



KILIMANJARO CHRISTIAN MEDICAL UNIVERSITY COLLEGE

(A Constituent College of Tumaini University Makumira)

GENDER AND SEXUAL HARASSMENT POLICY AND PROCEDURES

AUGUST 2024

DOCUMENT INDEXING INFORMATION

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PREFACE

The Kilimanjaro Christian Medical University College (KCMUCo) acknowledges that the effects of gender discrimination and sexual harassment may last for a long time and, therefore, cause an unendurable and hostile workplace or living environment. In some situations, a harassed staff may lose his/her job or chance for promotion, and a student may discontinue or fail when refuses to fulfill the sexual demands of someone with authority. Also, they may be traumatized by these unlawful acts, leading to emotional and physical consequences and, very often, unable to perform related tasks properly.

KCMUCo is committed to exterminating these awful acts, which not only affect women and men but also may impair the long-standing College reputation, which embraces the Christian values of love, mercy, and compassion.

This Policy reiterates this commitment and further provides for situational analysis by describing the gender distribution of staff and students for the past ten (10) years and the existence of sexual harassment at KCMUCo. The Policy further provides strategies to curb these unacceptable acts, an implementation framework, and procedures for the victims.

Prof. Ephata E. Kaaya
Provost

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ABBREVIATIONS AND ACRONYMS

CAC:	College Academic Committee
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
CGB:	College Governing Board
DPA:	Deputy Provost for Administration
GSHC:	Gender and Sexual Harassment Committee
KCMUCo:	Kilimanjaro Christian Medical University College
RAAWU:	Research, Academicians and Allied Workers Union
SDG:	Sustainable Development Goals
SOSPA:	Sexual Offences Special Provision Act
TUMA:	Tumaini University Makumira

GLOSSARY OF TERMS

“Gender” refers to the socially constructed characteristics of women and men, such as norms, roles, and relationships among and between groups of women and men.

“Gender Discrimination” Refers to unequal or disadvantageous treatment of an individual or group based on gender.

“Gender Equality” Refers to a situation in which men and women enjoy equal rights, opportunities, privileges, and resources in an organization or community.

“Gender Equity” Is a quantitative measure referring to a process in which men and women access an organization's resources, opportunities, benefits, and obligations to attain gender equality.

“Partner” refers to any internal or external individual working with KCMUCo to implement project or research activities over a specific period.

“Service Provider” is a person or corporate body that tenders for the provision of services after acceptance and awarded a contract by the College on the agreed terms and conditions.

“Sexual Harassment” Refers to unwelcome behaviour against a person of the opposite sex such that the affected feels sexually intimidated and offended.

1.0 INTRODUCTION

1.1 Background

The Kilimanjaro Christian Medical University College (KCMUCo) Gender and Sexual Harassment Policy and procedures provide a firm commitment, statements, and procedures that ensure the right of both students and staff to safe living, working, and learning environments. The right to safe and comfortable learning and working can be seriously impaired when both students and staff at the College are subjected to gender discrimination and sexual harassment. KCMUCo strongly affirms that the dignity of the human being must be respected and protected at all times.

Sexual harassment is a gross violation of the human rights and dignity of a person irrespective of their sex, ethnicity, class, disability, religion, color, etc. It has immediate and long-term health, social, and economic consequences. Often, sexual harassment manifests itself from unequal power relations between men and women in society (including the workplace), and women are the most vulnerable group when it comes to sexual harassment. However, it should also be understood that men can also be victims of sexual harassment.

In Tanzania, the rights of men and women are enshrined in the constitution of 1977, as amended in 1984 and 2000, which assures equality, respect, justice, and freedom for all people irrespective of sex, color, or race. Tanzania is a signatory of various international conventions that seek to promote and protect human rights and, in particular, the rights of women, including, among others, the United Nations Convention on Human Rights of 1946, The Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW) 1979, The Beijing Platform of Action in 1995; The Declaration on Gender and Development by the Southern African Development Community of 1997, etc. To ensure that the rights of women and men are translated into practice in Tanzania, several legislations, policies, and programs have been developed, including, among others, the Penal Code Chapter 16, Revised Edition 2002, Sexual Offences Special Provisions Act (SOSPA) of 1998, the Employment and Labor Relations Act, 2004 and Women and Development Policy of 1992, which was subsequently replaced by National Gender Policy of 2000. KCMUCo, therefore, seeks to demonstrate this by implementing this Gender and Sexual Harassment Policy and procedures.

