



**KAMPALA
INTERNATIONAL
UNIVERSITY
IN TANZANIA**

**SEXUAL
HARASSMENT &
DISCRIMINATION
POLICY**

2019



Foreword

The Kampala International University in Tanzania (KIUT), is committed to providing an institutional environment where all may pursue their studies, careers, duties and activities free from sexual harassment. The University supports the rights of individuals to be free from sexual harassment while engaged in activities undertaken as part of their study, employment, or any other legitimate activity associated with it.

The University, therefore, makes a Sexual Harassment and Discrimination Policy to stamp all forms of sexual harassment. Sexual harassment subverts the mission of the University and threatens the careers, educational experience, and well-being of students and staff. The University will not tolerate sexual harassment, nor will it tolerate unwelcomed behaviour of a sexual nature toward members of the University community when that behaviour creates an intimidating or hostile environment for employment, education, on-campus and off-campus living, or participation in a University activity.

Sexual harassment constitutes serious misconduct and will result in disciplinary action. The intention of the Sexual Harassment and Discrimination Policy is to provide the staff, students and any other person involved in official activities of the University with information and intervention strategies designed to make all aware of conduct which could constitute sexual harassment, procedures to follow if one is sexually harassed, and what consequences may follow from violation of the provisions of the policy.



Prof. Jamidu H.Y. Katima

Vice Chancellor

30th July 2019



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1. Purpose of Policy

1. The Kampala International University in Tanzania (KIUT) is committed to creating and maintaining a community in which all persons who participate in the University's programmes and activities do so in an environment free from intimidation, exploitation and abuse.
2. The University seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity. For the purpose of this policy, sexual harassment shall be defined to include acts or behaviour constituting sexual abuse and sexual assault which occur within the definitional scope of this University's policy in relation to members of the University community.
3. Any act by the University's employees or students of reprisal, interference, or any other form of retaliation, whether direct or indirect, against a student or employee for raising concerns covered by this policy is also considered to be a violation of this policy

1.1. Aim

4. The aim of the policy is to strongly oppose sexual harassment and sexual abuse in any form and by this policy communicate zero tolerance of any action that may be construed as sexual harassment or sexual abuse in the University

1.2. Objectives

5. The specific objectives of the policy are:-
 - ✓ To respond promptly and effectively to reports of sexual harassment and sexual abuse in the University.
 - ✓ Ensure that all staff, students and associates are informed and understand what constitutes sexual harassment and discrimination.
 - ✓ Create and maintain an environment free of sexual harassment and discrimination.
 - ✓ Assist the employer, staff, students, associates and the public in preventing sexual harassment and discrimination at KIUT to manage any breach of this policy within the working, learning and living environment.
 - ✓ Provide and implement effective procedures to manage complaints and ensure consistency in the handling of issues associated with sexual harassment and discrimination.
 - ✓ Promote surveillance and advocacy on prevention of sexual harassment and discrimination.

2. Definitions

Word/Term/Phrase	Definition (with examples if required)
Sexual Harassment	<p>Interaction between Individuals of the opposite or same sex that is characterized by:</p> <ul style="list-style-type: none"> a) unwelcome sexual advances; or b) unwelcome requests for sexual favours; and c) other verbal or physical conduct or behaviour of a sexual nature where <ul style="list-style-type: none"> i) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or participation in an educational programme or activity: or ii) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or iii) Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.
Abuse of Authority	<p>A demand by a person in authority for sexual favours in exchange for work or academic related benefits (for example, employment, a wage increase, promotion, higher grades, a training or scholarship opportunity, etc.). In determining whether abuse of authority has occurred, factors to consider include:-</p> <ul style="list-style-type: none"> i) Whether the harasser had actual supervisory authority over the employee; ii) the alleged harasser demanded sexual favours in exchange for an academic or employment-related benefit.
Hostile Environment	<p>Unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.</p>
Complainant	<p>A person who is subject to an alleged sexual harassment and has filed a complaint under this policy.</p>
Committee	<p>The Committee Against Sexual Harassment established by the University Management to address sexual harassment matters and investigate related grievances.</p>
Members of the University Community	<p>All employees and students of the University</p>
Policy	<p>Policy Against Sexual Harassment KIUT</p>
Respondent	<p>A person whose alleged conduct is the subject of a complaint</p>

