



UNIVERSITY OF DAR ES SALAAM
DAR ES SALAAM UNIVERSITY COLLEGE OF
EDUCATION (DUCE)

ANTI-SEXUAL HARASSMENT POLICY
AND
OPERATIONAL PROCEDURES

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PREFACE

This Anti-sexual Harassment Policy is one of the College initiatives in creating the environment that fights sexual harassment. Recent studies at the College show that events of sexual harassment are prevalent. For instance, the baseline study on Gender Perception of DUCE Staff and Students (2013/2014) revealed that sexual harassment exists among students, staffs and indeed between staff and students. Another study carried out in 2018 to evaluate the impact of DUCE's Gender Policy in improving gender equity and equality revealed that sexual harassment still exists at DUCE. Following this observation, the College has decided to adopt and customize the University of Dar es Salaam Anti- sexual Harassment Policy of 2018 to DUCE context in order to address sexual harassment. At the national level, different efforts have been made including the enactment of Sexual Offences (Special Provisions) Act in the year 1998, but this has not resulted into a permanent solution to the problem.

Sexual harassment generates short-term and long-term effects that can cause devastating physical and psychological injuries on the health, confidence, morale and even death and performance of the victims as detailed below:

- a. Sexual harassment violates fundamental rights, personal dignity as well as personal integrity.
- b. Neglecting early symptoms and acts have led to serious consequences such as fights, suicides, violence, depression, Post-Traumatic Stress Disorder (PTSD) and denial of rights. Likewise, in a course of time, short-term effects gradually turn into long-term effects.
- c. Panic attack and depression continue even after the harassment has stopped.
- d. The victim may begin to associate his or her work or studies with this harassment and seek to change careers or to quit studies.
- e. If the victim leaves his/her position and moves to a new job or if he/she quits studies, he/she may feel uncomfortable with the new workplace or new academic setting, which could ultimately lead to feelings of deprivation.

This Policy emphasizes prevention and prompts corrective measures, which will deter potential harassers from conducting such actions, thereby controlling such mischief. The Policy covers such issues as reporting events of sexual harassment by ensuring that reporting cases of sexual harassment is risk-free to both victims and informers of sexual harassment. The Policy also covers sanctions against offenders and, more importantly, it creates an environment that makes a victim of sexual harassment trust that reported complaints will be taken seriously. Subsequent measures will then encourage victims to report sexual harassment events because they believe their complaints will be taken seriously; and they will not be prone to any form of retaliation.

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PRINCIPAL

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1.0 INTRODUCTION

1.1 Background

The Dar es Salaam University College of Education (DUCE), which is a constituent college of the University of Dar es Salaam (UDSM), is a public institution of higher learning committed to providing learning and working environment free from intimidation, discrimination and any other form of abuse towards maintaining its good image. The College shares the commitment of UDSM Declaration on Academic Freedom and Social Responsibility of Academics, with commitment to:

- (i) Provide access to education on equal and equitable basis;
- (ii) Prepare individuals to strive for full participation in the emancipation of the individual person and society from oppression, domination and subjugation;
- (iii) Enable all its members to overcome prejudices related to sex, race, nationality, ethnicity, religion, class and culture;
- (iv) Uphold the highest professional standards and ethical behaviour, and through openness, honesty, tolerance and respect for the individual in all disciplines; and
- (v) Use its internal disciplinary machinery to punish any person found guilty of sexual harassment.

DUCE aligns the UDSM core values, which include among others:

- (i) Equity and social justice by ensuring equal opportunity and non-discrimination on the basis of personal, ethnic, religious, gender and other social characteristics;
- (ii) Professional and ethical standards by upholding highest professional standards and ethical behaviour through openness, honesty, tolerance and respect for the individual in all disciplines
- (iii) Social responsibility by promoting awareness and providing leadership that responds to the issues and problems facing the society with a view to ultimately solving and alleviating them¹
- (iv) Execution of legal and regulatory environment, which enables the institution to take measures to prevent sexual harassment as well as take corrective measures, to deter potential perpetrators from committing acts of sexual harassment.

In realizing this, the DUCE Gender Unit initiated the adoption of the UDSM Anti-Sexual Harassment Policy (2018) to achieve the College mission, vision, core values and to continue standing as a pioneer of virtues.

