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# **GENDER, HARASSMENT AND DISCRIMINATION POLICY**

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**BUGANDO MEDICAL CENTRE**

**&**

**CATHOLIC UNIVERSITY OF HEALTH AND  
ALLIED SCIENCES**

**&**

**MWANZA COLLEGE OF HEALTH AND ALLIED  
SCIENCES**

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## **List of Abbreviations**

<b>BMC</b>	Bugando Medical Centre
<b>CUHAS</b>	Catholic University of Health and Allied Sciences
<b>GA</b>	Gender Analysis
<b>GM</b>	Gender Mainstreaming
<b>MWACHAS</b>	Mwanza College of Health and Allied Sciences
<b>PFA</b>	Planning, Finance and Administration
<b>RAAWU</b>	Researchers, Academicians and Allied Workers Union
<b>TEC</b>	Tanzania Episcopal Conference
<b>TUGHE</b>	Tanzania Union of Government and Health Employees

## **PREAMBLE**

The United Republic of Tanzania developed the “NATIONAL STRATEGY FOR GENDER DEVELOPMENT (2008)”. The aim of the strategic is to consolidate the implementation of the Women and Gender Development Policy (2000) which aims at redressing gender gaps and inequalities between men and women. It also guides implementers to incorporate gender concerns into their policies. It is in this context that this Gender, Harassment and Discrimination Policy has been developed.

Both **the Catholic University of Health and Allied Sciences (CUHAS)** and **Bugando Medical Centre (BMC)** are reputable institutions and committed to upholding and promoting Catholic values. The two institutions, along with the Mwanza College of Health and Allied Sciences (MWACHAS), our newest partner, are expected to set an example of highly civilized behaviour. It is therefore the duty of CUHAS, BMC and MWACHAS to always foster civilized behaviour within and around its broad and diverse community. Part of uncivilized behaviour includes sexual, general harassment and all forms of discrimination that demean a person and undermine the mission of the OWNER of both institutions (Tanzania Episcopal Conference). Moreover, The Government of the United Republic of Tanzania has put in place various measures to eliminate all forms of gender-based violence, therefore MWACHAS is also committed against all forms of sexual, general harassment and discrimination. For these three institutions to realise their shared goals, the staff working and students learning environment must be free of sexual , general harassment and all kinds of discrimination, including gender inequality elements.

Gender inequality and various forms of harassment and discrimination are known to exist worldwide, including in tertiary institutions such as Hospitals and Universities, and BMC and CUHAS may not be excluded. It is important that these institutions, including BMC and CUHAS, should be critically scrutinized to prevent sexual, general harassment and discrimination from becoming acceptable culture within the Bugando community.

Recent data from Tanzania, Haiti, India, and the United States demonstrates that gender inequality, sexual, general harassment and various forms of discrimination are major issues that negatively affect female trainees and the faculty at academic medical institutions worldwide.<sup>1</sup> Among the four institutions studied, of which BMC/CUHAS was one, 37-56% of women reported experiencing gender discrimination and 25-53% reported sexual harassment and assault. Qualitative data collected using focus groups and interviews revealed that over 75% of women who experienced harassment or assault reported not to reveal or report the incidents. Reasons for failing to report these incidents included lack of an institutional system to report incidents (25%), assuming that the reported incident would not be resolved (29%), and assuming that harassment was a normal part of academic training (16%).

The importance of promoting gender equality and safety in academic settings has recently been gaining international attention.<sup>2,3</sup> Cultivating environments in which gender-based obstacles are minimized in order that women rise to leadership is essential not only for equity, but also has measurable effects on health outcomes.<sup>4</sup>

Most academic institutions in Tanzania do not currently have a gender unit or desk, and the need for such a unit became clear during the two workshops that were conducted at Bugando, involving staff, students, faculty, interns, residents and external facilitators from Muhimbili University of Health and Allied Sciences, BMC/CUHAS and seasoned women who have been leaders in addressing gender issues nationally. Although the initial goal for the workshops was to bring participants together to facilitate networking, create mentorship teams and empower them professionally; it was evident that the absence of a safe space for staff and students to address complaints related to harassment and discrimination and receive assistance at Bugando, could not be overlooked. Hence a coordinating team was formed to assess the need for a gender unit, based on the identified qualitative data collected from female trainees and faculty members at our institutions, and to bring recommendations to the Managements for the way forward in establishing a functional Gender Unit. This would create a safe working and learning environment for all stakeholders at our institutions and establish BMC, CUHAS and MWACHAS as leaders within Tanzania in promoting gender equity and an environment free of harassment and discrimination. It is on this basis that CUHAS, BMC and MWACHAS have come up with the Gender, Harassment and Discrimination Policy.

