to the wider society (Coates, 1999). As I undertook my research, I realised that men's gender roles pre-determine their access to power and to control over the female body and sexuality and it becomes an object and symbol of male domination and subjugation in the most primal way possible, that of sexual dominance. There is a need to challenge these gender roles because of the direct effects on communities, households and individuals, in particular women, which they have (Coates, 1999).

The gender-sex analysis also led me to an appreciation of the existence of plural legal systems, in this case, the cultural practices of *chiramu* and the notion of the submissive women, who is trained from a very tender age to cater for the whims of the men. Women are raised to appreciate that men are the hunters and this extends even to sexual relations where only the man can proposition a woman into relationships; the reverse is taboo as only loose women approach men in a sexual manner. Within this context, perseverance counts. Yet it is this very perseverance that we are saying amounts to sexual harassment. It also aided me in appreciating why most women are reluctant to report this violation when it happens.

The truth of this can be explained on the basis of a self-governing normative value system which encourages the primacy and essentialism of the male and the insignificance of the non-essential female or ‘the other.’

The gender and sex analysis showed that there is a need for positive policies that address women’s specific needs, policies that equip and empower women to be proactive in their own protection and to be bold enough to rebuke and stave off abuse from all perpetrators. The gender and sex analysis also revealed that women’s participation in the formulation and provision of policies is of paramount importance. In this context I noted that the majority of the Consultants were men and this is where the economic and political power of the institution is vested. They are economically well placed to offer financial incentives in return for sexual favours, thus, creating a this-for-that type of relationship best described as a *quid pro quo* type of sexual harassment. They also wield political power in that they are in a position to request sexual favours in return for academic advancement and have enough influence to determine a student’s academic progress. One male student said:

‘Most of the Consultants are male, such that although the examination panel may have women, they are outnumbered [and] this gives the female students unfair advantage in that everybody knows that if you are female and if you cry, you pass.’

This was a simple admission by the student of the power that these Consultants have to either pass you or fail you as the case may be. This is the very power that they use over female students. There is therefore an urgent need to encourage more women to aspire to these higher positions so that men do not monopolise them.

3.2.3 The human rights approach

To challenge the social injustices posed by sexual harassment of female students, I employed the human rights to development approach. It involves analysing a given problem, situation or scenario from a holistic perspective of human rights and the obligations of state parties using international human rights standards as the yard stick (Goonsekere, 2000). The rights-based approach places the individual as the holder of basic rights at the core of the process of development (Hellum, 2000). It emphasizes the relevance of the whole array of human rights in development processes.

As I adopted a human rights approach to education, the research showed that female students are particularly vulnerable to sexual harassment. Hence tackling development from a rights-based perspective raises an individual's awareness of their rights and entitlements and empowers them to claim these rights. State parties and governments in particular are required and obliged to take positive steps to respect, protect and fulfil the right to education, equality and dignity of the person of female students. Human rights obligations translates to the revision of legislation, administration and/or policy to realise the obligation to promote, fulfil and protect such rights.

3.2.4 Influence of actors on structures

One of my assumptions was that the University Of Zimbabwe's College of Health Sciences has an obligation to provide academic assessment procedures and systems that are sufficiently appraised to ensure that they cannot be manipulated to give rise to sexual harassment. This would only be possible based on the implementation of an effective policy that addresses issues of sexual harassment and thus offers a safe and protected learning environment that is free from abuse. I then discovered the role that actors in the form of Tutors, Registrars, Mentors, Consultants, Lecturers and Examiners played in manipulating the assessment structures to sexually harass female students in the College of Health Sciences.

This method then helped me to fully explore and examine the extent to which and how the manipulation of structures negatively affected the learning environment of female students in the Faculty. It also enabled me to unearth some of the ways in which the students themselves were manipulating the actors to rig the system and structure of examinations by actively offering sexual relations in return for academic millage and financial gain. Some students in part four had this to say:

'Times are tough, living costs and expenses *zvakanandisa zvinodiwa* (a lot resources are required) when our parents pay for fees you know they have exhausted all the money they have, but you come to school and residence is not included in the school fees, I know I can't go back to my parents because they have nothing more to give so *semusikana mukuru* (like a big girl) I have to make a plan. These old Consultants *vanochengeta* (they look after you) they throw money around as if it's nothing, so as a student you aim to get just one who will take care of you financially and assist with exam material until you are done. If the relationship breaks down you look for another one. Life goes on.'

‘If it wasn’t for the wives who sometimes come to our halls of residence when they find out their husbands are cheating on them with you and try to publicly humiliate you, it would be a perfect situation, win-win for everyone concerned. We are no longer babies we know what we are getting ourselves into, but our choices in the matter are limited, we have to survive and get through school at whatever cost.’

3.3 Data collection methods

Table 1 gives details of the respondents or informants who were studied in this research.

Table 1: Showing details of the informants who were studied

RESPONDENTS	MALE	FEMALE	TOTAL
Undergraduate students	22	35	57
MMed students	12	21	33
Tutors	3	0	3
Consultants/Lecturers/Examiners	4	13	17
Civil society	1	5	6
TOTAL	42	74	116

3.3.1 *In-depth interviews*

In obtaining my data I conducted numerous in-depth interviews with female and male undergraduate and postgraduate students, the Registrars, Tutors, Consultants, Lecturers and Examiners. The aim was to determine whether or not the structures and processes of academic assessment opened doors for harassment by engaging with their conceptualisation of sexual harassment, establishing what policies were available first at the Faculty and Departmental level and then at the University level to protect students and staff members from sexual harassment. I also wanted to establish whether or not they had individual experiences of harassment or knew of any reports of harassment engaging with the reporting structures. Ideally I desired to find out their personal views as to what might be done to better protect victims from sexual harassment. I found that in-depth interviews worked mainly with

the Consultants as it was easier to interview them individually. Time wise, it was more problematic to interview the other respondents, especially the undergraduates.

3.3.2 Phone interviews / Whatsapp calls

I interviewed many respondents by telephone due to the time pressures they were under. Early on in the research I realised that some respondents were not readily available to sit down and be interviewed. They preferred to converse over the telephone and answer all my questions. So I used a semi-structured mode of interviewing which was more time sensitive and cost effective. Also, the issue of accessibility played a role in the choice of this interview strategy. For example, the Students' Representative of the Zimbabwe National Students Union (ZINASU) was sceptical about meeting on campus to discuss my topic so she chose to have a telephone conversation which she said would be safer. The alternative was meeting some time after dark but because this did not work for me, we ended up having a Whatsapp telephone call which proved less expensive than a regular telephone call. This particular mode of interviewing was also born of the realisation and observation that in focus group discussions some respondents were shy about giving detailed accounts of their personal experiences with sexual harassment. So using Whatsapp telephone calls gave me the opportunity to follow up respondents if I felt there was a need to do so.