1.2 Purpose of the Policy

This Policy addresses existing gender gaps, gender discrimination, and sexual harassment at the College. It is expected to promote gender equality and equity and eliminate gender discrimination and sexual harassment.

1.3 Policy Objective

The objective of the KCMUCo Gender and Sexual Harassment Policy is to provide awareness, sensitization, mechanisms, and procedures to address gender gaps, discrimination, and sexual harassment to ensure the College attains gender equality and equity.

The specific objectives of this Policy are to:

- (i) Create awareness and sensitization among the KCMUCo community on all issues of gender and sexual harassment.
- (ii) Establish mechanisms to address gender discrimination and sexual harassment within the KCMUCo community.

- (iii) Develop effective and fair procedures in the handling of cases associated with gender discrimination and sexual harassment.
- (iv) Ensure the College provides equal opportunities in terms of both resources and responsibilities to its female and male staff.
- (v) Ensure a fair representation of female and male employees and students in the KCMUCo policy, decision-making organs, and student organizations.

2.0 SCOPE

This Policy applies to all staff, students, clients/customers and all individuals contractually or in partnership with KCMUCo. It is applicable in all administrative and academic units of the College.

3.0 POLICY STATEMENT AND STRATEGIES

3.1 Policy Statement

KCMUCo recognizes that gender gaps, discrimination, and sexual harassment exist within the College. These undermine the vision and mission of KCMUCo, academic and career prosperity, and harmonious relationships between individuals and damage the general image and integrity of the College. The College, therefore, commits to the creation and maintenance of a conducive working, learning, and living environment free of gender discrimination and sexual harassment.

3.2 Strategies

To achieve the objectives of this Policy, KCMUCo shall:

- (i) Appoint a Gender and Sexual Harassment Committee (GSHC) to take oversight of all cases and incidents and the implementation of this Policy.
- (ii) Regularly provide awareness and sensitization to students and staff on issues related to gender and sexual harassment.
- (iii) Provide mechanisms and procedures to investigate and address issues related to gender and sexual harassment, including taking appropriate legal actions for gender-related misconduct.
- (iv) Ensure that female employees with relevant education and professional requirements are promoted and assume higher responsibilities and decision-making positions within the College.
- (v) Ensure that all job advertisements encourage women to apply.
- (vi) Ensure that women candidates whose scores are equal to those of men are given employment priority.
- (vii) Ensure female employees are given priority in training opportunities.
- (viii) Encourage female students to apply for admission and deliberately seek funds from various sources to sponsor qualified female applicants into various academic programs.
- (ix) Encourage and counsel female employees and students to take up leadership positions.
- (x) Equip staff, students, service providers, and partners with skills and knowledge to defend themselves against gender discrimination and sexual harassment.

- (xi) Set up mechanisms and procedures that encourage anyone who feels discriminated against and sexually harassed within or outside the College to report and record such incidents to the attention of relevant officers or organs.
- (xii) Maintain confidentiality of both the complainant and the respondent throughout the investigation and proceedings to protect them from intimidation, threats, or repercussions concerning reporting the incident(s) and while handling cases of gender discrimination and sexual harassment.
- (xiii) Prohibit gender discrimination and sexual harassment at KCMUCo to create and maintain acceptable attitudes and behaviours to create a hospitable, equitable, conducive, and safe environment.
- (xiv) Ensure that whenever relevant all data and information collected, analysed stored and disseminated are sex disaggregated as a key to achieve the Sustainable Development Goals (SDG) 2030 Agenda of achieving gender equality and other commitments.
- (xv) Establish a gender coordination unit.
- (xvi) Use the available ICT facilities and establish an online reporting system for expeditious and confidential complaint handling.
- (xvii) Establish a monitoring and evaluation committee.