# CHAPTER ONE

## 1. BACKGROUND

### 1.1. Introduction

Having a Gender, Harassment and Discrimination Policy in place is one step, and implementing it is another. To succeed in promoting gender equity, the control, elimination and eventual eradication of all forms of harassment and discrimination in the Bugando community, it is critical that all stakeholders recognise the existence of the policy, and work as a team with full commitment and determination towards its implementation. Most importantly, all stakeholders ought to be held accountable and responsible in working towards this goal. Only then we can achieve social harmony that allows staff, students and patients to flourish in their working, learning and medical services environment at Bugando.

### 1.2. Rationale

The establishment of a gender policy will promote well-being among all people seeking training and working at CUHAS/BMC/MWACHAS by working towards eliminating discrimination of all forms of harassment and assault. Data demonstrates that individuals who face discrimination, harassment, or assault are at higher risk of leaving their positions.<sup>1</sup> The failure to provide a safe learning and working environment for all, leading to attrition of talented students, staff, and faculty, undermines the ability of an institution to provide the best care, teaching, and research for its clients. Therefore, striving for gender equality and safety in institutions is beneficial for entire communities. By establishing a gender policy, CUHAS, BMC and MWACHAS will be a leading institution in Tanzania striving for gender equality, and its leadership will prompt other institutions to do the same. This has potential to improve gender equality, patient care, and education and research across the country.

### 1.3. Relevant Documents and Policies

The policy is based on the following key policy documents:

1. The Arusha Declaration set the ground for equality of men and women through the policy of socialism and self-reliance (1967).
2. The Musoma resolution, an initiative that justified the need and importance of adopting equity measures in addressing glaring inequalities in education (1974).
3. The National Gender Policy, which is a result of review of Policy on Women in Development in Tanzania (2000).
4. The Education and Training policy that calls for equality and equity in accessing education in Tanzania (Higher Education Development Program 2010).
5. The existence of the Employment Policy, Community Development Policy, Women Affairs and Management Policy, Gender and Development Policy, Family Development Policy, Youth and Development Policy, Social Welfare Policy and Civil Servant Policy
6. Sexual Offences Special Provisions Act, No 4 of 1998, United Republic of Tanzania.

#### 1.4. Definitions

**Discrimination;** the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex. Under this policy, discrimination is defined as any act by commission or omission that degrades, shows hostility or hatred toward an individual. In other words, it implies one being treated differently on the basis of his or her *race, colour, ethnicity/nationality, religion, tribe, sex, gender, age, nationality, marital status, sexual orientation, academic performance, rank, disability, pregnancy, medical history* or any other characteristic protected by law.

**Gender;** refers to the array of socially constructed roles, responsibilities, relationships, personality traits, attitudes, behaviours, values, expectations, privileges, relative power and influence that society ascribes to the women and men, boys and girls on a differential basis.

**Gender Equality;** Equality is based on the idea that no individual should be less equal in opportunity, access to resources and benefits or in human rights than others. Under gender equality therefore, women and men have equal right to access and control, over resources and benefits, participation in politics and decision-making, gainful employment and so forth.

**Gender Equity;** Gender equity is the quality of being fair, just and right to both women and men. It includes fairness and justice in the distribution between women and men, of responsibilities, access to resources, control over resources, and access to benefits. Gender equity is a step towards gender equality and to women's and men's empowerment. It embraces affirmative action where and when necessary.

**Gender Mainstreaming (GM);** It refers to a process of assessing and bridging of gender gaps/imbalances. Specifically, it is a strategy for making women's and men's concerns and experiences an integral part of designing, implementing; monitoring and evaluating programmes and activities in the socio-economic and political spheres of the society.

**Harassment;** Aggressive behaviour or pressure that is intended to intimidate, humiliate, demean or embarrass someone.

**Hostile Acts;** Aggressive, angry or unfriendly behaviour towards someone. Also, physical acts that can be considered as an attack against someone.

**Minor;** Any person under the age of 18 years

**Sexual/Indecent Assault;** is an act in which a person intentionally sexually touches another person without that person's consent or coerces or physically forces a person to engage in a sexual act against their will.

**Sexual Abuse;** is sexual behaviour or a sexual act forced upon a woman, man or child without their consent. Sexual abuse includes abuse of a woman, man or child by a man, woman or child.

**Sexual harassment;** For the purpose of this policy; sexual harassment is defined as *targeted, uninvited, unwelcome* or *unreciprocated* sexual advances or requests for sexual favours 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 behaviour has on the recipient(s) that will define the behaviour as sexual harassment.