Sexual Abuse	Illegal sexually oriented acts or words done or said in relation to any person for gratification or for any other illegal purposes.
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3. Application & Scope – Exclusions or Special Conditions

- 6. This Policy is applicable to all members of the University community. These include officers and employees of the University, students, and persons who serve the University as its agents and are under the control of the University in all its locations and facilities, including vehicles.

4. Implementation and Compliance Institutions

4.1. The University Council

- 7. The University Council will have the overall responsibility for ensuring that the University complies with the Policy Against Sexual Harassment. It includes ensuring that:
 - i) The Sexual Harassment and Discrimination Policy should not be the only document that indicates that the University seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity. The principles of the Sexual Harassment and Discrimination Policy should be referenced and put into specific action in other University documents such as the University Statutes, Strategic Plans, Student Handbooks, Conditions of Service, Code of Conduct and other policies and regulations (and, the Gender Policy).
 - ii) The Sexual Harassment and Discrimination Policy should be made available to students and employees in various forms, as a handout at orientation programmes for these groups and on the University’s Website, among others.
 - iii) Measures in place to ensure the creation and maintenance of an environment that seeks to provide an atmosphere of work and study in which all employees and students of the University are treated with respect and dignity regardless of gender.
 - iv) An effective and responsive organizational framework, to fight sexual harassment, is established by integrating objectives of the Policy against Sexual Harassment into the University’s Strategic Plan.
 - v) Steps are taken to prevent sexual harassment and sexual abuse in the University.
 - vi) Steps are taken to respond promptly and effectively to reports of sexual harassment and sexual abuse in the University.
 - vii) Steps are taken to administer appropriate disciplinary measures, when a violation is found to have occurred as provided by this policy.
 - viii) Reporting to the relevant state authorities where the offence is of a criminal nature.
 - ix) All policies, statutes and regulations of the University are in compliance with the Policy Against Sexual Harassment.

4.2 The Office of the Vice-Chancellor

- 8. The Office of the Vice-Chancellor will take the lead role in ensuring compliance with the Sexual Harassment and Discrimination Policy and will be responsible for constituting the

Committee Against Sexual Harassment established under this policy and appointing its chair.

9. Receiving reports of findings and recommendations of the Committee Against Sexual Harassment and following up on recommended actions.
10. Reporting the findings to appropriate University Committee, as provided in the HR Manual, for action.

4.3 The Office of the DVC FA

11. DVC FA shall facilitate and support the Committee Against Sexual Harassment in the implementation of the Sexual Harassment and Discrimination Policy.
12. Establish a well-equipped sexual harassment crisis and counselling unit to support University staff and students who have been victims of sexual harassment or assault cases.

4.4 Committee Against Sexual Harassment

13. Membership: The Committee Against Sexual Harassment and Discrimination shall be composed of five (5) internal members nominated from among members of the University community comprising employees (4: a chairperson, University Lawyer and 2 Staff (one academic staff nominated by the Academic Staff and one administrative staff nominated by Administrative Staff) and one students' representative), and two (2) external members. There shall be gender parity in the composition of the Committee. The Committee may co-opt other members to provide technical advice to the Committee.
14. Responsibilities: The Committee shall address sexual harassment and sexual abuse issues relating to the University community:
 - a) Planning and managing the University's sexual harassment education and training programmes.
 - b) Maintaining records of reports of sexual harassment and actions taken in response to reports.
 - c) Preparing and submitting an annual report to the Vice Chancellor and/or the University Council on its work.
 - d) Dealing with specific complaints of sexual harassment brought before it by complainants.
 - e) Delineating and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.
15. Leadership:
 - a) The Vice-Chancellor shall appoint a Chair, of the Committee Against Sexual Harassment and Discrimination. The Committee at its first meeting will appoint a Vice-Chair and Secretary from among its members. The Vice-Chair shall act in the absence of the Chair and the Secretary shall ensure that all records of the Committee's meetings and proceedings are properly taken and documented.
 - b) The Chairperson shall be instrumental in summoning meetings.
 - c) The Vice Chancellor shall appoint an Investigative Committee, made up of three people including a lawyer to investigate the allegation.