3.4 Action that Constitutes Sexual and Gender-Based Harassment

Examples of conduct that may constitute sex/gender-based harassment include but are not limited to:

- (i) Continued unwelcome questioning about intimate or personal matters
- (ii) Unwelcome touching or other physical acts of a sexual nature
- (iii) Severe, persistent, or pervasive comments or jokes of a sexual nature
- (iv) Severe, persistent, or pervasive unwelcome comments or conduct regarding an individual's sexual orientation or gender identity
- (v) Sending emails that contain extreme or persistent sexual messages, images, or language
- (vi) Repeated derogatory comments of a non-sexual nature relating to a particular sex/gender generally and targeted to a specific individual(s) of that sex/gender
- (vii) Sex/gender-based violence – non-sexual physical assault of an individual because of the individual sex or gender

3.5 Actions that does not constitute sexual harassment

- (i) A relationship of mutual free consent between or among persons of the age 18+ and of sound mind
- (ii) Verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum
- (iii) In determining whether the alleged conduct constitutes sexual harassment, the general nature, circumstances, and the context upon which the conduct occurred should be thoroughly considered.

4.0 PROCEDURES FOR HANDLING GENDER DISCRIMINATION AND SEXUAL HARASSMENT

KCMUCo staff, students, visitors, and partners who experience gender discrimination and sexual harassment shall report the incident

within 48 hours of occurrence. However, delays in reporting shall not automatically preclude the College from taking necessary actions in a given situation. The reporting shall be made to:

- (i) The designated gender coordinator shall liaise closely with the Dean of Students and the Head of Human Resource Management and Administration.
- (ii) DPA, Deans, Directors, Heads of Departments, Units, and Sections, or any supervisors, depending on the circumstances and locations.
- (iii) The person receiving the complaints shall be the advisor of the incident(s). The procedures shall be strictly confidential, and the advisor shall be required to keep records of the discussions. The advisor shall:
 - (a) Assist the complainant in determining whether the incident(s) reported constitute(s) gender discrimination and/or sexual harassment.
 - (b) Discuss alternatives to resolve the incident(s) without involving the formal authorities.
 - (c) Inform the person(s) against whom the complaint is made, the nature of the allegations, and provide mediation as an alternative to resolving it.
 - (d) Mediate the parties to seek agreements to resolve the incident(s).
 - (e) advise the parties of the consequences if the informal complaint is not resolved and subjected to a formal complaint.
 - (f) Attempt to ensure no re-occurrence of the incident(s) complained about or reappraisals against the complaint.
 - (g) Give the complainant support and counselling, whatever course of action is chosen.

- (h) Keep the records of the complaint for both surveillance purposes and possible use in the future.
- (iv) For any ongoing proceedings, the complainant or respondent shall not be:
 - (a) An advisor.
 - (b) A person to whom the formal complaint is lodged.
 - (c) A person who decides about the decision of a formal complaint.
- (v) If the incident remains unresolved and the complainant decides to take further action, the advisor shall assist the complainant in lodging a formal complaint with the GSHC committee chairperson by filling out an incident reporting form provided in the first schedule of this Policy.

4.1 Procedures of the Formal Complaints

Upon receipt of the formal complaint, the GSHC shall:

- (i) initiate investigations of the incident(s).
- (ii) determine whether immediate action is required to ensure the safety of the individuals involved.
- (iii) Provide the respondent with a copy of the written complaint.
- (iv) Provide disclosure of the nature of the complaint(s) to the respondent and invite the respondent to respond in writing within seven (7) days.
- (v) Interview all witnesses if available.
- (vi) obtain any other relevant evidence(s).
- (vii) review the investigation findings and receive any further information.

- (viii) Come up with a decision and communicate it to the complainant and the respondent within 30 days after lodging a formal complaint(s).

4.2 Disciplinary Actions

- (i) If the respondent(s) is found guilty, appropriate disciplinary actions will be taken against him/her.
- (ii) Charges of disciplinary offenses or misconduct against any staff or students shall be handled by the Gender and Sexual Harassment Policy, KCMUCo Staff Regulations and Conditions of Service, and KCMUCo Charter and Rules 2010.
- (iii) The complainant may decide at any stage, depending on the severity of the alleged complaint or if the complainant is dissatisfied with handling the incident(s) by the internal mechanism, to report the incident(s) to the relevant Government authorities.
- (iv) Once government authorities initiate an investigation, the internal College investigation will be suspended.

4.3 Malicious Accusations

If the findings reveal that the complainant maliciously accused the respondent, the complainant shall be appropriately disciplined, and the documentation shall be retained in the complainant's file. Disciplinary procedures for those found guilty of gender discrimination and sexual harassment shall similarly apply.

4.4 Retaliation/Revenge

Retaliation against a person using this Policy in good faith to report an incident or assisting in an investigation under this Policy is inappropriate and may warrant disciplinary action(s).

