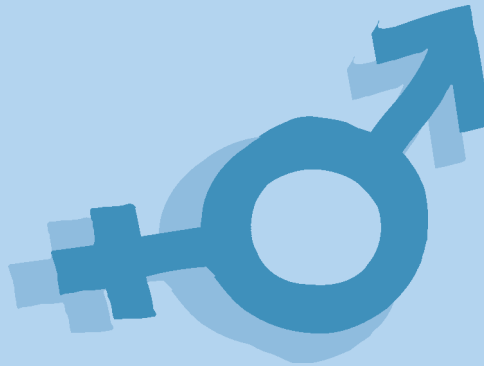




# **Muhimbili University of Health and Allied Sciences**



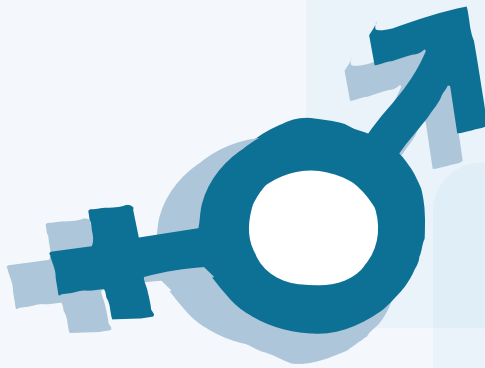
## **Policy Against Sexual Harrassment and Discrimination**

November 2007





# **Muhimbili University of Health and Allied Sciences**



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November 08

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## FOREWORD

As an Institution of higher learning, Muhimbili University of Health and Allied Sciences is expected to set an example of civilised behaviour. It is the duty of MUHAS to promote civilised behaviour within and around its community. Sexual harassment and all forms of discrimination are demeaning to all persons and subvert the mission of MUHAS. MUHAS recognises that in order to realise its goals, the working and learning environment must be free of sexual harassment and all kinds of discrimination.

Sexual harassment and certain forms of discrimination are known to exist in institutions of higher learning. It would be unrealistic to deny the existence of the same at the MUHAS. To reaffirm this, a study conducted to assess the magnitude of sexual harassment at MUHAS during 2007, clearly revealed that sexual harassment existed at MUHAS and that concerted efforts were required to address the problem. It is on this basis therefore that MUHAS has come up with the Policy against Sexual Harassment and Discrimination.

Having a Policy in place is one step, and implementing it is another. To succeed in the control, elimination and eventual eradication of sexual harassment and discrimination at MUHAS, all stakeholders must recognise the existence of the policy, and work as a team with full commitment and determination towards its implementation. All stakeholders ought to be held accountable and responsible in working towards this goal. Only then can we achieve academic and social harmony that allows students and staff realise their full potential at MUHAS.

**Prof. P. K. Pallangyo**

Vice Chancellor

Dar es Salaam, November 2007.



## TABLE OF CONTENTS

FOREWORD	ii
ABBREVIATIONS AND ACRONYMS	3
1.0 PRELIMINARY PROVISIONS	4
2.0 DEFINITIONS	6
2.1 Sexual Harassment	6
2.2 Discrimination	7
3.0 Preamble	8
4.0 Rationale	9
5.0 Policy objectives	10
6.0 SITUATION ANALYSIS OF SEXUAL HARASSMENT AT MUHAS	11
6.1 Perceptions on the extent of occurrence of sexual harassment at MUHAS	11
6.2 Magnitude of sexual harassment at MUHAS	11
6.3 Reported forms of sexual harassment	12
6.4 Areas where sexual harassment took place	12
6.5 Reporting of sexual harassment incidents	12
6.6 Consequences of sexual harassment events experienced by the victim	13
7.0 DISCRIMINATION	14
8.0 PROCEDURE FOR RESOLUTION OF COMPLAINTS OF ALLEGED SEXUAL HARASSMENT & DISCRIMINATION	15
8.1 The Committee Against Sexual harassment & Discrimination	15



8.2	Initial resolution of alleged sexual harassment and discrimination incidents	15
8.3	Initial reporting and handling of an alleged sexual harassment or discrimination complaint	16
8.4	Formal Complaints	17
8.5	Disciplinary Action	18
9.0	FALSE ACCUSATIONS	19
10.0	RETALIATION	19
11.0	CONCLUDING REMARKS	19
12.0	BIBLIOGRAPHY	21