- d) The composition of the team shall depend on the matter to be investigated.
 - e) The Investigative Committee shall submit its findings to the Chairperson of the Committee Against Sexual Harassment and Discrimination, for determination.
16. Qualities: All members of the Committee shall have high integrity, credibility, gender sensitivity and technical competency to handle grievance procedures.
 17. Members of the Committee shall serve for a term of two years, after which they can be nominated to serve for only one further two-year term.
 18. Quorum: Two members (internal) and one member (External) shall constitute a quorum.

5. Formal Reporting of Violation/Complaint Mechanism

5.1. Procedure

19. Reports of sexual harassment or sexual abuse shall be brought as soon as possible after the alleged conduct occurs, optimally within six months. Prompt reporting will enable the Committee to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action.

5.2. Role of the Committee Against Sexual Harassment and Discrimination

20. The Committee Against Sexual Harassment and Discrimination will have the following responsibilities under complaints mechanism:
 - a) Education and Training: The Committee shall plan and manage the University's sexual harassment education and training programmes. The programmes should include wide dissemination of this policy to the University community; providing educational materials to promote compliance with the policy and familiarity with local reporting procedures; and training of other University personnel who may be responsible for responding to informal reports of sexual harassment.
 - b) Documentation: The Committee shall maintain records of reports of sexual harassment and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
 - c) Reporting: The Committee shall prepare and submit an annual report to the University Council through the Vice-Chancellor.
 - d) Investigation: The Committee shall deal with specific complaints of sexual harassment as an investigative body in accordance with the grievance procedures outlined under this Policy.
 - e) Sanctions/Disciplinary Actions: The Committee shall delineate and design appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.

5.3. Rights of the Complainant

21. Any member of the University community who believes that he or she has been subjected to sexual harassment in violation of this Policy is urged to pursue the matter and utilize the procedures described under this Policy for redress.

22. The complainant will not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

5.4. Rights of the Respondent

23. A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final finding of culpability by the Committee or a stipulated admission to the charge by that person.

6. Promotion of Policy Against Sexual Harassment

6.1. Dissemination of Information on Sexual Harassment Policy

24. This Policy document shall be published and disseminated without charge to all members of the University community. It shall be displayed at conspicuous places in all faculties, departments, lecture halls and other public areas as far as possible. It shall also be made available to newly recruited staff of the University and newly admitted students.

6.2. Training and Capacity Development

25. All members of the Committee Against Sexual Harassment and Discrimination shall receive appropriate training about sexual harassment and sexual abuse and how to apply this Policy and the grievance procedures so as to discharge their duties in an efficient and sensitive manner.

7. Review of the Policy

26. This Policy shall be reviewed periodically by The KIUT Council.

For and on behalf of the KIUT Council



Chairman of the Council

Date: 30th July 2019

Annexes

ANNEX I: EXAMPLES OF SEXUAL HARASSMENT

The following examples are illustrative of conduct or behaviour that, if proven, would be considered under this policy to establish sexual harassment in either an employment or an academic setting:

- i) Unwelcome, unsolicited advances, and/or propositions of a sexual nature;
- ii) Unwelcome sexual advances whether they involve physical touching or not;
- iii) Unwelcome and inappropriate affectionate gestures;
- iv) Unwanted and persistent propositions for dates;
- v) Unnecessary and inappropriate touching, such as pinching, hugging, or brushing against an individual's body; grabbing of parts of the body, kisses;
- vi) Excessive and unwanted attention in the form of love letters, telephone calls or gifts, stalking;
- vii) Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess, sexual innuendos;
- viii) Unwelcome leering, whistling, heckling, hooting at an individual, including name-calling;
- ix) Sending pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails and text messages);
- x) Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender; unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, behaviour, or sexual experience;
- xi) Unwelcome references to one's appearance or body where they cause psychological harassment – especially if such expressions are persistent;
- xii) Inappropriate displays of exposure of a sexual body part, sexually suggestive objects or pictures, cartoons, calendars, books, magazines;
- xiii) Sexual assault, which is an unwanted sexual act done without the consent of one party, and/or that occurs under threat or coercion. Sexual assault includes, but is not limited to, rape, attempted rape, indecent assault, forcible anal sex, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault;
- xiv) Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation;
- xv) Disciplining or firing a subordinate who ends a romantic relationship;

- xvi) Retaliation from a person in authority due to refusal of sexual favours which may include limiting opportunities for the complainant and generating gossip against the complainant or other acts that limit access or change performance expectations.

ANNEX II: GRIEVANCE PROCEDURES

The following guidelines shall apply in handling sexual harassment complaints:

A: Informal Approach to dealing with sexual harassment

- a) Where a member of the University Community feels that he or she is being or has been sexually harassed, such a member may attempt to resolve the matter directly with the alleged offender by advising that the sexually harassing behaviour is unwelcome, must be stopped, or must not occur again.
- b) A Complainant may choose to ask another person whom he or she trusts to intervene on their behalf. The person who is asked to intervene may provide advice or counselling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant.
- c) A Complainant may request through the Committee, that an attempt be made to resolve a sexual harassment matter through mediation. If such a request is made, the Committee member receiving the complaint shall determine whether the Respondent is willing to engage in mediation, and, if so, a mediator shall be selected by mutual agreement of the Complainant and the Respondent. The role of the mediator is to facilitate discussion and to suggest alternative resolutions. The mediator does not investigate the complaint or assign blame. The mediator shall report the outcome of the process to the Committee member receiving the complaint. If the matter cannot be resolved, the Committee member shall advise the Complainant to file a formal complaint before the Committee.
- d) In cases of sexual harassment or sexual abuse that are considered severe or extreme, such as attempted rape, rape, sexual battery, sexual assault with a weapon, non-consensual anal copulation and the like, a Complainant shall be counselled to report to the Police and launch a formal complaint before the Committee instead of utilizing the informal approach.
- e) If a complainant chooses not to use the informal approach to deal with sexual harassment, this shall not be used against him or her or affect the merits of the case when a formal complaint is launched.

B: Formal Approach:

Launching and Receiving Formal Complaints

- a) A member of the University community who is being or has been sexually harassed or is dissatisfied with the outcome of the informal approach shall make a formal complaint to the Committee for redress.
- b) The Complainant shall present his/her grievance orally to the Committee member designated to receive formal complaints. The Committee member shall listen to the complaint and discuss all options with the Complainant as well as explain the processes involved in the formal grievance procedure.
- c) The purpose of the discussion is to inform and educate the Complainant. The Committee member at this stage shall not dissuade the Complainant from filing the written complaint.

- d) The Complainant shall then put his/her complaint in writing and lodge it with the Committee. In the case of a Complainant being unable to write, the Committee shall assist him or her to write the complaint. The written complaint shall be read out and explained in the language he/she understands after which he/she will sign or thumbprint.
- e) The written statement shall give details of the alleged harassing behaviour, and if possible, give details of dates, places and names of those connected with the incidents.
- f) The Committee shall notify the Respondent about the matter, and request that he or she files a written statement in response to the allegations within seven days. In the case of the Respondent's inability to write, the process in sub-section (d) will apply.
- g) The Committee shall conduct verbal hearings with the Complainant and the Respondent and their representatives if available. All proceedings shall be recorded.
- h) The Complainant shall be heard first in the presence of the Respondent. The Respondent may -Question the Complainant before the Committee. The Respondent may then be requested to make his oral statement to state his/her side of the matter.
- i) The Committee may take testimonies of other relevant persons and witnesses where available and review the evidence. These may be called or may come forward voluntarily.
- j) The Committee may conduct its own investigations, through Investigative Committee, into the matter, apart from considering the written and verbal testimonies of the parties.
- k) A decision will be taken after careful review of the circumstances, evidence adduced, statements and all other relevant information before the Committee.
- l) Any dissenting opinion among the Committee members shall be recorded together with the reasons for the dissent.
- m) Where a Respondent is found to have engaged in the sexual harassment behaviour, the appropriate sanctions shall apply.