4.5 Records Keeping

KCMUCo shall maintain a written record of each complaint and how it was investigated and resolved at all levels of handling the alleged incident(s) confidentially. The records keeping shall comply with the College's records retention schedule.

5.0 IMPLEMENTATION FRAMEWORK

5.1 Coordination, Monitoring and Evaluation

Considering the existing gender gap and related challenges, the KCMUCo Gender and Sexual Harassment Policy shall establish an effective and efficient coordination framework that shall handle all issues of gender and sexual harassment with utmost sensitivity and in a credible manner. All matters related to gender and sexual harassment shall be coordinated by the gender coordination unit in collaboration with the Dean of Students Office, Human Resources Office, faculties, directorates, institutes, departments, units, sections, and the Staff and Students Disciplinary Committees.

5.1.1 Coordination

There shall be a Gender and Sexual Harassment Committee (GSHC), which shall oversee this Policy's effective coordination and

implementation. The Committee shall be chaired by the Deputy Provost for Administration (DPA), who shall oversee the efficient implementation of the Policy and coordinate all matters related to gender and sexual harassment at KCMUCo. DPA shall be assisted by the GSHC coordinator, who the Chairperson shall appoint amongst members of GSHC representing faculties, directorates, institutes, departments, sections, and units. The GSHC shall report administrative issues to the Human Resource and Students Affairs Committee (HRSAC). GSHC shall provide quarterly implementation reports to the College Governing Board (CGB) through HRSAC.

5.1.2 Monitoring and Evaluation

Implementing this Policy depends on the effective Monitoring and Evaluation (M&E) mechanism. These are necessary means for assessing the implementation of strategies and the goals and objectives of the Policy.

The College, through the GSHC, shall support M&E activities. The GSHC shall work together with other actors in the M&E in their respective faculties, directorates, institutes, departments, sections, and units. In consultation with actors, GSHC shall develop guidelines and indicators for M&E of the Policy and related activities. All actors in implementing the Policy shall be responsible for M&E of policy activities falling within their jurisdiction. The M&E mechanisms shall analyse the Policy's progress in achieving its goals and objectives. M&E reports shall be prepared and disseminated at all levels of stakeholders to share their views on the progress of the Policy.

The M&E activities shall include regular audits of the College's compliance with the sexual harassment policy, assessing the extent to which staff and students are aware of the Policy, understand it, and

feel comfortable using the reporting mechanisms. Hence, M&E results shall be used to review and improve the Policy.

5.2 Strategies

- (i) The Provost shall appoint a M&E Committee to monitor and evaluate gender discrimination and sexual harassment cases.
- (ii) M&E Committee shall report quarterly and annually on the activities and state of gender discrimination and sexual harassment at KCMUCo to the Management and stakeholders.
- (iii) KCMUCo shall make the Policy accessible through the college website.

6.0 IMPLEMENTATION OF THE POLICY

GSHC shall oversee the implementation of this Policy whereby fifty percent (50%) of its members other than the Chairperson shall be females. The Committee shall be composed of:

- (i) Deputy Provost Administration who shall be the Chairperson.
- (ii) Legal Officer who shall be a secretary of the Committee
- (iii) Dean of Students.
- (iv) Head of Human Resource Management and Administration Section
- (v) One academic staff member
- (vi) One administrative staff member
- (vii) RAAWU representative
- (viii) TUMaSO representative
- (ix) The Provost shall appoint any other member if the situation dictates it.

6.1 The Mandate of GSHC

The GSHC shall have the mandate to:

- (i) Coordinate and implement the Policy.
- (ii) Monitor and evaluate all gender and sexual harassment-related issues within the College.
- (iii) advise and assist Sections, Units, Departments, Faculties, Institutes, and Directorates on gender and sexual harassment-related issues.
- (iv) Take active roles in addressing gender and sexual harassment-related issues affecting the KCMUCo community.
- (v) Translate gender and sexual harassment-related issues into implementable programs.
- (vi) Establish networks with other organizations working on gender and sexual harassment-related issues.
- (vii) Establish and maintain a GSHC resource centre at KCMUCo.
- (viii) Mobilize resources for the implementation of gender and sexual harassment-related issues.
- (ix) Plan and prepare gender and sexual harassment-related activities for community sensitization programs.
- (x) Review the Gender and Sexual Harassment Policy where necessary.
- (xi) Approve short, medium, and long-term implementation programs.
- (xii) Ensure that all potential advisors are appropriately informed, especially on diversity issues, which may impart knowledge, understanding, and information mentioned in this Policy.