3.3.3 Focus group discussions (FGDs)

I had a total of 15 focus group discussions (FGDs) with undergraduate and postgraduate students. I found this to be an effective way to obtain information from a number of respondents in a short period of time. It also assisted me in working around the issue that the students, especially the undergraduates, were not always available as they were either attending lectures or doing their ward rounds. So having a group discussion helped me take advantage of the times they were available and garner as much information as possible from multiple respondents at the same time. During these FGDs I also observed that it often became a battle of the sexes and information tended at times to be exaggerated and highly sensationalised due probably to the issue of masculinity and sex and gender roles. Also I noticed some respondents, especially the women, were unwilling to discuss personal experiences in the presence of others which led me to believe that most accounts were dressed up as third party encounters and rumours.

3.3.4 *Documentary review*

I used this method initially to gather literature to frame my initial assumptions and also later during the research process to reshape them by offering a more accurate reality of the situation. For instance, initially before doing my desk research I had assumed that the University of Zimbabwe did not have any policy on sexual harassment specifically for students. This position was mainly informed by own experience in my undergraduate studies from 2007–2010 during the course of which I had neither heard of nor come across any document relating to sexual harassment. The use of documentary review helped me to reshape my assumption that the policies that are available are not comprehensive, adequate or enforced. Documentary review also helped me to identify, locate, peruse and analyse the various relevant Constitutional and legal provisions and protections accorded to both students and staff which I then compared and contrasted with the international human rights frameworks which Zimbabwe has signed and ratified and therefore has a duty to uphold.

3.3.5 *Triangulation*

I used this method of data collection to simply clarify and verify information that I was receiving from the various categories of respondents whom I interviewed. This helped me to sift through the sometimes exaggerated statements in the case of students and understatements in the case of office bearers in order to ascertain the real situation on the ground. This tool was then employed as an information sifting and verification device.

3.4 Conclusion

This chapter presented the procedures and processes used in the data collection process. The feminist perspective was the guiding philosophy. Observations and vivid descriptions of the interviews also determined the tone of the data collection methods. The next chapter discusses the findings of the research.

CHAPTER FOUR

4.0 FINDINGS, ANALYSIS AND DISCUSSION

4.1 Introduction

The qualitative research method used in this study values the individual voices of the participants and these were listened for following these themes: the perception and understanding of sexual harassment of female students; the structural loopholes in the continuous assessment and examination methods; the awareness of female students of University policy and its implementation.

4.1.2 Theoretical frameworks

With its origins and genesis in the 17th Century, feminism began as a western women's movement which advocated for equality of men and women. The movement was based on the strong notion and belief that women were oppressed by men through patriarchy (Langelan, 1993). In attempting to explain this oppression of women by men and in offering various solutions to end that oppression, various theories have been put forward, some of which will be discussed here.

4.2 Dominance theory

This theory puts forward the argument that women are oppressed by men due to male power and dominance. The rationale here is that women are objectified and dominated by men for male enjoyment, especially in issues to do with sex; women do not take part in pornography or prostitution for enjoyment. They do not enjoy sexual, physical, emotional and psychological abuse and assault from men, be they partners, husbands or strangers. Their economic vulnerability, compounded by male dominance in and control over the economic and political spheres of society makes them susceptible to abuse (Mackinnon, 1979).

My findings in the field supported this assertion that women are sexually assaulted owing to an unequal economic and political structure in which women make up the underprivileged and vulnerable group. For instance one of the carrots dangled in front of female students was financial and academic gain. In this realm the Consultant, Lecturer and Examiner uses his privileged economic standing as leverage over the student. This, together with their ability to control the politics of the Academic Board, leaves students vulnerable. As a result many

students were reluctant to report cases of sexual harassment because they just wanted to finish their programmes and leave the environment. They did not want to face the possibility of being failed for turning down sexual advances as this would translate into more financial obligations if they had to repeat an academic year.

This economic vulnerability also led to female agency in sexually propositioning those in positions of power. Much like in prostitution, this was not done for enjoyment but rather as a coping mechanism for dealing with an oppressive situation in an oppressive environment.

A study carried out by the International Labour Organisation in 1992 (ILO, 1992) revealed that sexual harassment is inextricably linked to power and thrives mainly in societies that view and treat women primarily as sex objects and second-class citizens (Langelan, 1993). It emerged in my study that men actually thought it their privilege to sexually harass women, deluding themselves into saying that it is not harassment and that women should actually take their pursuit as confirmation of their sexual appeal which is good and should be the primary concern of every woman to be sexually attractive to men. For example, one Tutor had this to say:

‘Women use the word “sexual harassment” too loosely. In fact education has damaged our women [who are] now talking nonsense. What’s wrong with being paid [given] sexual attention? It should be a compliment to say men find me appealing and they are willing to pursue me. Because if we [men] do not pursue, how do we marry? University is an adult environment and adults mate as long as no force is used. Women should just enjoy our attention because it comes with financial benefits.’

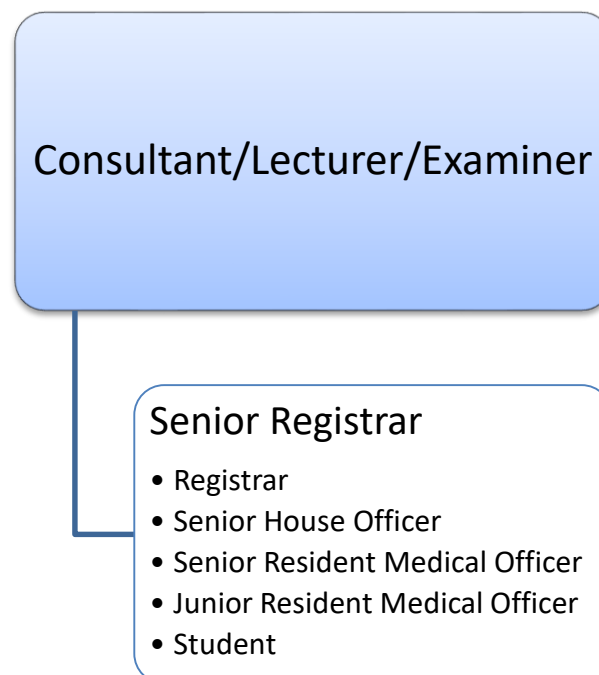
This introduces a common dynamic in terms of which adult education centres are generally considered to be places where courtship for marriage takes place. And ‘the mating game’ is simply part of the ritual.

My research also revealed that it is almost always the case that it is those in positions of power and authority who manipulate that power to sexually harass female students. This lends weight to the argument that as long as women are not emancipated economically and politically to occupy these powerful positions they will continue to suffer under male domination and oppression.

4.3 Where are the opportunities? - The structure

Going into the field my first assumption was that the continuous academic assessment processes and structures that are in place in the Faculty of Medicine at the University of Zimbabwe's College of Health Sciences are appropriately designed to ensure that they cannot be manipulated and give rise to the occurrence of sexual harassment. In investigating the truth of this assumption I thought it fitting to first of all understand the structure in terms of its hierarchy in order to better understand the different dynamics presented by the power differentials and how that power might be wielded as a weapon to sexually harass those subjected to it. It also revealed for me where the students stand in relation to that hierarchy and how much, if any, power is available to them to stave off harassment and protect themselves from abuse. I found that the medical school is very hierarchical in nature and very similar to what one would expect to find in the army in that strict observance of authority is encouraged (Figure 6).