1.2 Rationale

Sexual harassment incidents in the society have been increasing to the extent of drawing the attention of the nation and other stakeholders. Universities as part of the society are not an exception from sexual harassment cases. For example, some incidences of sexual harassment have been reported at the University of Dar es Salaam. According to the UDSM Anti-Sexual Harassment Policy (2018), two cases of rape were reported in the

¹ [Http://www.udsm.ac.tz](http://www.udsm.ac.tz)

1970s and 1980s. In the 1990s, some female students faced a series of sexual harassment incidences; one was raped, and another committed suicide following sexual harassment by PUNCH pipelining her following a scuffle between two male students over her misinterpreted relationships with them². In addition, a documented case of sexual harassment is that of a female postgraduate student harassed sexually by a prominent member of academic staff in 1998. Some of the measures taken against harassers include expulsion of four male instructors. As for DUCE, there was a case of murder at Mabibo hostel where a male student stabbed a female student to death after she rejected him.

It was also reported in a baseline study on Gender Perception of DUCE Staff and Students (2013/2014) that sexual harassment exists among students, staffs and indeed between staff and students. In that study, out of 333 participants who filled and returned the questionnaire, 39.03% reported the existence of different forms of sexual harassment at DUCE. Similarly, another study carried out in 2018 to evaluate the impact of DUCE's Gender Policy in improving gender equity and equality also reported existence of sexual harassment incidences among DUCE members. The pillars of the University of Dar es Salaam identified in vision 2061 include inspired and motivated staff and students; visionary leadership; and, sustainable resources³. Thus, in meeting the three pillars, the university environment must be free from sexual harassment and any other forms of discrimination. The environment, as suggested in the UDSM Vision 2061, should encompass enhancement of the social environment that enables staff and students to work effectively and efficiently. Accordingly, the Dar es Salaam University College of Education is committed to maintaining a positive climate for studying and working, in which case individuals are judged solely on relevant factors, such as ability and performance, and thus they should pursue their activities in an atmosphere that is free from coercion, intimidation and violence. Any violation of mutual trust, any form of intimidation or exploitation damages the institution's educational process by undermining the essential freedoms of inquiry and expression. Students, staff and service providers in the College must feel personally secure for real learning to take place. This Policy, therefore, creates an enabling environment for achieving college vision and mission by preventing and taking prompt corrective measures, which will deter potential harassers from conducting actions that may translate to sexual harassment.

1.3 Effects of Sexual Harassment

Sexual harassment generates short-term and long-term effects that can cause devastating physical and psychological injuries on the health, confidence, morale, death and performance of the individuals affected by it, as detailed below:

- a. Sexual harassment violates fundamental rights, personal dignity as well as personal integrity.
- b. Neglecting early symptoms and acts have led to serious consequences such as fights, suicides, violence, depression, Post-Traumatic Stress Disorder (PTSD) and denial of rights. Likewise, in a course of time, short-term effects gradually turn into long-term effects.
- c. Panic attack and depression continue even after the harassment has stopped. The victim may begin to associate his or her work or studies with harassment and

² University of Dar es Salaam Anti-sexual harassment Policy, 2006

³ University of Dar es Salaam vision 2061

may seek to change careers or quit studies, which may not necessarily make the victim comfortable or may lead to feelings of deprivation.

1.4 Sexual Harassment Concepts

1.4.1 Sexual Harassment Defined

Sexual harassment is a form of sexual discrimination occurring when there is deliberate use of sexual comments, attempted physical contact, or actual physical contact including sexual violence in the workplace or one's life that creates a hostile environment for the recipient. Sexual harassment may further be defined in the following forms and examples (UDSM, 2018):

1.4.1.1 Forms of Sexual Harassment

A conduct amounts to sexual harassment when:

- a. Submission to such conduct is explicitly or implicitly made to be a term or condition of an individual's employment or status in a course, programme, or activity; or,
- b. Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or,
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's free enjoyment of life in general, work or educational performance, or of creating an intimidating, hostile, or offensive environment for one's life, work or learning.