# ABBREVIATIONS AND ACRONYMS

CASHD	Committee Against Sexual Harassment and Discrimination
PASHD	Policy Against Sexual Harassment and Discrimination
DVC – PFA	Deputy Vice Chancellor - Planning, Finance and Administration
MUHAS	Muhimbili University of Health and Allied Sciences
RAAWU	Researchers, Academicians and Allied Workers Union
VC	Vice-Chancellor





## 1.0 PRELIMINARY PROVISIONS

- 1.1 This policy may be cited as ‘Policy Against Sexual Harassment and Discrimination’ of the Muhimbili University of Health and Allied Sciences (MUHAS).
- 1.2 This policy shall come into operation on such date the Council approves.
- 1.3 This policy shall apply to the management, staff, students and associates of MUHAS.
- 1.4 In this policy, unless the context otherwise requires:-
  - 1.4.1 “Advisor” means a MUHAS staff empowered to provide mediation as a way of resolving the complaint between the complainant and the respondent
  - 1.4.2 “Affiliated Institution” means an institution which has a close working /learning relationship with MUHAS. Examples include: Muhimbili National Hospital, Muhimbili Orthopaedic Institute, Ocean Road Cancer Institute etc.
  - 1.4.3 “Complainant” means a student, staff or MUHAS associate lodging a complaint of sexual harassment or discrimination
  - 1.4.4 “Employer” means a person or firm that employs workers, for this policy Employer shall mean the MUHAS Council
  - 1.4.5 “MUHAS Associates” means patients, honorary or adjunct lecturers, collaborating/visiting researchers, consultants, employees of projects, contractors, and support service providers engaged in MUHAS activities.
  - 1.4.6 “Policy” means the MUHAS Anti-Sexual Harassment and Discrimination Policy
  - 1.4.7 “Respondent” means a person alleged to have sexually harassed or discriminated a complainant

- 1.4.8 “Staff” shall mean any person employed by MUHAS whether full-time, part-time, temporary, contracted or casual.
- 1.4.9 “Student” means a registered, elective or vocational student of MUHAS and any other individual receiving training or education within MUHAS as the case may be.
- 1.4.10 “The University” means Muhimbili University of Health and Allied Sciences.
- 1.4.11 “Third Party” means a non-MUHAS staff or student harassing either staff or student of MUHAS.

## 2.0 DEFINITIONS

### 2.1 Sexual Harassment

For the purpose of this policy sexual harassment is defined as targeted, uninvited, unwelcome or unreciprocated sexual advances or requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature by way of words, acts, gestures or comments that would embarrass, humiliate, intimidate, demean or compromise a reasonable person or groups at whom such advances, requests or conduct were directed.

Unwelcome is the key word in defining sexual harassment; it is the impact and effect the behavior has on the recipient(s) that will define the behavior as sexual harassment.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some situations of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- i A person subjecting another to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching the body etc
- ii Making unwelcome demand or request (whether direct or by implication) for sexual favors from another person, and further making it a condition for employment, payment of wages or allowances, increment/promotion, academic grades/evaluation etc
- iii Persistent unwanted attention or requests of a sexual nature after a consensual relationship has ended
- iv Making unwelcome remarks/jokes with sexual connotations, innuendo like sexually explicit compliments, suggestive or insulting noises, leering, or making sexist remarks etc

- v Unwanted comments about a persons body, sexuality, sexual orientation or sexual conduct
- vi Showing a person any sexually explicit visual material, in the form of pictures/drawings/cartoons/pin-ups/calendars/screen servers on computers/any offensive written material including pornographic e mails or mobile phone text messages
- vii Wearing of indecent attire that is likely to be sexually provocative
- viii Engaging in any other unwelcome conduct of sexual nature which could be verbal or even non-verbal like staring to make the other person uncomfortable, making offensive gestures, kissing sounds etc creating an unprofessional and hostile work and learning environment

Sexual harassment does not include a relationship of mutual free consent between or among persons of the age of majority and of sound mind. It should be noted however that sexual relationships including dating between students and academic staff or instructors are prohibited under this policy whether or not such relationships violate the law of the land.

## 2.2 Discrimination

Under this policy, discrimination is defined as any act by commission or omission that degrades or shows hostility or aversion toward an individual. In other words, it implies one being treated differently on the basis of his or her race, colour, religion, tribe, sex, gender, age, nationality, marital status, sexual orientation, academic performance, rank, disability or any other characteristic protected by law or that of his relatives, friends or associates.

Acts of commission or omission may include, but not limited to:

- i Providing or denying support, benefits or services
- ii Applying different rules of behavior, sanctions or other treatment
- iii Limiting the enjoyment of any right, privilege, advantage or opportunity.