Figure 6: Diagram showing the hierarchical structure in the Faculty of Medicine



4.3.1 *The assessment structure at undergraduate level*

The structure of examination and academic assessment at undergraduate level is based on written exercises and oral/clinical examinations. The written exams are made up of

continuous assessment exercises that could be the equivalent of written tests and assignments in the other disciplines say, for example, sociology. The continuous assessment exercises are usually in the form of multiple choice questions (MCQs) and negative marking is employed. At the written stages of examination, Tutors (who may be fourth year students who have intercalated to obtain another Degree in, say, Anatomy) together with the Lecturers are tasked with setting the exam paper. Care is taken to ensure that several people contribute to the overall paper and the notion of anonymity is preserved.

The clinical component of assessment involves what they call 'long cases' which is usually a situation in which a patient is examined by the student who gives and justifies their diagnosis of the patient's condition. It includes the noting of a proper history of the patient's illness and this is called 'clerking.' The student must then discuss various scenarios that are associated with the illness, etc. In the Department the Lecturer and Consultants are responsible for identifying the cases to be examined and they therefore have a great deal of influence on the patient selection process. Then members of the clerical staff are tasked with the logistics of ensuring that the chosen patients are available at the stipulated time and place to be examined by the student.

Patients are selected from those currently in the wards, particularly those who present interesting ailments and those drawn from what they call the 'hospital bank' comprising patients who have been treated in the past. To this end, the informed consent of patient is sought for them to be used for educational purposes and sometimes they are given financial compensation. Usually, however, the hospital offers them free treatment instead. As part of making the examination process as incorruptible as possible, students are not permitted on the hospital wards for about a week before their examinations. This is done, according to the former Dean of Medicine, Professor Chidzonga, so that students do not know exactly which cases they will meet in their clinical examination.

The whole examination process in this regard takes about an hour. A student is given up to an hour to take the patient's history, to take notes, to arrive at an appropriate diagnosis and to devise a plan of treatment for the patient. They justify their plan of treatment as well as other scenarios related to that particular case and different approaches that may be taken, if applicable.

In short cases the student may be asked questions about a piece of equipment or the patient's ailments. These are usually designed in such a way that the student may have to go through a total of about 6 different stations with different situations and take about 10-15 minutes at each station. Once again the element of uncertainty to what situations a student will face and be asked to discuss is preserved. The Faculty submits that in order to ensure the integrity of the process instead of say one Examiner, a panel of several Examiners comprising about 6 Consultants is used. At the final set of examinations, independent Examiners are also brought in to try and remove the risk of any single individual exerting too much influence on the proceedings. Likewise the compilation of the lists of patients to be examined is drawn up by several rather than one Lecturer to make it difficult for only one individual to know its entire contents. However the point of convergence or sharing of this highly sensitive information occurs when members of the clerical staff are tasked with compiling the whole list of patients who they contact and prepare for participation on the examination day. A key point to note in the assessment structure is that the written examinations carry significantly less weight than the oral/clinical examination, a ratio of approximately 30% as to 70% may be the case.

4.3.2 The assessment structure at postgraduate level

The structure here is very similar to that at undergraduate level and comprises written and clinical assessment and examination. However the first slight difference is that at postgraduate level, continuous assessment is more of an apprenticeship involving more practice than theory. Every day is some sort of assessment in carrying out your daily duties and treating patients. To that effect a proper weekly duty roster is drafted directing every student where to work and under which Supervisor/Consultant. The student's Supervisor/Consultant is responsible for assessing what and how well the student is performing, in other words, they are constantly forming an opinion of the student's competence or incompetence. It is in this space that a particular bias is possible and may positively or negatively influence a student's performance in the final practical examination. Written exams are also done. Some take the form of multiple choice questions while others may be in essay form or both depending on the Department, for example, in the disciplines of Neurology or Obstetrics and Gynaecology. The commonality is that all postgraduate disciplines have a written and clinical examination.

The written examination is drafted by the Lecturers (who are also the Examiners and the Consultants), Tutors and Mentors. Not one but several people are responsible for drawing it

up. Several individuals select questions for each particular section. Then the clerical staff finally compiles the different sections.

The clinical examination, similar to that at undergraduate level, is set up by a panel of about 6 Examiners and sometimes they include external Examiners from other countries although this varies from one Department to another. The setting up of the list of patient cases is done by several persons. The list is then compiled by the clerical staff.

4.3.3 Where are the opportunities?

4.3.3.1 Tutors

The written exam is one component of the continuous academic assessment procedure that those in privileged positions of power, access and knowledge may use to give them the leverage and motive to exploit female students through sexual harassment. For example, Tutors at undergraduate level are responsible for making a preliminary assembly of exam questions which are then given to the Lecturers for approval. At least 40 students that I interviewed claimed that this procedure is exploited by Tutors and/or Lecturers to gain sexual favours from female students in exchange for the promise of assured academic access in providing inside examination information.

Although the Faculty has attempted to curtail this practice by ensuring that more than one person drafts the examination paper, this loophole has been exploited by Tutors. They have abused their access to exam papers and made their materials available to female students whom they sexually harass, thereby giving them an unfair advantage over their colleagues who only come into contact with the exam paper when they see it for the first time at the final examination. This is how the Tutorship programme works. Undergraduate students who are doing well at the pre-clinical stage opt to intercalate (i.e., study a sub-specialty subject, e.g., Honours in Anatomy for a year) and become a Tutor for that year. Therefore they take a year out of their normal academic path, study their sub-speciality subject and become a Tutor. After the year, they resume their original course of studies.

The students I interviewed claimed that the Tutors were so rampantly abusing these powers that they had become a positive menace to female undergraduate students upon whom they preyed. They were wreaking havoc in their lives and destroying their academic aspirations. With their hearts broken and their academic careers in tatters, many female students suffer

mental depression, fail to cope and even drop out of University. These are some of the students' voices:

'MaTutor anetsa (Tutors are annoying), something needs to be done about them urgently. They are preying on female students with promises of passing, and threatening failure if one turns down their advances, and they also pick on you during class discussions and publicly humiliate you.'

'A Tutor propositioned me and I refused and from then my life became hell, he was bullying me left right and centre. I felt suffocated and yet every day I was expected to interact with the individual. I finally told my Tutor about it who said they would make a follow up with the Tutor in question. I don't know how or what happened but the bullying and sexual taunting stopped.'

'It's so bad they make you believe that you are special and that you are the queen of his world [but] all the while [he is] dating several other females. It's so devastating when you find out that he is lying to you and then the cat fights with other girls begin. Or when he is done with you, he tosses you out like a piece of dirty old and tattered laundry. It's high time that someone did something about them.'

'I almost dropped out of school when he dumped me after sleeping with me. I was a virgin and he promised to marry me and so I stupidly accepted. When he said it was over he was moving on to someone else, my life was shattered and I couldn't stand the pain. I started performing badly in my school work and failed my third year final exams, and was given a *viva* which I failed again. I had to plead with the Department to give me a supplementary exam which I passed and this was the wake-up call I got to be serious with my studies and move on.'