## CHAPTER TWO

### 2. GENDER MAINSTREAMING, GENDER EQUALITY AND EQUITY

#### POLICY OBJECTIVES

The general objective of gender mainstreaming, gender equality and equity in this policy is to define the meaning and scope of mainstreaming gender at BMC, MWACHAS and CUHAS community in order to enhance gender equality and equity for the three institutions. The policy has the following specific objectives:-

All staff and students are able to

1. Comprehend basic elements of gender mainstreaming
2. Analyse the importance of gender mainstreaming at the Bugando community
3. Appraise gender mainstreaming within staff departments/schools
4. Exercise gender equality during services, practices and learning at CUHAS, BMC, MWACHAS and beyond
5. Demonstrate gender equity during service provision and learning at BMC, CUHAS and beyond.
6. Establish modalities to address cases of gender harassment, discrimination and abuse

#### PART 1

##### 2.1. GENDER MAINSTREAMING (GM)

2.1.1. **Extended meaning and Concepts:** Understanding GM is one of the basic elements in enhancing anti-harrassment and anti-discriminatory atmosphere in any institution. The outcome of effective GM is exercising gender equality and equity for the existing staff, patients, clients and students.

- i. GM entails a paradigm shift in thinking towards the development of all other policies and practices needed for effectiveness of staff.
- ii. It requires (planning and making decisions with a gender eye) for realizing equal benefits to all groups including the most disadvantaged ones.
- iii. Is a process of assessing the implications for male and female of any planned action, including Institution rules and regulations, code of conduct or learning programmes.
- iv. Is a strategy for making concerns and experiences of males and females an integral part of the learning/work programme design, implementation and Monitoring & Evaluation systems so that both female and male, young or old people, seniors or juniors, patients or healthcare workers benefit equally, and inequality is not exercised/perpetuated.
- v. The ultimate goal of mainstreaming is to achieve gender equality/equity within training or service provision Institutions such as CUHAS and BMC.

- vi. As a whole, GM in this policy is **an attempt to take gender equality issues into the mainstream of the teaching & learning process at CUHAS, MWACHAS and in all endeavours of the health provision at BMC.**

2.1.1.1. The mainstreaming consists of guidelines and ideas which lead to decisions about other existing policies to create conducive environments for both advantaged and disadvantaged population; be it male or female, students or faculty, senior staff or junior staff, patients or healthcare staff in the CUHAS, MWACHAS and BMC community.

**2.1.2. Gender analysis (GA)**

This policy is to guide users on how to analyse gender in their departments for mainstreaming and motivate its workers.

2.1.2.1. **GA: Is a process of identifying, assessing and informing actions** to address inequality that stems from:

- i. Gender norms, roles and relations
- ii. Unequal power relations between and among advantaged and disadvantaged groups be it males or females
- iii. The interaction of contextual factors with gender, such as sexual orientation, ethnicity, education or employment status
- iv. It is a CORE gender mainstreaming skill that generates processes and information needed for health institutions' planning and programming.
- v. It includes critical questions that seek for information where it is often not easily found.

2.1.2.1.1. GA in this policy will look at the consequences of gender inequality with respect to health and wellbeing/training and service delivery issues and contributes to understanding health/training/service differences and disparities among and between groups of women and men in terms of risk factors and vulnerability to Health service provision or training activities

- It informs the differences in access to learning and teaching resources, services and information, decision making processes related to the existing systems, organisation and operations.

2.1.2.2. **Importance of GA:** GA increases the health sector's effectiveness by

- i. Ensuring right to health/training services to different groups of men and women
- ii. Identifying practical and strategic gender needs in health /training and services
- iii. Recognise and reducing the constraints among disadvantaged groups be it women, girls, boys and men of different status

- 2.1.2.3. **Gender Needs:** Because of different gender norms, roles and relations men's and women's needs are sometimes different and can be understood as either *practical* or *strategic*.
1. GA identifies such needs and becomes a useful source of information in developing gendered program responses
  2. The GM and needs should be analyzed because with the current situation, policies and programmes may not affect men and women in the same way
    - i. Those which are developed without critical considerations of differences among men and women and ignore diverse needs and realities of men and women may not consider effects of inequality, anti-harassment and discrimination that may exist
    - ii. Diverse types of evidence are needed to understand how gender operates as a determinant of health of individuals at CUHAS, MWACHAS and BMC
    - iii. Therefore, GA should be informed by data from multiple sources and from diverse groups of men and women at the two institutions.
    - iv. Available data should be disaggregated by sex and other variables
- 2.1.2.4. **Sustained commitment:** GA as a first step in GM, requires sustained commitment and attention to attain results in the short, medium and long term.
- 2.1.2.5. **GA Matrix:** This policy offers Gender analysis matrix for users of this guide to be able to start GM (*see appendix ii*).