1.4.1.2 Examples of Sexual Harassment

Sexual harassment may consist of any or all but shall not be limited to the following illustrative examples:

- a. Unwanted jokes, innuendoes, noises, lewd suggestions, foul language, obscene gestures;
- b. Uninvited touch, uninvited kisses or embraces, smutty jokes or comments, making promises or threats in return for sexual favours, displays of sexually graphic material including posters, pinups, cartoons;
- c. Graffiti or messages left on notice boards, desks or common areas, repeated invitations to go out after prior refusal, "flashing" or sexual gestures;
- d. Sexual based insults, taunts, teasing or name-calling, steering or leering at a person or parts of their body;
- e. Touching of a person's clothing including lifting up skirts or shirts, blouses, flicking bra or pant straps, or putting hands in a person's pocket, unwelcome physical contact such as massing a person without invitation or deliberately brushing up against them;
- f. Forcing acceptance of sex request, sexually explicit humiliating conversation;
- g. Persistent questions or insinuations about a person's private life, offensive phone calls or letters or offensive screen savers;
- h. Belittling comments on a person's autonomy, persistent demands for dates;
- i. Forcing for sexual activity or favours;
- j. Asking about personal/sex life, explicit sexual suggestions in return for reward;

- k. Telling lies or spreading rumours about a person's sex life with the purpose of assassinating the character of the victim; unwanted physical contact of any sort which is sexual in nature especially touching of sensitive body parts, brushing against another's body, hair or clothes, kissing, pinching, patting, grabbing, or cornering;
- l. Displaying (to a person) of pornographic and sexually suggestive pictures and/or sexual objects;
- m. Transmitting offensive written telephone or electronic communications;
- n. Indecent exposure;
- o. Indecent curiosity such as peeping, eavesdropping, persistent unwanted brazen questioning into a person's sexual matters;
- p. The use of one's authority, undue influence or power, either explicitly or implicitly, to force or cause another to go into unwanted sexual relations or to punish another for his or her refusal;
- q. The creation by a member of a group of people of an intimidating, hostile or offensive working or educational environment through verbal or physical conduct of a sexual nature;
- r. Causing sexual annoyance to a third party or third parties.

1.4.1.3 What does not Constitute Sexual Harassment?

- a. Sexual harassment, unless provided otherwise by any other laws, policies and DUCE staff code of conduct, does not include a relationship of mutual free consent between or among persons aged eighteen and above and of sound mind. In case this kind of relationship exists, one should declare conflict of interest.
- b. Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum.
- c. In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of circumstances, including the context in which the conduct occurred.

1.4.2 Complainant:

It means a person (male/female) who is alleging the occurrence of sexual harassment. The complainant may not necessarily be the victim of sexual harassment.

1.4.3 Harasser

Is a person (male/female) either student or member of staff or service provider, duly admitted or employed by DUCE who is bound to follow the rules and regulations who performs anything that constitutes sexual harassment as per definition given in section 1.4.1.

1.4.4 Retaliation

Refers to threats, intimidation, reprisals, and adverse actions related to one's employment or education.

1.4.5 Hostile Environment

Hostile environment refers to unwelcome conduct of a sexual nature that creates an intimidating, hostile or offensive working or academic environment and has the effect of substantially interfering with the victim's work or studies. A behaviour will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates and finds the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome. However, if a student or staff or service provider actively participates in sexual banter or discussions without giving an indication that s/he does not like it, it will probably not meet the definition of "unwelcome". Not every act that might be offensive to an individual or group will necessarily be considered as harassment and/or a violation of the College's standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

1.5 Objectives of Anti-Sexual Harassment Policy

Sexual harassment in any form is considered to be unacceptable behaviour and a source of conflicts, distressful and counterproductive to the mission of an educational institution. The College regards sexual harassment as a violation of the standards of conduct required of all persons associated with the college. The objectives of this policy are, therefore, to:-

- a. Provide correct interpretation of the concept of sexual harassment which will assist to overcome customs and traditional practices and behaviour that militate against the rights of women and men;
- b. Establish a mechanism that encourages victims of sexual harassment to exercise their rights, maintain their dignity and refuse to submit to the pressures of sexual harassment;
- c. Take action in eliminating sexual harassment at DUCE and impose prompt handling of cases effectively and with utmost sensitivity and fairness;
- d. Inform members of the college community about sexual harassment, including sexual favours and violence, and explain what they can do if they encounter or observe it in connection with any college programmes or activities;
- e. Promulgate and codify the colleges' position and response to issues of sexual harassment as governed and addressed;
- f. Prevent or/and avoid sexual assaults, suicide, and psychological traumas;
- g. Fight against sexual corruption (sextortion).