'It's actually a gang thing. These people actually think it's a game to show who is the alpha dog, the real man, and yet they don't realise that they are playing around with people's lives and the effects of it may last forever and have adverse consequences for people's lives, because say what you will, but we are African and virginity still matters and they sleep with you while promising marriage, only to dump you. Now you are left holding on to that person because the alternative is shame for having been deflowered. They should stop it.'

'We don't report it because we have no confidence in the system. We are not sure how far up the chain of command the abuse goes and the consequences of reporting.'

At postgraduate level these Tutors are also the Lecturers and Examiners and are also privy to and have access to exam material in that they compile the MCQs in different sections of the

exams. It is possible for them to have access to the final exam paper after its final synthesis by the clerical staff, especially if one is the Departmental Chairperson. Another dynamic is that of old-boy network which one can use to approach another Consultant for access to exam material either as the result of claiming a 'favour' or 'pulling rank', using one's authority and influence to gain access. Such weaknesses in the Faculty structure need to be repaired to prevent these abuses.

4.3.3.2 The clinical examination

This clinical examination component presents an opportunity in that it is highly subjective and unlike the written component, which leaves a paper trail that can be reviewed at a later stage in that once it is done it is done and a mark given cannot be revisited to determine its appropriateness. Although it is designed in such a way as not to have one individual compiling all the lists of patients, there are spaces where an individual can have access to the entire list, for example, the Department Head/Chair. The clerical staff also enjoy such access. Those individuals that make sectional contributions have access to their sections and may request to see the finished document. Here authority and muscle may come into play.

Although the University has tried to circumvent the situation by stipulating that exam panels be made up of about 6 people. Although they may also they bring in external Examiners, this is highly dependent on the availability of funds. Taking into account the financial constraints facing the country, budgets for Ministries are tight including that of the Ministry of Health which is currently in a battle with its staff members for better working conditions including better remuneration and equipment and drugs. Against this background it is doubtful that the University can afford to pay external staff. As a result, the local personnel are more often than not asked to carry out the process. As established above and with particular reference to the postgraduate apprenticeship form of assessment, negative and positive evaluation is possible. One Consultant had this to say:

'Postgraduate level has a huge component of close interaction in terms of supervision and opinion whether negative or positive is formed regarding an individual's performance. It is only a human response, we are not machines and this [happens] even before [the] exchange of sexual favours; favourable marking is possible, although we try to be objective. It is difficult to fail someone, on account of just one hour of observation, who may have been performing well throughout the academic year. We try to be cognisant of the pressures that exam situations present and give sober evaluations. However

the nature of the profession is such that it requires people that do not succumb to pressure but rise above it. To give confidence that one would be able to deal with life threatening emergencies to save lives. It would be possible to give positive marks in return for sexual favours.'

A female Consultant in the Department of Anaesthetics had this to say:

'Positive marking does happen and it is possible for an individual to influence the decision of a whole panel of Examiners, depending on how much power that individual commands in that Department. For example, I have seen a number of cases in which female students were supposed to fail but someone influenced the decision of the panel and the students end up getting *vivas* and supplementary exams which they almost always end up passing. Or someone would get a third and just proceed.'

This admission gives credit to the assertion made by about 95% of all the undergraduate and MMed students that I interviewed when they used the term a 'thigh for a mark.' This reveals also a *quid pro quo* type of sexual harassment, a this-for-that (or, 'I-scratch-your-back-and-you-scratch-mine') type of relationship (ILO).

4.3.3.3 The clerical staff and the reprographic unit

From the students that I interviewed at least 35 undergraduate and 12 postgraduate students pointed to the reprographic unit as presenting an opportunity for sexual harassment. I found that the clerical staff is abusing their access to exam material to sexually harass females. Interestingly, male students are given the option of purchasing exam material from the clerical staff as well as the reprographic unit, probably due to their dissatisfaction with their remuneration owing to a stumbling economy. What stands out is that this has become a viable option through which students are sexually exploited with the promise of academic gain, and advantage. This then becomes an enabling component that gives rise to and perpetuates the incidence of sexual harassment in the University's Faculty of Medicine.

4.3.3.4 Mentorship

The Faculty employs what they call 'the Mentorship Programme' which spans the undergraduate and the postgraduate levels. Students are encouraged to pick a Mentor within their Department in the case of postgraduates who would then serve as their Mentor to offer guidance and support throughout the academic period and this refers to but is not expressly

limited to academic issues. I found that this has become a sphere in which advantage is being taken of female students.

The situation is further compounded by the fact if one suffers harassment at the hands one's 'Mentor', the negative inferences and implications arising from asking for a change are so great that one is deterred from doing so. These may be very negative in that the questions arising from such a move is whether or not the academic process will continue without hiccups, what if anything would the spurned Mentor do in reaction to such a request. Would any of the other members of the Department be willing and able to take on a student labelled quarrelsome? As a result, some students employ a strictly working relationship approach and only venture to ask their Mentor for advice when absolutely necessary, thereby undermining the very objective of the Mentorship programme. Student X had this to say:

'When I got to the University I was overwhelmed. I am an orphan with three siblings. I am the oldest. We live with our uncle and aunt. Life has not been kind, but I just decided that education would be the way out for us. I work hard in the hope that one day I will be able to provide for myself and my siblings. My problem is that we were given a list of names from which to choose a Mentor and this is in Part 1. I was new and I didn't know anyone or anything about the people on the list. I picked a name, it was a male Consultant. I thought [when he was] trying to find out about my life he was doing his job at being a Mentor and being a father. Little did I know he was gauging whether or not I am vulnerable enough for abuse. I poured out everything. He started calling me all hours of the day, and at times buying me lunch and offering to drop me off on campus. I thought it was all innocent and God had heard my prayers. One day he drove me to campus and asked if I could show him my room. I did. He closed the door and said it was time for me to payback for all his financial assistance ... He raped me.'

'We suffer at the hands of too many people and in too many situations. We are vulnerable as female students. The male students sexually harass us, the Lecturers, the Mentors, the office staff, printing and photocopying now [harass us]. Even when [we are] looking for scholarships, the persons responsible for that sees that as leverage to get sexual favours from you. This happened to me. I was harassed by the officer from Commercial Bank of Zimbabwe (CBZ) who was in charge of giving out scholarships after having slept with another University member to put me in touch with this guy to help me. I am not proud of it, but I had no choice. It's either that or dropping out of school. The fees are just exorbitant.'

4.3.3.5 On call hazards

The 'call' begins during the clinical part of learning that is Part 3. Essentially, it is at this level that students whose number 200 to a class and are broken up and put into smaller groups or firms of about 10 and they start rotations. Firstly being in smaller numbers means more visibility and accessibility; there is more closer and frequent interaction between students and their Supervisors in the various forms they take. It is this intimacy of shared space that breeds harassment and is usually manipulated for the purposes of harassment. The call now is when a student works during the night in a particular setting, it may be a ward doing ward rounds, or theatre, ICU monitoring patients, etc. It is this space that allows Consultants, Registrars, etc. greater access to students. The students on call may use what are called 'call rooms' in which to sleep if there is no activity requiring their attention. Susan a fourth year student had this to say:

'Being on call may be dangerous because it's the night time and you are alone. Someone may take advantage of this. I have heard of a girl who was visited by a Registrar in the Department in which she was working at that time in her call room and was asked to share the room, which is very small and has only one bed. She had to spend the night sitting at the nurses' station.'