## PART II

### 2.2. GENDER EQUALITY AND EQUITY

- 2.2.1. **Gender Equality:** Refers to the same chances and opportunities for groups of male and female to access and benefit from social, economic and political resources such as health services, laws policies, education etc. It is often referred to formal equality, as it refers to creating structures or mechanisms that enable women to achieve equal status to men.
- 2.2.2. **Gender Equity:** Refers to Fairness and considers male and female's different needs to achieve gender equality.
- i. Considering different treatment of males & Females to ensure equal access to opportunities
  - ii. Gender equity is also known as substantive equality
- 2.2.3. **Gender inequality:** Is the differentiation between people due to gender.
- i. Perception towards genders depending on their sexes, strengths, capacity and capability to do a certain task exists
  - ii. Inequalities are commonly displayed at workplaces and in Universities,

- iii. Managers may consider a certain group of staff/profession of their own for work benefits and forget the other group of staff equally performant
- iv. Inequality leads to Institutional underdevelopment.

## CHAPTER THREE

### 3. SEXUAL HARASSMENT, DISCRIMINATION AND GENERAL HARASSMENT

#### POLICY OBJECTIVES

The overall objective of the Policy Against Sexual Harassment and Discrimination is to define sexual harassment, discrimination and general harassment, provide procedures for the investigation of sexual harassment and or discrimination

Claims, and ensure that violations are remedied fully. Specifically, the Policy seeks to:

- i. Ensure that all staff, students, patients and associates are informed and understand what constitutes sexual harassment and discrimination.
- ii. Create and maintain an environment free of sexual, general harassment and discrimination.
- iii. Assist the CUHAS/BMC/MWACHAS Management, staff, students, patients and associates and other members of the Bugando Community in preventing sexual harassment and discrimination at Bugando.
- iv. Provide transparency regarding how CUHAS, BMC and MWACHAS intend to manage any breach of this policy within the working, learning, living and healthcare environment.
- v. Provide and implement effective procedures to manage complaints and ensure consistency in the handling of issues associated with sexual harassment and discrimination.
- vi. Promote surveillance and advocacy on prevention of sexual harassment and discrimination.

#### PART I

### 3.1. SEXUAL HARASSMENT AND UNACCEPTABLE CONDUCT

- 3.1.1. 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.

#### **Examples of Sexual Harassment are:**

- i. Pressure for sexual activity or sexual favours with fellow staff, students or clients
- ii. Rape
- iii. Sexual battery and molestation
- iv. Any other form of sexual assaults
- v. Intentional physical contact which is sexual in nature such as **unwelcome** touching, pinching, patting, smelling, grabbing and/or brushing against another person's body, hair or clothes will be considered as a form of sexual harassment

- vi. Sexual innuendoes, gestures, noises, jokes, comments or remarks to another person about one's body

### 3.1.2. **Unacceptable Sexual Conduct**

- i. Staff are prohibited from engaging in all forms of sexual relationships at the workplace and during working hours.
- ii. Similarly, students are prohibited from engaging in all forms of sexual relationships on campus and in all learning environments.
- iii. Staff and students are forbidden from engaging in all types of conduct which may constitute sexual harassment which include but are not limited to the following;
  - a. Subjecting another person to an unwelcome act of physical intimacy like grabbing, brushing, touching, pinching the body, and fondling
  - b. Making unwelcome demand or request (whether direct or by implication) for sexual favours from another person, and further making it a condition for employment, payment of wages or allowances, increment/promotion, academic grades/evaluation, medical treatment, and any health service
  - c. Persistent unwanted attention or requests of a sexual nature after a consensual relationship has ended
  - d. Making unwelcome remarks/jokes with sexual connotations, innuendo like sexually explicit compliments, suggestive or insulting noises, leering, or making sexist remarks
  - e. Unwanted comments about a person's body, sexuality, sexual orientation or sexual conduct
  - f. Showing a person any sexually explicit visual material, in the form of pictures/drawings/cartoons/pin-ups/calendars/screen servers on computers or phones/any offensive written material including pornographic emails or mobile phone text messages
  - g. 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, and kissing sounds creating an unprofessional and hostile work and learning environment
  - h. Facilitating or receiving preferential treatment, promises or rewards for offering or submitting to sexual favours; is prohibited
  - i. Staff and students are also prohibited from viewing, displaying, or sharing inappropriate sexually explicit material (pornography) or material that may be deemed morally offensive in the work environment or during working hours.
  - j. Staff and students are strictly prohibited from viewing, distributing or owning pornographic material or engaging in sexual activities that involve minors.

- k. Sexual harassment does not include a relationship of mutual free consent between or among persons of the age of majority and of sound mind.

### 3.1.3. **Areas where sexual harassment could take place**

Sexual harassment can take place within the University campus and Hospital in offices, laboratories, classrooms/lecture halls, outdoor spaces, hallways and pathways, cafeteria, meeting/seminar rooms, in the elevator, hostels or other living quarters (of students, residents, interns and staff), hospital wards, field trip sites, university or hospital vehicles, virtually (on mobile phone and other media of interaction that is not face to face).