### 3.0 PREAMBLE

MUHAS, being a public institution providing medical and allied health training, conducting research and providing services, seeks to maintain a learning and working environment free from sexual harassment and discrimination. MUHAS as a University strives to advance knowledge, diffuse and extend technology and learning, provide higher education, promote research and nurture intellectual, aesthetic, social and moral growth of its students and staff. Sexual harassment and any form of discrimination are demeaning to all persons involved, and subvert the mission of MUHAS.

The MUHAS community encompasses staff, students, patients, support service providers and the general public. As such MUHAS can not tolerate sexual harassment or discrimination and is therefore committed to provide and promote an atmosphere in which students can engage fully in the learning process and staff and associates can realize their maximum potential in the workplace while at the same time exhibiting sexual morals to the community to which MUHAS is intimately related.

In pursuit of these goals, all members of the University community (staff, students and associates) must understand that sexual harassment and any form of discrimination shall not be tolerated, and that they are required to abide by this policy.

## 4.0 RATIONALE

MUHAS acknowledges that sexual harassment and various forms of discrimination exist within the University and that it is duty bound to address these issues. Sexual harassment and any form of discrimination are reprehensible. They subvert the mission of MUHAS, and threaten the careers, educational experience, and well-being of students and staff. In both obvious and subtle ways, they are destructive to individual students, staff, and the public.

It is especially serious when sexual harassment and discrimination threatens relationships between individuals in the MUHAS community. In such situations, sexual harassment unfairly exploits the power inherent in an individual's position. The control of grades, compensation, recommendations, promotions, and the like can have a decisive influence on a student's and staff's career at the University and beyond.

Although sexual harassment and discrimination most often take place in situations where a power differential exists between the persons involved, the University also recognizes that sexual harassment may occur between persons of the same University status, or when the power relationship is reversed from the usual case. Sexual harassment may occur between individuals of opposite sex or between individuals of the same sex.

MUHAS will not tolerate sexual or discriminatory behaviour by members of the University community that creates an intimidating or hostile environment for employment, education, living, or participation in a University activity. All members of the University community are expected to take appropriate steps to support this policy and, guided by this policy, address incidents of sexual harassment and/or discrimination that occur within their areas. In view of the foregoing, and by provision of Article 33 of the MUHAS Charter (2007) this policy is put in place.

## 5.0 POLICY OBJECTIVES

The overall objective of the Policy Against Sexual Harassment and Discrimination is to define sexual harassment and discrimination, provide procedures for the investigation of sexual harassment and or discrimination claims and ensure that violations are remedied fully. Specifically the Policy seeks to:

1. Ensure that all staff, students and associates are informed and understand what constitutes sexual harassment and discrimination.
2. Create and maintain an environment free of sexual harassment and discrimination.
3. Assist the employer, staff, students, associates and the public in preventing sexual harassment and discrimination at MUHAS.
4. Provide transparency regarding how MUHAS intends to manage any breach of this policy within the working, learning and living environment
5. Provide and implement effective procedures to manage complaints and ensure consistency in the handling of issues associated with sexual harassment and discrimination.
6. Promote surveillance and advocacy on prevention of sexual harassment and discrimination.

## **6.0 SITUATION ANALYSIS OF SEXUAL HARASSMENT AT MUHAS**

In 2007, the University conducted a study to establish the extent of sexual harassment among students, academic, administrative, technical and support staff. The results of the study showed that sexual harassment (as defined in this Policy) exists at the University; in the working, learning and living environments.

### **6.1 Perceptions on the extent of occurrence of sexual harassment at MUHAS**

When responding to the question on the presence of sexual harassment at the University, more than a quarter of the students, one-fifth of academic, administrative, technical and support staff perceived it to be a common occurrence. About a third across all categories of University members did not know how common it was while only a few of them felt that sexual harassment does not exist at the University.

### **6.2 Magnitude of sexual harassment at MUHAS**

Overall 13% of students, 19% of academic staff and 16% of administrative, technical and support staff indicated that they had ever been sexually harassed within the University environment. Both males and females in all categories reported to have been sexually harassed with higher proportions being among females. The proportion of females reporting to have experienced sexual harassment was seven-times higher among academic staff and three-fold higher among students and administrative, technical and support staff as compared to males in the same categories. Furthermore, among the victims of sexual harassment, half of the students, more than two-thirds of the academic staff and three-quarters of the administrative, technical and support staff reported to have experienced two or more events of harassment.