4.4 The harassed turn harasser?

A very peculiar finding in doing this research was the confirmation of female students' agency in sexual harassment. Some undergraduate and postgraduate students admitted the fact that students were also sexually harassing members of staff for a variety of reasons, chief of which were to secure academic advantage as well as financial gain. Some students noted that this agency was probably born out of the realisation by female students that they were being persecuted anyway and that they might as well make the so-called best of a bad situation or what could be called, 'Abuse on their own terms'. In this instance they used their sex appeal for personal gain. The result was the emergence of a type of sexual exploitative cycle initiated by Consultants/Lectures/Examiners/Tutors/Mentors and Registrars which in turn triggered students to actively seek out the same for their own advantage.

It emerged that the female Consultants were being sexually harassed by male Registrars. A female Consultant from the Department of Anaesthetics said that she had heard rumours of a colleague of hers in another Department who had been sexually harassed by a male Registrar.

She cited that such incidents happen very often but no formal proceedings are ever pursued because people generally do not want such issues aired in public.

Most ladies would rather just choose to ignore the harassment especially if it is non-verbal and non-physical. This put me in mind of the notion I observed among both female and male respondents of trivialising sexual harassment and not according it the seriousness that it deserves. For example one particular final year female student said the relationships are usually consensual but some students, upon the resolution of such relationships, seek to tarnish people's names and cry rape.

'Women these days are clever. They are now using rape as a weapon of punishment when relationships turn sour. I have a friend, and I will not name names, who was dating this married obstetrician and things were good for them. The affair lasted for about 6 months and finally the Doctor thought to end the relationship and move on to the next girl, but the problem was that she was not yet done with him and was not ready to conclude things. The Doctor had rooms in town and she organised to go and see him for one last round of sex before severing ties. The Doctor agreed not knowing that the girl was setting him up. He dismissed his staff early in anticipation of her arrival. She arrived as planned but unbeknown to the Doctor, [she] had arranged with some of her friends to walk in after her. As soon as they walked in she cried rape. The Doctor was arrested and the evidence against him was piling up from false witnesses with the result that he had to flee the country to Namibia and it cost him his career and marriage.'

4.5 Existentialist theory

This strand of feminist theorising argues that women are the non-essential the 'other' while men the essential, the 'norm' and the 'standard'. It further argues that women have internalised the notion of their being inessential in comparison to men, accepting that they are merely objects to be used by men to achieve their goals. For them, women are oppressed due to their otherness. Men free because he is the self, the free, the standard who determines and defines the meaning of his existence, while the woman is the object, whose meaning is determined for her (Simone de Beauvoir, 1949).

Men therefore sexually harass women in order to stroke their male egos in line with the social perception of masculinities that to subdue a woman and have innumerable sexual encounters points to male sexual prowess and virility and is a sure mark of a 'real man'. Women

therefore just have to accept it as just the way it is and ride the tide. One part final female student had this to say:

‘If I was sexually harassed I probably would not report [it] because it may lead to him being fired and I don’t want that because what he would have done is wrong yes, but it does not fit the punishment.’

It dawned on me that women have internalised the notion of their inessentiality and otherness to such an extent that they feel more concern for the wellbeing of a sexual predator, who so egregiously violates them, than for themselves. This reaction also betrays their belief that women are primarily mere sexual objects for male pleasure and that a man cannot be penalised for acting out his basic instinct. Therefore, awareness-raising becomes essential in the light of this revelation that women need to come to a place where they realise and assert their rights. There needs to be a shift and transformation of their mindset. A complete decolonisation of the mind is necessary to do away with generations of male essentiality doctrine. For Mackinnon (1979), consciousness-raising would mean women reaching a point where they realise that their problems are shared and not individual. This realisation would transform women and make them more likely to assert their rights.

4.6 Social construction theory

This theory posits that knowledge is constructed through social interaction and the inter-subjective influence of family, culture and language (Hoffman, 1990). Thus the notion of objectively knowable truth is challenged by social construction theorists. Berger (1967) puts it plainly when he says that reality is socially constructed meaning only that what the human mind perceives as reality has been formed by the relationship and interaction of the social and cultural systems in that society.

Social constructionist theories give researchers a platform from which to view the diversity of meaning for sexual harassment within and between social groups (Thompson, 1992). The argument here is that sexual acts that may be the same physically may have varied personal and social interpretations, which are highly dependent on culture, and normative value systems. Social construction also gives meaning to collective sexual experience, for example, sexually constructed social identities which are constantly changing, definitions which are highly influenced by a people’s culture and can therefore not be universal in understanding or

application. However Foucault (1978) dismisses this argument. He claims that the notion of an internal manipulatable drive is non-existent. He asserts that, in contrast, what can in his view be manipulated is the idea, realising that sexualities are constantly produced and reproduced, altered and modified. In light of this discussion my findings in relation to policy awareness-raising and reporting are put into perspective.

4.7 Inadequacy and non-implementation of policy - leaving students vulnerable?

As I set out into the field I initially assumed that the University of Zimbabwe did not have any policy in place that addresses issues of sexual harassment. This assumption was challenged strongly when I got into the field and I found out as I conducted my interviews a policy framework was available. Also the Students' Code of Conduct and Students' Charter were two documents that dealt with sexual harassment from the vantage point of the student. The University Employees' Code of Conduct deals with sexual harassment from the staff component point of view. The University Of Zimbabwe's Code of Conduct defines sexual harassment as unwarranted conduct of a sexual nature that affects the dignity of men and women at work. It includes behaviour and conduct that is physical, verbal and non-verbal, that is sexually coloured, offensive, intrusive, degrading or intimidating to the victim and creates an intimidating and hostile learning environment.

This definition is inadequate since it fails to lay bare the various proponents of sexual harassment. Furthermore, it does not include in its content the relevant and appropriate mechanisms to detect and resolve cases of sexual harassment, for example, boards of inquiry, counselling services, post-harassment support centres, penalties for aggressors and compensation for victims. While the dismissal of a perpetrator is possible, it is highly unlikely for a number of reasons. Firstly, victims are reluctant to report sexual harassment. This is largely due to the fact that if they do so they bear the burden of proof and their private lives become exposed to extensive scrutiny. Students would rather not suffer such consequences. Therefore if sufficient evidence cannot be produced then the chances of a guilty verdict are very slim. The implication therefore is that there is no effective prosecution of sexual harassment complaints. Therefore, the Code is never enforced and therefore consequently it simply remains a paper promise for victims. That does nothing in real terms for the effective protection of students.

It was important for me to me revisit my assumption and engage more with what had informed my initial assumption and analyse it in the light of what was being revealed on the ground. I found that this assumption was mainly borne of data review and my own personal experience of having no recollection of any policy dealing with sexual harassment during my undergraduate years at the University. I then discovered that it was now more of the inadequacy of the University's policy, its lack of detail and comprehensiveness coupled its non-implementation that was leading or contributing to the vulnerability of its students.