## PART II

### 3.2. **DISCRIMINATION AND UNACCEPTABLE CONDUCT**

- 3.2.1. Discriminatory acts may be of *commission* or *omission* and may include but not limited to the examples listed below:

- i. Denying support, benefits or services from someone who should otherwise have them, on the bases of bias
- ii. Applying different rules of behaviour, sanctions or other treatment outside the norm
- iii. Limiting the enjoyment of any right, privilege, advantage or opportunity.
- iv. Deliberate isolation on the basis of prejudice
- v. Deliberate exclusion from activities or benefits that someone is entitled to participate in

### 3.2.2. **Unacceptable Discriminatory Conduct**

- i. Staff and Students in the course of fulfilling their duties or learning obligations, shall not on the bases of bias, deny support, benefits or services, limit the enjoyment of any right, privilege or opportunity from someone who is otherwise entitled to them.
- ii. Staff shall not apply different rules of behaviour, sanctions or other treatment outside the norm, when interacting with their colleagues, peer or students
- iii. Similarly, Students shall not apply different rules of behaviour, sanctions or other treatment outside the norm, when interacting with their colleagues, peer or staff
- iv. Neither Staff nor Students shall deliberately isolate any other person (staff, student or client/patient) on the basis of prejudice
- v. Similarly, neither Staff nor Student shall deliberately exclude any other person from activities or benefits that the person is entitled to participate in.

## PART III

### 3.3. HARASSMENT AND UNACCEPTABLE CONDUCT

- 3.3.1. Harassment has the purpose or effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with an individual's work performance, and has adverse effects on an individual's employment opportunities.

**Harassing conduct includes:**

- i. Intentionally using embarrassing nicknames, slurs or negative stereotyping against others
- ii. Threatening, intimidating or hostile acts against others
- iii. Denigrating jokes aimed at causing emotional and psychological pain
- iv. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the premises or circulated in the workplace or classes, whether with or without university or hospital equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means
- v. Intentionally refusing, delaying and omitting to undertake support, services or actions that one is duty-bound to provide

#### 3.3.2. Unacceptable Conduct

- i. Staff and Students shall not use embarrassing nicknames, slurs or negative stereotyping against staff, students or patients
- ii. Staff and Students shall not threaten or intimidate anyone, including fellow staff or students or patients
- iii. Neither staff nor students are allowed to commit any hostile acts against others;
- iv. Denigrating jokes aimed at causing emotional and psychological pain are unacceptable
- v. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the premises is prohibited
- vi. It is unacceptable for staff or students to intentionally and without reasonable cause refuse, delay or omit support, services or any action that one is duty bound to provide to clients, fellow staff or students



## **PART IV**

### **3.4 PROTECTION OF MINORS**

This Policy is made and shall be interpreted along with the provisions of the Child Protection Policy and Guidelines of the Tanzania Episcopal Conference for the Catholic Church in Tanzania for all of its institutions in the spirit of upholding Catholic values. The main goal of the policy is to promote a safe environment for minors. This Policy is adapted by our institutions for full implementation as part and parcel of our institutions' efforts to create an environment free of Sexual, General Harassment and Discrimination.

#### **3.4.1 POLICY STATEMENT**

Everyone operating within the Bugando Community has the responsibility to safeguard and promote the wellbeing of minors who find themselves in their care.

#### **3.4.2 CREATING A SAFE ENVIRONMENT**

All members of CUHAS/BMC/MWACHAS shall:

- i. Foster and nurture a safe environment for minors at CUHAS/BMC and MWACHAS
- ii. Listen to minors respectfully and value them as individuals
- iii. Involve minors in decision-making where appropriate.
- iv. Respect the minor's person and preserve their privacy
- v. Ensure that minors in their care are not exposed to risk of abuse
- vi. Not use or possess illegal drugs in environments where there is contact with minors
- vii. Not use alcohol when working or in contact with minors
- viii. Not speak to minors or around minors in vulgar language, nor discuss one's sexual activities or preferences with or around them.
- ix. Not have any inappropriate relationship with a minor
- x. Not inflict any physical, emotional or psychological abuse on a minor

#### **3.4.3 Handling of Concerns or Allegations**

- i. Reported concerns and/or allegations shall be handled with sensitivity
- ii. The minor shall be placed as the first priority when dealing with all identified or suspected cases of abuse
- iii. Allegations of abuse of minors shall be channelled through the procedures provided in Chapter Four of this Policy and addressed accordingly

## CHAPTER FOUR

### 4. PROCEDURES FOR HANDLING COMPLAINTS

#### PART I

##### 4.1. PROCEDURES FOR HANDLING ALLEGED SEXUAL, GENERAL HARASSMENT AND DISCRIMINATION INCIDENTS

Any member of the Bugando community who believes that they have experienced sexual harassment, general harassment or discrimination may attempt to resolve the matter by stating their objection directly to an alleged offender.