7.0 ROLES AND RESPONSIBILITIES

7.1 The Roles of Management

The Management shall provide a supportive environment for the creation of awareness and sensitization on matters related to gender and sexual harassment and provide necessary infrastructure, including office space, for the gender coordination unit.

7.2 The Roles of Staff

All new staff shall be trained on the content of this Policy as part of their induction into the College. Deans, Directors, and HoDs ensure that all their staff know this Policy.

7.3 The Roles of the Students

The student government and the Dean of Students are responsible for ensuring that all new students are trained on the Gender and sexual harassment policy and take the online assessment before registration.

8.0 POLICY STATUS

This is a revised policy

9.0 RELATED LEGISLATIONS

This Policy shall be implemented closely with the following:

- (i) KCMUCo Charter and Rules, 2010
- (ii) KCMUCo Staff Regulations and Conditions of Service

- (iii) Employment and Labour Relations Act, 2004, and amendment therein
- (iv) KCMUCo Students Support Services Manual
- (v) National Gender Policy of 2000
- (vi) And any other related documents

10.0 KEY STAKEHOLDERS

The key stakeholders of this Policy are KCMUCo staff, students, deans, directors, heads of departments, units, sections, service providers, and any other collaborating partners.

11.0 EFFECTIVE DATE OF THE POLICY

This Policy shall be operational immediately after the College Governing Board approves.

12.0 NEXT REVIEW DATE

This Policy shall be reviewed every five (5) years or as deemed necessary.

13.0 POLICY OWNER

College Governing Board

14.0 POLICY CUSTODIAN

Deputy Provost for Administration

15.0 APPROVAL DETAILS

The College Governing Board approved the Gender and Sexual Harassment Policy in its 53rd Meeting held on 16th August 2024.

Prof. Ephata E. Kaaya

Provost

KCMU-College

Signature_____

Date: 16th August 2024

Name: Hon. Bishop, Dr. Fredrick Onaeli Shoo

Position: CGB Chairman

Signature: - _____

Date: 16th August 2024

APPENDIX

Incident Reporting Form



KILIMANJARO CHRISTIAN MEDICAL UNIVERSITY COLLEGE *(A Constituent College of Tumaini University Makumira)*

SECTION A – COMPLAINANT INFORMATION

Names: _____ Phone: _____

Address: _____

Job Title/Academic Programme _____

Student Registration Number/Employment ID No. _____

Email: _____

Select Preferred Communication Method of Communication:

Email ☐

Phone ☐

In Person ☐

Date of the event(s) about which you are complaining:

SECTION B – NATURE OF THE COMPLAINT

Please indicate the reason(s) why the complaint is being made and specify:

- a) Who or what is being complained about?
- b) the events that took place in chronological order, and
- c) the consequences that you believe you have suffered as a result.

Please use an additional sheet if necessary.

N.B. Should you wish to provide additional supporting evidence, please attach it.

SECTION C - AN OUTLINE OF THE ACTION YOU HAVE TAKEN SO FAR

If you have already taken steps to resolve your complaint *informally*, please outline these below: **(if you have not taken these steps, please proceed to Section D)**

Who did you discuss this with to try to resolve it informally?

Date of meeting/discussed: _____

Department/Unit(s): _____

Why do you remain dissatisfied with the response to your Stage 1 complaint?

SECTION D - DESIRED OUTCOME

Please say what action you would like to be taken and any suggestions of resolution or redress to resolve the complaint to your satisfaction.

N.B. The College will make every effort to resolve all complaints to the staff/student's satisfaction, but please note that it may not be possible in all cases since some may be referred to the relevant Government authority for appropriate legal action (s).

SECTION E - DECLARATION

As far as possible, all complaints will remain confidential to those involved in investigating them, responding to them, and communicating with you unless there is a severe risk of harm to you or others. In the interest of natural justice, parties to a complaint have the right to know the full details of the complaint. To the best of my knowledge, I declare that all of the information I have supplied is true, accurate, and complete.

Signature: _____ Date: _____

PLEASE LIST any correspondence or other documentation related to your complaint, which you have attached along with this complaint form:

(a)	_____
(b)	_____
(c)	_____
(d)	_____
(e)	_____
(f)	_____

(g)	_____
(h)	_____