Implementation means making the document readily available as well as what it covers including the students whom it is supposed / intended to benefit. This is because knowledge is power and forms the basis for the identification of the problem as well as how to seek redress for those most harmed by it. In the field I found that the majority of the students especially at undergraduate level were not aware of the meaning of sexual harassment. They merely had a general notion that it involved forced sexual relations and what they called 'just mating games.' In doing my interviews I often found myself debriefing the students and explaining to them the different components of sexual harassment.

In addition, they generally accepted that student-Lecturer relationships were acceptable as long as they were consensual, a notion I attempted to address in the light of the power dynamics that are at play. It is in this space that sexual harassment policies should make a clear impact. If they are left unaddressed it will give Lecturers room to take advantage of uninformed students and manipulate them for their own advantage while hiding behind the common yet deplorable adage that their workplace is simply a place for playing adult mating games.

It is my submission that for as long as the policies are not amended to become more comprehensive in dealing with sexual harassment, they present a gap that aids and abets the offence making the University complicit in its existence and perpetuation and therefore liable for its consequences if and when they occur.

4.8 Urgent need for awareness-raising!

My fourth assumption was centred on issues of raising awareness about and against the offence of sexual harassment. I was interested to know what the students considered sexual

harassment to be; how it occurs in its various forms and manifestations; what if anything the University of Zimbabwe's Faculty of Medicine as a Faculty and the greater University body as a whole were doing in order to raise awareness about it among students and staff; and what protection, if any, the University provides as an institution, what channels and procedures it offers to victims of sexual harassment in order to afford them adequate redress.

I found that at least 80% of the undergraduate students I interviewed during focus group discussions and in-depth interviews had no proper grasp or understanding of the meaning of sexual harassment. As a result I often had to explain it to my respondents before being able to have a meaningful discussion with them. For example, I spoke to one of the undergraduate medical students' representatives and he was also not clear what sexual harassment involved but said nothing of that sort was happening as far as he was aware. I then asked him what he thought it meant to which he responded that he was not particularly clear but supposed it was when one forcibly had sex with an unwilling girl. He described a scenario in which a male and female went on a date and afterwards he expected to have sexual intercourse with her in return for the money he had spent on her and if she refused, he nevertheless forced himself on her. This aspect of the application of force in sexual relations was shared by quite a number of the undergraduates especially the male students who understood sexual harassment only to mean when sex was forced on another and as far as they were concerned such conduct was not happening in the Faculty.

However the story would always change after a brief explanation of the various forms of and contexts within which sexual harassment takes place. In almost every focus group discussion I observed that the students would look at each other and break out laughing. Then they would proceed to share more information about various episodes that had happened to them individually or they had witnessed. They would confess that they had had no idea that these experiences amounted to sexual harassment and a violation of their rights to dignity and security of the person and enjoyment of equality to participate freely in a free and conducive learning environment. They confessed that they thought that it was simply part and parcel of University life which they understood to be an adult learning experience in which adult mating games were an intrinsic part of that life. For instance one female respondent whom I have chosen to call Miss V had this to say:

‘I was on a ward round with other students, nine of them, when the Registrar on our rotation walked past me and whispered in my ear that my dress was hugging in all the right places and it was giving him a hard-on ... I had to do something about it and winked as he walked on as if nothing had happened. I was so shocked I think I blushed and the whole day I felt so uncomfortable thinking that everyone looking at me probably thought I was inappropriately dressed. But at the time I didn’t know that I had just been sexually harassed. What I remember thinking [was] that it was offensive and humiliating. I made a mental note to try and dress a bit shabbily afterwards to try and not draw attention to myself. But the comments kept coming. I just ended up ignoring him as I did not know what else to do.’

I found it rather surprising that the undergraduate students had such a limited and grossly inaccurate understanding of sexual harassment for a number of reasons. Firstly, the Vice Chancellor of the University boasts at every freshman intake that:

‘There are two universities in Zimbabwe the University of Zimbabwe and others.’

I gather that this statement is aimed at communicating the superior position of the University of Zimbabwe in relation to all other universities, it being the standard against which they are all judged. For such an esteemed institution which prides itself in recruiting the cream of the nation’s school leavers (based on the best ‘A’ Level passes) and churns out the highest number of graduates every year, yet who sadly fail to grasp the very basics of the important issue of sexual harassment calls into question the professional fitness of its final products.

The second thing that comes to mind is what if anything is the University doing to raise the awareness of their students to protect them from sexual harassment taking into account the fact that knowledge is power. If students know what it is, they can recognise and identify when it occurs. They can then respond effectively to it by accessing coping mechanisms to deal with it (e.g., by making use of reporting structures and mechanisms) which will place them in a better position to defend themselves against abusers. What I found from the undergraduate students was that they were not aware of what policy addressed issues of sexual harassment. One student had this to say:

‘I remember at orientation we were given a file/booklet that was said to contain all the information about University life including something called a Students’ Charter, but the contents were never discussed and I myself never went and read it after that.’

Another student whom I have named Samson said:

‘What is the Students’ Charter? I have never heard about it rather some of my colleagues say there is something called *maOrdinances asi handizivi kuti anotaura nezvei!*’ (‘... the Ordinances, but I do not know what they say!’)

This sentiment is representative of the general message I heard from undergraduate students which is that the University does make the Students’ Charter available to them. It contains a small segment which refers to sexual harassment but the students never get round to reading it and as a result they still have no clear understanding of what sexual harassment is nor what channels are available to them should they need to seek redress.

However notwithstanding this, the University has to be applauded for making an effort in disseminating the relevant policy document, although more in my opinion has to be done. This is particularly the case given the fact that the University also has postgraduate students and DPhil students. What provisions are they making in terms of availing these same materials to these groups? Especially in the light of the realisation that postgraduate students are not immune to the occurrence of sexual harassment but are actually more vulnerable to it given the facts of proximity to Supervisors, Lecturers, Tutors, Consultants and Examiners and their numbers which are significantly less than those at undergraduate level. The Faculty of Medicine is particularly vulnerable, given that it is not impossible to have one student in a class in such disciplines as, e.g., Neurology.

What I found particularly interesting is that the University’s official statement that the Charter is available on the University website and that students can access it there. I therefore set out to verify this for myself. I logged on to the website and was unable to locate the document. However I did come across the University Ordinances.

I then went to my supervisors and together we attempted to locate the Charter online and we were unable to do so. We then decided to engage the librarian and the information technology experts at the Women’s Law Centre to assist in combing the website for the document. The librarian was actually surprised at the request saying she had never heard of or seen such a document. In my presence, the Centre’s information technology expert, Ms Munyaradzi, also attempted to locate it on the website and failed to do so. She attempted to locate it via the University intranet but the search proved fruitless as we only found the University

Ordinances on that site. Ms Munyaradzi then thought of telephoning the University's Computer Centre to verify with the personnel responsible for the upkeep of the website. Their initial response was interesting as they appeared not to know which document we were referring to and advised us to look for the Ordinances. They also referred us to the Information Office and the person we spoke to was not aware of the document and did not have it in their possession. They referred us to the Students' Affairs Office and the Students' Registry Office. The Students' Affairs Office said that they did not have the document due to the fact that the Dean was currently in the process of updating it.