However, as in most cases where for one reason or another feels unable to do this, or if the personal approach does not result in the cessation of the behaviour in question, the individual may choose to use the Bugando internal complaints procedure as stipulated below.

Initial reporting about alleged sexual harassment, general harassment or discrimination incidence should be made promptly within 24-36 hours of occurrence. However, CUHAS/BMC/MWACHAS recognizes the emotional impact of such experiences and therefore delays in reporting will not automatically preclude the University or Hospital from taking action in a given situation. The reporting should be made to any of the following:

- i. The Gender, Harassment and Discrimination Unit
- ii. The Office of the Chaplain or Counselling Centre
- iii. Any appropriate Supervisor, depending on the circumstances and location
- iv. The Legal Office
- v. The Police, where applicable
- vi. The Gender and Community Department (MWACHAS)
- vii. Complaints made to (ii), (iii), (iv), (vi) or any other unit should be forwarded to the Gender Unit (i) for formal processing.

##### 4.2. THE GENDER, HARASSMENT AND DISCRIMINATION UNIT

This is the unit that will constitute a *Formal Institutional* point of contact for complainants of sexual harassment, general harassment and discrimination. This *Advisory* unit serves to create a safe space for people to report complaints and it also provides neutral access for help for those who feel fearful in approaching the University, College or Hospital Management directly, to report an offence committed against them by a fellow member of the community.

##### **The Procedural Guidelines for The Gender, Harassment and Discrimination Unit:**

- i. The complaint shall be made through a special complaint form (RGH-1)
- ii. The person receiving the complaints will from this stage be the Advisor on the matter.

- iii. 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:
- a. Assist the complainant in clarifying whether the reported behaviour constitutes sexual harassment, general harassment or discrimination
  - b. Discuss ways in which the problem might be resolved without involvement of formal/legal bodies
  - c. Where appropriate, inform the person or persons against whom the informal complaint is made of the nature of the allegation. Inform the alleged harasser/offender as to how the complainant perceived the alleged general harassment
  - d. Where appropriate mediate the parties, seeking agreement that will resolve the matter
  - e. Advise the alleged harasser(s)/offender of the consequences if the informal complaint is not resolved and the matter becomes the subject of formal complaint
  - f. Attempt to ensure that there is no re-occurrence of the behaviour reported about or reappraisals against the complainant for having made an informal complaint
  - g. Provide the complainant with support and counselling, whatever course of action is chosen
  - h. Keep a confidential record of the complaint for both surveillance purposes and possible use for the future as the case may be.

## **PART II**

### **4.3. FORMALISATION OF REPORTING ALLEGED SEXUAL , GENRAL HARASSMENT AND DISCRIMINATION INCIDENTS**

If the alleged sexual, general harassment or discrimination incident remains unresolved after being addressed within the Gender Unit, the complainant is encouraged to take further Action. He/she will be required to lodge a formal complaint to the Chairperson of the ***Committee Against Sexual, General Harassment and Discrimination***, in writing. The Gender Unit will support and facilitate this process.

- 4.4. COMMITTEE AGAINST SEXUAL, GENERAL HARASSMENT AND DISCRIMINATION**
- There shall be constituted a committee at the Management level within the University, the College and Hospital, to deal with sexual, general harassment and discrimination issues that have been forwarded to them from the Gender Unit. This committee will be composed of:

**Table 1:** Composition of the Committee Against Sexual, General Harassment and Discrimination

SNO	FOR SPECIFIC COMPLAINTS WITHIN THE HOSPITAL	FOR SPECIFIC COMPLAINTS WITHIN THE UNIVERSITY & COLLEGE	ROLE
<b>Default Members</b>			
1	Appointee of the Vice Chancellor (CUHAS) Appointee of the Director General (BMC) Appointee of the Principal – (MWACHAS)		Co-Chairpersons
2	Legal Officer		Secretary
3	Chaplain/Counsellor		Member
4	Human Resources Officer	Human Resources Officer	Member
5	Chairman of TUGHE	Chairman of RAAWU	Member
6		Head, Gender Department	Member
<b>Ad hoc Members</b>			
7	A member of Clinical Staff	A member of Academic Staff	Representative
8	A member of Administrative (Non-Clinical Staff)	A member of administrative/Support staff	Representative
9	A representative from affiliated Institutions as the case may require	A representative from affiliated Institutions as the case may require	Representative
10	A student / Resident / Intern representative		Representative

**4.4.1. This shall be a standing committee composed of, and guided by the following procedures;**

- i. Three persons who are the appointees of the Vice Chancellor, Director General and Principal shall be Co-Chairman of the committee. The Co-Chairs shall be neither the Deputy Vice Chancellor of Planning, Finance and Administration, Director of Administration and Human Resources nor the Principal who chair institutional Disciplinary Committees.
- ii. The Legal Officer (from CUHAS or BMC) shall be Secretary to the Committee.
- iii. One third of members of the committee other than the Chairperson shall be females. CUHAS, BMC and MWACHAS shall however strive to ensure that gender balance is attained at any point in time the committee is in session.
- iv. A quorum of sixty percent is required for the committee to sit and execute its responsibilities. The presence of a Co- Chairman, Secretary, TUGHE/RAAWU and Representative from affiliated institutions, as the case may require, will be necessary for the Committee to convene.