1.6 Scope of the Policy

This policy applies to all students in demonstration schools, college students, staff, guests, customers as well as service providers who have a contractual relationship with DUCE. Furthermore, Sexual harassment is unlawful anywhere where functions of the College are performed

2.0 POLICY ISSUES, STATEMENTS AND STRATEGIES

Sexual Harassment is among factors that may hinder the College from meeting its mission and vision. Sexual harassment cases may not be reported because many of the victims such as students, service providers, administrative staff and junior academic staff do not know where to report the misconduct. Even the few who might know where to report the matter are not sure of their protection, especially when the accused is a senior official. Some of the leading causes of continuing sexual harassment at DUCE include lack of an official reporting unit, accountability and handling mechanism; inadequate information and awareness of sexual harassment issues; anxiety and fear of being embarrassed on the part of the victims. This Policy seeks to fill this vacuum.

2.1 Anti-Sexual Harassment Measures

2.1.1 Policy Issue

Due to the absence of Anti-sexual Harassment Policy at DUCE, there was no specified implementing organ. Consequently, this has led to lack of proper mechanisms to coordinate, document, make follow up and establish the rate of incidences towards instituting mechanisms for eradicating sexual harassment.

2.1.2 Policy Statement

The College shall ensure that all students, staff and service providers are protected against sexual harassment. DUCE shall establish and strengthen anti-sexual harassment organs to enforce the policy by documenting sexual harassment incidences and taking ethical and legal actions that apply when individuals commit sexual harassment.

2.1.3 Policy Strategies

DUCE shall:

- a. Take appropriate corrective actions, including discharge or expulsion from the College of any student or employee or terminate contract with a service provider found guilty of sexual harassment.
- b. Set up effective regulations to prohibit sexual harassment and take appropriate punitive sanctions.
- c. Invoke the Penal Code Cap. 16 as amended by the Sexual Offences Special Provisions Act, Act No. 4 of 1998; staff and student codes of conduct in cases of sexual harassment cases.
- d. Establish a mechanism that will make all staff, students and service providers behave in an acceptable manner in order to maintain an environment that is hospitable, equitable and conducive for safe and decent community life.
- e. Ensure integrity is maintained and that supervisors and leaders do not engage in sexual relationship with their students or subordinates in order to:
 - i. Monitor the working/studying environment to ensure that acceptable standards of conduct are observed at all times;
 - ii. Model appropriate behaviour;
 - iii. Promote the understanding of College's Anti-Sexual Harassment Policy within the work/study area.

2.2. Reporting Sexual Harassment Cases

2.2.1 Policy Issue

Some of the leading causes of continuing sexual harassment at DUCE include lack of official reporting system for sexual harassment incidents. In that case, sexual harassment cases may go unreported and undocumented thereby concealing the problem.

2.2.2 Policy Statement

The College shall encourage all staff, students and service providers to report to appropriate authorities and organs any cases of sexual harassment experienced, observed or heard of, involving members of staff, students and service providers in the College.

2.2.3 Policy Strategies

DUCE shall:

- a. Ensure that the complainants and reporters follow the set up procedures for reporting and recording sexual harassment incidents and follow up thereafter.
- b. Establish an effective mechanism that strongly encourages anyone who feels that she/he has been sexually harassed within the College or off campus while under the custody of DUCE to bring such incidents to the attention of relevant officers or organs.
- c. Maintain utmost confidentiality in respect of both the complainant and the reporter throughout investigations and/or proceedings.
- d. Provide for sanctions or enforce regulations against officers who breach the rule of confidentiality in respect of the information obtained in the course of handling sexual harassment complaints.
- e. Ensure protection of all parties in harassment proceedings from intimidation, threats or repercussion once an incident has been reported; and impose sanctions or enforce regulations against those who intimidate and threaten those who report sexual harassment incidents.

2.3 Provision of Information Resources for Continuous Education

2.3.1 Policy Issue

Information resources for continuous education are an important mechanism for increasing awareness on sexual harassment issues. However, the College does not have adequate resources to support continuous education, recreational activities and awareness of sexual harassment issues.

2.3.2 Policy Statement

DUCE shall ensure provision of adequate resources for continuous education, sensitization and sports and games by supporting the responsible departments and units for effective implementation of this Anti-Sexual Harassment Policy.

2.3.3 Policy Strategies

DUCE shall:

- a. Ensure continuous education, information and sensitization to the DUCE community on sexual harassment upon admission of new students and recruitment of new members of staff.
- b. Equip the DUCE community with skills and tools to defend themselves against sexual harassment.
- c. Provide enough resources for education and sensitization to responsible departments and units.
- d. Launch sensitization programmes and advocacy for education about sexual harassment for staff and students.
- e. Encourage sport and body exercises to DUCE community members.
- f. Sensitize Deans, Directors and Heads of Departments about Anti-Sexual Harassment Policy, who shall then publicize and institutionalize strategies and procedures in their respective Faculties, Departments, Units, Centres and Demonstration Schools.
- g. Ensure that each community member of the College familiarizes with this Policy to ensure that her/his conduct does not violate the principles and the spirit of this Policy.
- h. Make the Policy accessible to the College website in English and Kiswahili languages and in braille to cater for the needs of all members of the College community.