In fact, prior to this I had actually visited the Students' Affairs Office and they had told me to search for it online on the University website. This was probably why it was not on the site. They could not say how long the update would last and when the document might be up and running again. It will however be interesting to note what changes if any they will make to the final document, whether or not it will give more protection to the students and be more specific and comprehensive than the first document. The Students' Registry Office then called the Centre back and advised that they had located the Charter and we could go and get a copy.

This finding was profound for me. I was surprised that in the first instance they said that the Charter was available on the website and this was not true; that the various offices that are supposed to be custodians of this important information were themselves unaware of the Charter, let alone its provisions; that if the process of locating this Charter for me as a postgraduate student who knew exactly what they were seeking proved cumbersome and prohibitive, how much more difficult such a search would prove for an individual who had even less of an idea?

75% of the postgraduate students whom I interviewed also expressed ignorance as to the existence of the Charter and its provisions, stating that they had not received any such document at registration. The question that comes to mind is why this information is not being actively disseminated to postgraduate students? Perhaps the assumption is that the material had been furnished to the students at undergraduate level. But then again this would be a flawed assumption, since the dissemination of the Charter is a fairly recent phenomenon and it is possible that these postgraduate students (like myself) may be from a time before the handing out of the document. In addition, its lack of ready accessibility online leaves this

group vulnerable. Students who may also be from other universities in other countries like South Africa and Malawi may also need consideration. Those who did attend the University as noted above may not have taken the time to read the Charter, so a resupply of the document may be necessary. For example, I spoke to Doctor X, a female student who did her undergraduate studies in South Africa and said she had no idea of the existence of any sexual harassment policies at the University, was not aware of the existence of the Students' Charter or its provisions. With that I realised that there is a gap here that the University has to recognise and take appropriate steps to rectify.

4.9 Is there a culture of silence?

As I carried out my research I observed that there was a general lack of desire to report victimisation by the victim or by those who witnessed or knew about it. This worried me and I set out to establish what factors contributed to this problem of non-reporting. I found that in the first instance there was a general perceived fear of the unknown and questions such as, 'What will happen to me if I report? Will there be any retaliation for doing so? What will the repercussions for rocking the boat? What will happen to my educational progress? What impact will this have on the future of my career?' Some of the undergraduate third year students had this to say:

'Med school is very hierarchical in nature, [it is] more like the military, such that Consultants, etc., are very powerful and influential in your overall performance and grading. So we fear that if we report such people how are they going to influence our education? Will I be failed as a result? And due to costly fees, I would rather just ignore [the problem] and get on with life.'

'Here in medical school oral exams carry a lot of weight and there is something called continuous assessment in that Consultants form an opinion of your capabilities and abilities continuously on a daily basis and it is therefore possible to have a negative or positive bias that can work to your advantage or disadvantage, especially in an exam situation. So, as a student, you really do not want to do anything to invite unnecessary attention to yourself or rub those in powerful positions [up] the wrong way. You never know what will happen to you.'

'As postgraduate students, we are already practising Doctors and the costly fee structure requires that we do a lot of locums to augment our government salaries that are deplorable and also to support our families as most of us are married and as such we have responsibilities. So, reporting a Consultant may mean no extra work for you because it's a highly networked profession. You

will be branded a trouble maker and these Consultants have been in the field for long periods of time and can greatly influence your advancement. Making [a] noise may mean that you will not be able to work in Harare but rather relocate to district hospitals. So no one wants that. We have families to think about.'

'I have a friend who was doing Obstetrics and Gynaecology. She was sexually harassed by one of her Consultants and went to tell her Mentor, who did not believe her and told the Consultant in question that this lady was making such claims against him. [To] cut a long story short they failed her repeatedly until she withdrew from the program. So when we hear of such stories, and they do go around, we find it's better just to let it go, laugh it off, ignore it [and] hopefully the abuser will get tired of pursuing you and move on. [So we] make the most of a bad situation. After all we are all adults.' (She laughed as she said this.)

I clearly got the message that the female students have a great sense of fear of what reporting sexual harassment will lead to and would rather not risk finding out. As far as they are able, they adopt an attitude of shrugging it off and getting on with life. Also the female Consultants seem to acknowledge that harassment does take place as they themselves went through it. But now, even though they are in a better position of authority they also seem reluctant to challenge the *status quo* perhaps as a way of gaining acceptance from their male counterparts as being 'cut out for' the profession and tough enough to handle the environment.

In the second instance, socialization and culture also play a part in female victims' reluctance to report sexual harassment. They explained that culturally they have been raised not to talk about sex and sexuality as it is taboo. So the unmarried undergraduate students argued that reporting sexual harassment would attract unnecessary attention to a woman if she reported sexual harassment and may jeopardise her prospects of marriage because all sorts of questions and scenarios would come into people's minds, such as, 'Is she being promiscuous?' Also, since sexual harassment almost always involves older men, family and friends would, instead of supporting a victim, would say '*Akuita zvemadhara*'. It may also compromise their eligibility to marry. Culture is such a strong influence that even a married postgraduate female student said:

'Look here, as married women you really don't want to start rumours to do with sex [as] it may lead to divorce and tensions that are unnecessary with the in-laws, especially given the fact that there is a general perception in society of the promiscuity of Doctors and undertakings in call rooms. So it is better to keep quiet and ride out the tide [storm].'

Thirdly, the reporting mechanism does not make it appealing for students to report for a number of reasons. This is mainly due to the fact that it is ill-defined and shrouded in mystery and secrecy since students are not actively encouraged to make use of it. A simple way of doing this would be to actively make the information readily available to the students by clearly outlining the channels and procedures involved in making a complaint and assuring them that swift action would be taken. As things stand now, students have the fear that they may be reporting to an individual who might themselves be an abuser/be their abuser (reporting to your immediate Supervisor). They are also afraid of the old boys network in which the culture of sexual harassment is so ingrained in the system that it has mutated into an organisational sub-culture. This scenario calls into question the credibility of the promise of delivering justice and rather presupposes victimisation as the more likely outcome of reporting.

There is also a sense of the phenomenon of what I would like to call ‘blame the victim’ which inhibits victims from making formal reports. It involves questioning the sexual integrity of the victim, including, e.g., how she dresses and behaves and her general persona. These are all put under the microscope to see if she really is the victim that she claims to be. It is a process which evaluates how far she fits into the societal norm and value conceptions of femininity and chastity.

In the light of the #metoo movement (Figure 7) that has currently swamped social media platforms worldwide I would be interested to see if it will extend to Africa and its educational institutions, especially its universities and other tertiary institutions. Based on my findings, however, and the misgivings of the female students in the College of Health Sciences I am of the view that the #metoo movement may be a long time in coming. It was also interesting to see that our national media platforms have been rather silent about broadcasting issues to do with the #metoo movement. I am hopeful however that the initiative of the Gender Commission which is currently working on introducing sexual harassment engagement in secondary level education will yield positive results.