### **6.3 Reported forms of sexual harassment**

Regarding forms of sexual harassment, seductive behaviour and verbal sexual advances were highly reported. Of all females (students and academic staff) reporting to have ever experienced sexual harassment, slightly over 50% reported to have experienced seductive behaviour including physical advances. On the other hand, males in all categories, predominantly reported verbal seductive advances. Nearly a third of female students and close to 50% of female administrative, technical and support staff reported sexual bribery as a form of harassment. The data showed that sexual harassment took place more commonly amongst members belonging to the same category. The proportions of students experiencing sexual harassment from academic staff and vice versa were similar (18.0 %). The highest proportion of respondents reporting to have been sexually harassed by another category of University members were administrative, technical and support staff i.e. over a third (35%) reported harassment by academic staff. A small proportion of students (1.9%) reported being sexually harassed by patients.

### **6.4 Areas where sexual harassment took place**

Sexual harassment was reported to take place within the University campus in offices, laboratories, classrooms, gardens and hallways. Other places are the halls of residence, field trip sites and hospital wards.

### **6.5 Reporting of sexual harassment incidents**

Of the respondents who experienced sexual harassment, 56% of the students, 36% academic staff and 17% of the administrative, technical and support staff disclosed the event to someone. The majority of the students (90%) disclosed the events to a person outside the University (including parents, guardians and friends). Apparently, none of the harassed students disclosed to either their colleagues or the University Management. As for the academic and

administrative, technical and support staff, the disclosure was to the University Management (Head of Department/Dean/Director) and to friends and colleagues.

Sexual harassment events were, in most cases, not disclosed due to fear that no action will be taken and fear of losing dignity. Among students and academic staff, inability to provide evidence of the occurrence of the event was among the major deterring factors.

## **6.6 Consequences of sexual harassment events experienced by the victim**

Individuals who were sexually harassed reported to have suffered various consequences following the event. These included psychological problems, which resulted into poor performance in studies and work, reduced communication and interaction with the harasser as well as changing work stations. Of all consequences, poor communication and interaction with the harasser was most commonly reported by the students and academic staff.

## 7.0 DISCRIMINATION

There is no study that has been conducted at MUHAS to specifically investigate the existence, occurrence and types/forms of discrimination. However discrimination in its entirety is known to occur in institutions of higher learning in this country. At national level, discrimination cases are occasionally recorded, as for example in one of Miss Tanzania Pageant contests, a row ensued when a Tanzanian of an Indian origin was selected as the winner. A few times complaints emerge of people being employed or promoted on alleged tribal, or gender basis.

## **8.0 PROCEDURE FOR RESOLUTION OF COMPLAINTS OF ALLEGED SEXUAL HARASSMENT AND DISCRIMINATION**

### **8.1 The Committee Against Sexual Harassment and Discrimination**

There shall be constituted a committee to deal with sexual harassment and discrimination issues and this committee will be composed of

- i Deputy Vice Chancellor - Planning, Finance and Administration (DVC-PFA) who shall be the Chairperson,
- ii Counsellor,
- iii Legal Officer,
- iv Human Resource Manager,
- v A member of academic staff,
- vi A member of non-academic staff,
- vii A representative of RAAWU
- viii A representative from affiliated Institutions as the case may require
- ix A student representative.

This shall be a standing committee and the Counsellor shall be Secretary to the Committee. A minimum of thirty percent of members of the committee other than the Chairperson shall be females. MUHAS shall however strive to ensure that gender balance is attained at any point in time the committee is in session.

### **8.2 Initial resolution of alleged sexual harassment and discrimination incidents**

Staff or students of MUHAS community who believe that they have experienced sexual harassment or discrimination may attempt to resolve the matter by stating their objection directly to an alleged offender. If an individual feels unable to do this, or if the personal approach does not result in the

cessation of the behavior in question, the individual may choose to use the MUHAS internal complaints procedure as stipulated below.

### **8.3 Initial reporting and handling of an alleged sexual harassment or discrimination complaint**

Initial reporting about alleged sexual harassment or discrimination incidence should be made promptly within 24-36 hours of occurrence. However MUHAS recognizes the emotional impact of such behaviours and therefore delays in reporting will not automatically preclude the University from taking action in a given situation. The reporting should be made to:

- i Any member of the office of the University Counseling Centre
- ii Heads of Departments, Office of the Dean/Director or DVC or VC or any Supervisor depending on the circumstances and location.