- v. In the event that a member of the committee is involved in a complaint as a complainant or is a subject of the complaint, such members shall recuse themselves from all proceedings of the meeting, other than appearing as a complainant or respondent.
- vi. The Co-Chairs in consultation with other relevant parties will appoint Ad Hoc members (refer to table 1) to attend committee proceedings as representatives of a specific demography within the Bugando Community, on a case by case basis.

#### 4.4.2. COMMITTEE PROCEEDINGS

##### 4.4.2.1. Upon receipt of a formal complaint, the Committee may:

- i. Initiate an investigation into the matter by:
  - a. Providing the alleged offender with the copy of the written complaint notice
  - 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 committee shall come up with a recommendation on the matter and communicate this to the complainant and the respondent
- iv. The committee shall also make recommendations to the BMC/CUHAS/MWACHAS Management for appropriate action
- v. Appropriate steps will be taken to ensure psychological support for all parties involved during the proceedings and afterwards, if needed or requested.

##### 4.4.2.2. **Exclusion:** For any ongoing proceeding any person who is a complainant or respondent/accused shall not be:

- i. An advisor
- ii. A person to whom the formal complaint is lodged
- iii. A person who decides about the decision of a formal complaint.

#### 4.5. DISCIPLINARY ACTION

The Committee will recommend appropriate disciplinary action to be taken against him/her by the Management within 30 days of submission of the report and the committee should be given written notification of the final decision taken for recording and reference purposes.

- i. Charges of disciplinary offence or misconduct against any staff shall be vested in the Management and shall be handled in accordance with the provisions stipulated in the CUHAS, BMC and MWACHAS Codes of Conduct.
- ii. Students shall face disciplinary charges as stipulated in the Students' By- Laws.

- iii. Charges of disciplinary offences against associates, e.g. field attachments, volunteers, part-time staff etc. shall be handled in accordance with the provisions of the CUHAS, BMC and MWACHAS Codes of Conduct.

4.5.1. **Malicious Accusations:** If the investigation reveals evidence that the complainant maliciously accused another of sexual, general harassment or discrimination, the complainant will be appropriately disciplined, and the documentation will be retained in the complainant's file. *If the respondent feels that he/she has been maliciously accused, he/she may decide to file a complaint to the relevant authority.*

### PART III

#### 5. INSTITUTIONAL COMMITMENT

- 5.1. The above procedures are intended to cover ALL members of the Bugando community on and off-campus whilst engaged in activities on behalf of either CUHAS or BMC or MWACHAS or all three in the course of employment/study commitment.
- 5.2. The three institutions shall ensure that all potential advisors are appropriately informed especially on diversity issues that may impart behaviours mentioned in this policy. They shall also have the entire support of the institutions' Management in carrying out their duties as Advisors.
- 5.3. CUHAS, BMC and MWACHAS shall continuously sensitize the staff members and students on gender issues and shall continue to promote and operationalize the policy against sexual, general harassment and discrimination. Additionally, both institutions shall raise awareness among staff and students on the existence of the policy against sexual, general harassment and discrimination through workshops, during staff and student orientation and other stakeholders' gatherings. The policy shall be distributed to new students and staff and made accessible to staff at departmental levels and on appropriate media such as institutional websites.
- 5.4. These policies shall not be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in daily work activities or work-related social activities or discussions. In other words, no one shall make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law of the land and the policies of CUHAS, BMC and MWACHAS prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

- 5.5. **RETALIATION:** Any act of retaliation against a person using this Policy in good faith to report an incident of sexual, general harassment or discrimination or a person assisting in an investigation of an incident of sexual, general 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, general harassment or discrimination shall apply to those committing acts of retaliation. Any action that can be reasonable interpreted as revenge, constitutes an act of retaliation. The complainant shall report the case for appropriate action.