Figure 7: A graphic of the #metoo movement



4.10 Conclusion

The chapter presented the data as it was collected from the field and analysed through feminist theoretic frameworks. The next chapter is made up the study's concluding comments as well as its recommendations.

CHAPTER FIVE

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

Sexual harassment in institutions of higher and tertiary learning poses a violation of women's rights which amounts to sexual assault and as such should be criminalised (Chimombe, 2012). By creating a hostile learning environment which operates on a *quid pro quo* basis, sexual harassment directly attacks the principle of equality of males and females and constitutes discrimination based on sex and gender that has a dehumanising and humiliating effect on the victim, while attacking the notion of an individual's inherent dignity as provided for in international and national law.

Sexual harassment is a personal attack on women's minds and bodies, instilling fear and violating a women's bodily integrity, education and freedom of movement. It is used as a powerful mechanism of control and intimidation, through which women's subordinate status is maintained (Reynolds, 1997).

Although the University of Zimbabwe does have a policy that deals with sexual harassment, it is inadequate and porous and lacks specificity and comprehensiveness. This exposes students to criminal elements in the institution which is compounded by the inadequacies of national legislation which is also very vague and ambiguous in its treatment of sexual harassment. This sends out a clear signal that it is trivialised both at organisational level and national level, regardless of the protective provisions of the Zimbabwe Constitution. A real test of sincerity of the nation's ruling powers would be their preparedness to align the law and policy on sexual harassment with Zimbabwe's Constitution in accordance with international human rights standards and frameworks in a concerted effort to protect victims of sexual harassment, especially female victims in Zimbabwe's educational institutions.

Also failure to take urgent effective action to combat sexual harassment is likely to undermine the SDC drive in education which aims to achieve equality of access to education of female as well as male students and the implementation of affirmative action to rectify past injustices. The occurrence of sexual harassment contradicts this notion of equal participation in that the few women who do manage to succeed and reach medical school will continue to

be threatened to the point of dropping out through sexual harassment if measures are not put in place to curtail it. The failure to act and protect such students could lead to regression and the erosion of the benefits yielded by affirmative action. For example, Professor Chidzonga confirmed that while the demographics in the College had evolved to the point that they had abandoned affirmative action since more females than males were now enrolling at the College, this trend is not occurring at the higher echelons of the College and there are still significantly fewer female than male Consultants.

The structure of assessment and examination of the University Of Zimbabwe's College of Health Sciences is porous as evidenced by the submissions of the students interviewed, although no evidence can be put forward to support this other than student testimony. It is my submission that because the students and some staff have pointed to these issues it should represent enough of a concern for the Administration to return to the drawing board to revisit and review its existing structure and find competent ways to close loopholes which are lending themselves to sexual predators on its staff. It is my belief also that turning a blind eye to this problem will lead to uncomfortable questions about the integrity of graduating Doctors if exam material can be purchased from clerks and the reprographic unit. If sex is indeed being used as currency to pay for academic success, will this practice not only call into question the reputation of the Doctor but the University as well?

5.2 Recommendations

Positive proactive and preventive measures are required to better ensure the effective protection of both staff and students and ensure a safe and nurturing learning and working environment. These measures could include periodic, life skills training sessions with an emphasis on self-preservation and protection by equipping students and staff alike with the necessary skills and tools to identify and respond to sexual harassment. This would effectively dispel the myths of uncertainty through which the fear of repercussion aids in the non-reporting of sexual harassment cases. True progress will only be realised once students have a comprehensive understanding of what sexual harassment is, are fully equipped to recognise and identify its various shapes and forms and are assured that they will be supported and not victimised for reporting it.

The University of Zimbabwe should as a matter of urgency draw up separate, specific and comprehensive sexual harassment policies and Code of Conduct which addresses the sexual harassment of employees and students. We have established that devoting a section of a broader University policy does not accord sexual harassment the serious attention that the nature of the abuse requires. Drawing up such a policy would only be an important first step which would need to be followed up by rigorous implementation strategies in which awareness raising of the student body would be pivotal. This could be done through the University holding On-going Awareness Campaigns, training sessions and seminars at organizational level and especially take advantage of the orientation period to fully address all issues dealing with sexual harassment and lay down the University's position and zero tolerance stance (Figure 8).

Figure 8: A graphic called 'ZERO TOLERANCE TO SEXUAL HARASSMENT'



Talking about reporting mechanisms and structures so that a student is made aware of these issues from the onset so that they will not fall victim to abuse as a result of educated ignorance would, I presume, work better than merely handing out booklets to freshman students which offer no guarantee that they are going to be read. Sessions can also be held periodically at Department and Faculty levels as follow-ups and refresher sessions of on-going awareness raising and training. This would also mean that every student has access to information including those at postgraduate level. The University could partner with civic society, i.e., non-governmental organisations (NGOs) to achieve this as they are well versed and located to carry out training sessions and seminars and are familiar with effective information dissemination skills that cater for varied audiences in a manner that engages and captures the attention of recipients.

Independent individual complaint procedure

The University should also undertake to offer legal and psychological counselling for victims of sexual harassment. Noting that the psychological effects of harassment may lead to the mental breakdown of victims, it is essential that a victim of sexual harassment have access to as much professional counselling and support as possible. The option of litigating against victimisers must be made available to the victim and the victim should be made aware of this avenue of redress should they require it, notwithstanding that institutional measures are taken against harassers.

The University must also come up some form of monetary reparation for a victim awarded on a case by case basis. This should take into consideration the pain and suffering endured by the victim. While providing for punitive sanctions against the perpetrators, one way of doing this would be adopting a name and shame policy which publicly shuns the behaviour of the abuser, while being mindful to protect the identity of the complainant. Immediate dismissal should ensure there after this would have the effect of sending a clear message of zero-tolerance and would resolutely serve to deter any such future behaviour in others. The Medical and Dental Health Professions Council should also be engaged to withdraw the practising licences of culprits.

As far as it can within the limits of the resources available to it, the University should also try to have campaigns with a view to changing the attitudes of both student and staff. Noting that sexual harassment has been going on for quite some time, there is a need to promote a new organisational culture based on respect for the inherent dignity and security of the person and the principle of equality of men and women. A simple way of achieving this would be to integrate information about sexual harassment in the curriculum as well as framing new and effective national gender policies encompassing, proactive and preventive measures to deal with sexual harassment.

5.3 Possible future research

There is a need for future research into the possibility of setting up independent examination boards in the College of Health Sciences to establish with certainty whether as we suppose having such a board will result in a reduced leverage of Consultants over students thereby taking away their influence and ability to hand out 'passes' for sexual favours.

Another avenue would be to research the possibility of the University of Zimbabwe partnering with civil society to establish independent reporting and disciplinary bodies to ascertain if this would result in more reports being made and the reduction of sexual harassment not just in reduced reports but in real reduction of the occurrence of sexual harassment. Also proposals should be made as to various strategies which could be adopted in order to deal with any misgivings the organisation might have in adopting such a system. The research should cover all universities and departments of universities and not be limited only to the Faculty of Medicine. Every effort must be made to get the message delivered, understood and observed...THAT SEXUAL HARASSMENT MUST STOP! (Figure 9).

Figure 9: A graphic called ‘STOP’



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