Other Relevant Considerations for the Work of the Committee.

Evidence

The following may be considered as evidence during the hearing of the matter.

- i) Written detailed account of the Complainant and the Respondent Witness statements (if any)
- ii) Statements of persons with whom the Complainant might have discussed the incident, or from whom advice may have been sought
- iii) Any other documentary, audio, video, e-mails, phone texts, etc. Expert technical advice may be sought for such submissions. This may include assignments, tests, and examinations in the case of students.
- iv) In appropriate cases, the determination of a sexual harassment case may be based solely on the credibility of the Complainant's allegation if it is sufficiently detailed and internally consistent.
- v) Medical evidence, including DNA, if appropriate.

Withdrawal of a Filed Complaint

A Complainant may withdraw a case filed before the Committee any time after filing and during the process of the investigation. In such a case the complainant shall state in writing the reasons or reasonable grounds for withdrawal of the complaint and append his/her signature to the statement. The committee has a right to reject withdrawal if it established that withdrawal has been caused by intimidation or any other reasons from the accused person/suspects.

Refusal of Respondent to Respond to Notice of Filed Complaint or to Participate in Enquiry

The Committee may go ahead and investigate a complaint even where a Respondent refuses to respond to the allegations or participate in the enquiry process.

Complaints against a Member of the Committee

If a complaint is made against a member of the Committee, he or she shall not be part of any of the processes of the Committee relating to the investigation of complaint.

Record of Proceedings

The Committee's record of proceedings on a particular matter shall give details of the enquiry. This includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the Committee as to whether the University policy has been violated. The record shall also contain the recommendations of sanctions given, where applicable. Other recommendations made to the parties for actions to restore or improve the relationship between the parties where no finding of guilt is made against the Respondent may be included. The record may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

Decision-making

The investigation procedure shall be completed as promptly as possible and in any case within 60 working days of the date the request for formal investigation was filed.

Sanctions

The committee shall apply the appropriate sanctions recommendations or punitive measures where a Respondent has been found to have engaged in sexual harassment behaviour. These sanctions include but are not limited to:

- formal apology,
- leave without pay,
- demotion, and

- Dismissals in serious and repeat cases.

These measures shall be applied on a case-by-case basis.

These sanctions shall not prejudice any criminal action in the case of serious offences tantamount to crime under the laws of the United Republic of Tanzania.

Appeal

If the Complainant or Respondent is aggrieved with the outcome of the investigations and/or the decision of the Committee, he or she shall have a right of appeal to the KIUT Appeals Board of KIUT Council, if the appeal is lodged within seven days after the determination of the matter. KIUT Appeals Board shall hear and determine the appeal in accordance with the Statutes of the University and submit its recommendations to KIUT Council for determination.

Non-retaliation

During the process of investigation of a matter, retaliation from either party shall be strictly monitored by the Committee. An individual who is subjected to retaliation such as threats, intimidation, reprisals, or adverse employment or educational actions for having made a report of sexual harassment in good faith, or who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and will be subject to the same procedures.

Confidentiality

The Committee shall maintain confidentiality of all matters reported to it and of the proceedings. Parties in an investigation, including their representatives shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

Referral for Counselling or other Psycho-social Support

In appropriate cases, the Committee may request that either party to the case seeks counselling or support from a designated institution or personnel. The Committee may, at the request of a party to the matter, refer that party to the appropriate institution or personnel for counselling or other psycho-social support.