2.4 Anti-sexual Harassment Implementing Organs

2.4.1 Policy Issue

Some sexual harassment cases have been informally reported to the Dean of Students Office (DoS), to the Gender Unit, to the department of Human Resource Management (HRM), and to respective Faculties, Departments, demonstration schools and students' government (DARUSO - DUCE). The reported sexual harassment cases were heard and resolved; however, some other similar cases might have gone unreported due to lack of clear coordination.

2.4.2 Policy Statement

The College shall ensure a good coordination of anti- sexual harassment implementing organs and that they are strengthened for effectiveness and accessibility to all victims of sexual harassment.

2.4.3 Policy Strategies

DUCE shall:

- a. Establish an Anti-sexual Harassment Committee (AHC) on ad hoc basis that will deal with sexual harassment incidences by cooperating with complainants and

implementing departments to ensure that reported cases of sexual harassment are objectively handled.

- b. Appoint members of Anti-sexual Harassment Committee that shall comprise of six members of high integrity and shall include 50% females. Two students - one from Demonstration schools and one from DARUSO, will be appointed to the Committee where the reported sexual harassment involves students.
- c. Strengthen the Human Resources Department, Gender Unit and the Dean of Students' Office as part of the Anti-sexual Harassment Policy implementing organs.
- d. Strengthen other implementing departments and units to document sexual harassment incidences, and institute ethical and legal actions against individuals involved in sexual harassment.

3.0 PROCEDURE FOR REPORTING SEXUAL HARASSMENT CASES

The procedure for reporting sexual harassment incidences shall be as follows;

- a. In the event that both parties are College students, the matter will be referred to the Dean of Students' Office for resolution according to the rules and regulations of the College regarding student rights and responsibilities.
- b. If both parties are employees, the matter will be referred to the Department of Human Resources for resolution according to the rules and regulations of the College regarding staff rights and responsibilities.
- c. If the matter is between student and service provider, the matter will be reported to the Dean of students' Office.
- d. If the matter is between student and an employee the matter will be reported to the Dean of Students' Office or to the Gender Unit.
- e. If the matter is between an employee and a service provider, the matter will be handled by the Department of Human Resources Management.
- f. After receiving complaints, the implementing organs, DOS and HRM shall then schedule a fact-finding meeting for the purpose of determining the facts relevant to the sexual harassment complaints. They shall resolve the matter if amicable settlement is preferred through counseling and mediation. Where the matter is not resolved, it will be reported to the Anti-sexual Harassment Committee.
- g. After receiving the complaints from the Dean of Students and the Department of Human Resources Management, the Anti-sexual Harassment Committee will conduct further investigation and report the matter to the Deputy Principal-Administration for further action.
- h. The Deputy Principal-Administration shall promptly investigate all sexual harassment complaints in a confidential manner. Depending on the severity of the case, consequences may include apology, counseling, transfer, dismissal, demotion or other forms of disciplinary action, including reporting the matter to the Police Gender Desk.
- i. All records will be kept in the office of HRM, DOS and the Gender Unit in strictly confidential files.
- j. The College shall set up a hotline for reporting sexual harassment cases.
- k. DUCE shall ensure that formal review procedures on sexual harassment replicate neither external judicial processes nor internal disciplinary processes. In case the harassed person chooses to report the matter to the police station, they should be aware that the matter shall subsequently be handled by the Police.

4.0 MONITORING AND EVALUATION

4.1 Monitoring and Evaluation Mechanisms

It is the responsibility of the DUCE Management to monitor and evaluate sexual harassment incidences. DUCE shall establish a unit for monitoring and evaluating sexual harassment cases in the following manner:

- i. The Principal shall empower the Gender Unit to monitor and evaluate all reported cases.
- ii. The Gender Unit shall submit quarterly reports to the Management on the state of sexual harassment at DUCE.
- iii. The Gender Unit will use the performance evaluation tools and report to the Principal.

5.0 POLICY REVIEW

This Anti-sexual Harassment Policy shall be assessed and reviewed after the duration of five years in order to measure performance and accommodate new changes.

6.0 References

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