The person receiving the complaints will from this stage be the advisor on the matter. Discussions should be strictly confidential and the Advisor will be required to keep an informal record of the discussions. The responsibilities of the advisor will be to:

- i Assist the complainant in clarifying whether the reported behavior constitutes sexual harassment or discrimination
- ii Discuss ways in which the problem might be resolved without involvement of formal bodies
- iii Inform the person or persons against whom the informal complaint is made of the nature of the allegation and provide mediation as a way of resolving the matter
- iv Inform the alleged harasser as to how the complainant perceived the alleged harassment
- v Mediate the parties, seeking agreement that will resolve the matter
- vi Advise the alleged harasser(s) of the consequences if the informal complaint is not resolved and the matter becomes the subject of formal complaint

- vii Attempt to ensure that there is no re-occurrence of the behavior complained about or reappraisals against the complainant for having made an informal complaint
- viii Provide the complainant with support and counseling whatever course of action is chosen
- ix Keep a record of the complaint for both surveillance purposes and possible use for the future as the case may be.

If the matter remains unresolved and the complainant decides to take further action, he/she will be required to lodge a formal complaint to the Chairperson of the CASHD in writing.

## **8.4 Formal Complaints**

Upon receipt of a formal complaint, the CASHD shall:

- i Initiate an investigation into the matter by:-
  - a. Providing the alleged offender with a copy of the written complaint
  - b. Providing disclosure of the nature of the complaint to the alleged offender and inviting the alleged offender to provide a response in writing
  - c. Interviewing all witnesses if available
  - d. Obtaining any other evidence that is relevant to the complaint
- ii Reviewing the investigation findings with the complainant and the respondent and receiving any further information
- iii The CASHD shall come up with a decision on the matter and communicate this to the complainant and the respondent

## 8.5 Disciplinary Action

If the respondent is found guilty, appropriate disciplinary action will be taken against him/her. Charges of disciplinary offence or misconduct against any staff including support staff, shall be vested in the Council and shall be handled in accordance with the provisions stipulated in Part V 'Discipline of staff and Top Executive Officers' Sub-sections 24-27 of Muhimbili University of Health and Allied Sciences Charter 2007. Similarly students found guilty of sexual harassment and discrimination offences shall face disciplinary charges as stipulated in Part VI 'Students administration, welfare and discipline' Sub-Section 32 of the Muhimbili University of Health and Allied Sciences Charter 2007.

## **9.0 MALICIOUS ACCUSATIONS**

If the investigation reveals evidence that the complainant maliciously accused another of sexual harassment or discrimination, the complainant will be appropriately disciplined and the documentation will be retained in the complainant's file. Disciplinary procedures applying to those found guilty of sexual harassment or discrimination shall similarly apply to those filing malicious accusations.

## **10.0 RETALIATION**

Any act of retaliation against a person using this Policy in good faith to report an incident of sexual harassment or discrimination or a person assisting in an investigation of an incident of sexual harassment or discrimination under this Policy is inappropriate and appropriate disciplinary action will be taken against persons found to have committed such an act. Similar disciplinary actions applying to those found guilty of sexual harassment or discrimination shall apply to those committing acts of retaliation.

## **11.0 CONCLUDING REMARKS**

The procedures stated in this Policy are intended to cover both students and staff on and off-campus whilst engaged in activities on behalf of MUHAS or whilst involved in the MUHAS employment/study commitment. MUHAS shall ensure that all potential advisors are appropriately informed especially on diversity issues that may impart behaviours mentioned in this policy.

For any ongoing proceeding any person who is a 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.



The complainant may decide at any stage depending on the severity of the alleged harassment or discrimination complaint, or if the complainant is dissatisfied with the way his/her issue is being handled by the Internal Resolution System, seek attention of the formal national structures foreseeing implementation of the law of the land. These structures include but not limited to the police and the judiciary system.

MUHAS shall maintain a written record of each complaint and how it was investigated and resolved. Records shall be maintained at all levels of handling the alleged incidents in a confidential manner. These records when unlinked to the respective names, may be used for surveillance of sexual harassment and discrimination at the University.

All members of the MUHAS community are expected to be conversant with this Policy including the definitions of sexual harassment and discrimination and especially the ways of preventing the same. Inherent in this, is to have a clear understanding of the procedures for dealing with incidents of sexual harassment and discrimination.

The successful implementation of this Policy however, will depend on the concerted and determined collective effort, willingness and accountability by all stakeholders within MUHAS. This policy provides to the University community both a challenge and opportunity for promoting and enhancing an environment that is free of sexual harassment and discrimination.

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