## CHAPTER FIVE

## 6. IMPLEMENTATION, MONITORING & EVALUATION

- 6.1. Monitoring and evaluation is needed to ensure effective implementation of the Policy. The CUHAS/BMC/MWACHAS Managements will oversee to ensure that the Gender, Harassment and Discrimination Policy is implemented and thus will be responsible to monitor and evaluate the level of Policy implementation, performance, achievements, and impact.
- 6.2. **Monitoring:** Monitoring is the process of observing whether the activity or service is going as planned. It is a systematic and continuous, sometimes periodic collection and analysis of data as specified in the related indicator. Monitoring must involve looking at processes and outputs of the Gender Desk/ Unit to determine the Policy's implementation. Information collected will include the following:
- i. Accessibility and utilization of the Gender Desk services by Stakeholders seeking assistance. These should reflect the level of awareness of the Policy by stakeholders and positive outcomes for those who accessed the unit for assistance.
  - ii. Records of various types of incidences and complaints that the Gender Unit/Desk received and addressed through mediation or forwarded for formal action by the Gender Committee
  - iii. Records of incidences that were referred to law enforcement due to their criminal nature
- 6.3. **Evaluation:** Evaluation will be an integral, ongoing, and systematic process of assessing the effectiveness of the Policy and will involve assessing the quality of solutions (outcomes) of reported incidences, including the processes involved in reaching fair conclusion and closure of each case. The Evaluation will be effected through:
- i. Assessing the process of addressing reported incidences to the Gender Unit/Desk
  - ii. Assessing the effectiveness of the informal complaint resolution avenue
  - iii. Assessing the effectiveness of the formal procedures for address complaints
  - iv. Assessing the reasons for the success or failure of the implementation of the Policy
  - v. Introducing remedial mechanisms to overcome the challenges impeding the implement the Policy
  - vi. Assessing whether the implementation of the Policy is contributing to behavioural change within the Bugando Community
  - vii. Assessing whether the implementation of the Policy is contributing to the perception of a safer and harmonious working and learning environment
  - viii. Disseminating information on the impact of implementation of the Policy

### 6.4. Monitoring schedule and reporting format

Reports from the Gender Unit/Desk and the Management shall include:

- i. Quarterly reports and annual reports on the implementation of the Policy and other relevant issues related to the Policy, to relevant bodies through the established reporting channels existing within each institution.



- ii. Summary of the major recommendations for improving the Gender, Harassment and Discrimination Policy
- iii. Preparing annual operational plan for sensitization and an annual evaluation plan

#### **6.5. REVISION AND AMMENDMENTS**

The Gender, Harassment and Discrimination Policy is subject to amendments that may be necessary from time to time by the Managements with the approval of the Council and Board of Directors. It is further subject to amendments by circulars and directives that may be issued from the time to time by the Managements in compliance with changes of Government Policy, Civil or Canon Legislation.

RGH-1

## Complaint Reporting Form



*[Made under clause 4.2(1) of the Gender, Harassment & Discrimination Policy – 2020]*

**[COMPLAINANT CODE]:** .....

This form should be used for reporting any harassment/discrimination incident.

If you believe that you have been subjected to harassment/discrimination, you are encouraged to complete this form and submitted in accordance with provision 4.1(a-d).

At any point you will be able to withdraw this complaint.

Strict confidentiality will be observed.

If you are more comfortable reporting verbally or in another manner, any adviser may complete this form for you, provide you with a copy for follow up and investigation purposes

### COMPLAINANT'S INFORMATION

Code:

Institution:

Title (e.g. student/staff):

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

### SUPERVISOR'S INFORMATION (If applicable)

Immediate Supervisor's Name:

Title:

Work Phone:

### INCIDENT INFORMATION

1. Your complaint of Harassment/Discrimination is made about:

Name of Respondent:  Title:

Institution:  Phone:

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Student  
☐Other.....

2. Nature of Incident: ☐Discrimination ☐General Harassment ☐Sexual Harassment

3. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

4. Date(s) of Incident:

Is the incident ongoing? ☐ Yes ☐ No ☐ Not applicable

5. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

6. Please indicate your expectations concerning the resolution of this incident

☐ Need for counselling/psychological support ☐ Mediation ☐ Disciplinary action

☐ Others .....

7. If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Disclaimer: Achieving the expected results may involve an investigation process that may include but not limited to:

- |           |                                      |
|-----------|--------------------------------------|
| •         | Speaking with the employee/student   |
| •         | Speaking with the alleged harasser   |
| •         | Interviewing witnesses               |
| •         | Collecting and reviewing any related |
| documents |                                      |

While the process may vary from case to case, all allegations will be investigated promptly and resolved as quickly as possible.

The process will be documented and findings of the investigation will be kept confidential and utilized for future use and reference

## The Gender Analysis Matrix

Factors that influence Work/training performance outcomes WORK RELATED FACTORS	Factors that influence Work/Training outcomes GENDER RELATED FACTORS		
	Biological factors	Social factors	Access to resources factors
Motivational factors to include position and salaries/availability of fees			
Individuals' Health related status			
Access and use of available services			
Learning or work Options for the individual			
Social outcomes, existing laws/ regulations and its consequences			

## References

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