



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

## **GENDER AND SEXUAL HARASSMENT POLICY AND PROCEDURES**

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**DECEMBER 2020**

GSHP/004/CGB42/2.2

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## **FOREWORD**

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

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

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

I wish to express my special thanks to the team which reviewed this policy under the exciting leadership of **Prof. Dr. Rachel N. Manongi**, renowned professor of Community Health with a background in Medicine. I equally appreciate the active participation of other members of the review committee namely, **Dr. Rhodes E. Mwangeni, Dr. Debora C. Kajeguka, Adv. Aniceth G. Boyi, Dr. Jane J. Rogathi, Ms. Juliana Rose Muro** and **Mr. Victor J. Selengia**. The implementation of this policy now lies ahead and therefore I call all members of College community to support these initiatives and to that end become a place where men and women are equally and equitably treated and all forms of gender discrimination and sexual harassment are wiped out and instead cherish trust, respect and dignity.

Prof. Ephata E. Kaaya  
Provost

## **Definition of Key Terms**

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

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

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

**“Gender Equity”** Is a quantitative measure referring to a process in which both men and women access organization’s resources, opportunities, benefits and obligations with a view to attaining gender equality.

**“Partner”** Refers to any internal and external individual working in partnership with KCMUCo in implementing either project or research activities in a specific period of time.

**“Service Provider”** Is a person or corporate body who’s Tender to provide the Services has been accepted by the College and awarded a contract of service on the agreed terms and conditions.

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

**Examples of conduct that may constitute sex/gender based harassment include:**

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

*Above list is not exhaustive, but intended only to provide general examples of possible prohibited conduct.*

**What does not constitute sexual harassment?**

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

## **Abbreviations**

<b>CGB:</b>	College Governing Board
<b>CAC:</b>	College Academic Committee
<b>DPA:</b>	Deputy Provost for Administration
<b>GSHC:</b>	Gender and Sexual Harassment Committee
<b>KCMUCo:</b>	Kilimanjaro Christian Medical University College
<b>SDG:</b>	Sustainable Development Goals
<b>RAAWU:</b>	Research, Academicians and Allied Workers Union
<b>SOSPA:</b>	Sexual Offences Special Provision Act
<b>TUMa:</b>	Tumaini University Makumira



# **1. Introduction**

## **1.1 Background**

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

Often, masculine and feminine qualities have been connected to roles, tasks, positions and professions in individuals. While there are significant particularities across societies, generally women are disadvantaged in many life aspects. This has profound implications on how men and women participate in development activities. Due to inequality between men and women as manifested in education, labour markets, decision-making bodies, political structures and households, it has become necessary to develop conventions and other forums that address these imbalances.

Sexual harassment is a gross violation of human rights and dignity of a person irrespective of their sex, ethnicity, class, disability, religion, color etc. It has an immediate and long term health, social and

economic consequences. Oftentimes sexual harassment manifests itself from unequal power relations between men and women in the society (including the workplace) and women are the most vulnerable group when it comes to sexual harassment. However, it should also be understood that men can also be victims of sexual harassment.

The Government of Tanzania has never remained silent on issues of gender discrimination and sexual harassment. The rights of men and women are enshrined in the constitution of 1977 as amended in 1984 and 2000 which assures equality, respect, justice and freedom for all people irrespective of sex, color or race. Tanzania is a signatory of various international conventions that seek to promote and protect human rights and in particular the rights of women including among others the United Nations Convention on Human Rights of 1946, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, The Beijing Platform of Action in 1995; The Declaration on Gender and Development by the Southern African Development Community of 1997, e.t.c. To ensure that the rights of women are translated into practice in Tanzania several legislations, policies, programmes have been developed including among others the Penal Code Chapter 16, Revised Edition 2002, Sexual Offences Special Provisions Act (SOSPA) of 1998, the Employment and Labor Relations Act, 2004 and Women and Development Policy of 1992, which was subsequently replaced by

National Gender Policy of 2000. KCMUCo, therefore, seeks to demonstrate this through the implementation of this Gender and Sexual Harassment Policy and procedures.

## **1.2 KCMUCo Gender Situational analysis**

### **1.2.1 Gender distribution of the students**

Since its inception in 1997, KCMUCo has been admitting students into various academic programmes based on merits. However, due to historical and cultural reasons the number of male students enrolled into higher education surpassed those of female. As such, over the past ten (10) years women represented only 40% of total enrolled KCMUCo students. In 2019/2020 academic year, women represented only 39% of all registered students at KCMUCo. The observed low admission levels of female students is also depicted among top students leaders and senior ministerial positions in students' organization. Female students' leaders in the academic year 2020/2021 only make up 35% of the cabinet seats. However, for the first time the current KCMUCo students' organization President is a female.

### **1.2.2 Gender distribution of the staff**

KCMUCo has been considering gender equality and equity in the recruitment, promotion and training of its staff. However, historical

and cultural reasons might have limited the desire to achieve the intended gender equality and equity. As of June 2020, women were 42% (111) of all KCMUCo 263 staff including 69% (77) and 31% (34) of academic and administrative staff respectively.

For the past ten years (2010-2020) a total of 134 new academic appointments were made, out of those 46% (61) were women including, 2% (1) associate professor, 23% (14) lecturers, 44% (27) assistant lecturers and 31% (19) tutorial assistants.

Within the same period KCMUCo had trained a total of 48 academic and administrative staff. Of those trained women were 42% (20) of all total trainees including 40% (8) PhDs, 5% (1) professional development training (CPA-T), 15% (3) Masters, 15% (3) Bachelor degrees and 25% (5) Diploma.

Currently KCMUCo has 60% (6) female staff in different decision-making/administrative positions, including Director of Research and Consultancy, Director of Institute of Public Health, Director of Postgraduate Studies, Dean Faculty of Medicine, Dean Faculty of Nursing and Associate Dean of students.

### **1.3 KCMUCo Sexual Harassment situational analysis**

KCMUCo has never been immune to gender discrimination and sexual harassment. Incidents of sexual harassment have been reported

to relevant College authorities. Such incidents led to the formulation of the “Discrimination & Sexual Misconduct Policy” which was the first document intended to address issues of discrimination and sexual misconduct. However, the policy lacked detailed aspects of gender and sexual harassment to both students and staff and corresponding strategies and procedures for their mitigation and ultimately elimination.

A survey conducted in October 2020 among KCMUCo students and staff found that out of 431 students respondents 19.5% (84) had experienced sexual harassment, and out of 57 staff respondents 26.3% (15) experienced some form of sexual harassment. Due to the magnitude of the problem, the revision of the former policy was imperative.

## **2.0 Purpose of the Policy**

This policy addresses existing gender gaps, gender discrimination and sexual harassment. The policy is expected to promote gender equality and equity and eliminate any form of gender discrimination and sexual harassment at the College.

## **3.0 Scope**

This policy applies to all staff, students and individuals who have contractual or partnership with KCMUCo.

## **4.0 Policy Objective**

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

The specific objectives of this policy are to:

1. create awareness and sensitization among KCMUCo community on all issues of gender and sexual harassment.
2. establish mechanisms to address gender discrimination and sexual harassment within KCMUCo community.
3. develop effective and fair procedures in the handling of cases associated with gender discrimination and sexual harassment.
4. ensure the College provides equal opportunities in terms of both resources and responsibilities to its female and male staff.
5. ensure a fair representation of both female and male employees and students in the KCMUCo policy and decision making organs and students' organizations respectively.

## **5.0 Policy Statement and Strategies**

### **5.1 Policy statement**

KCMUCo recognizes that gender gaps, discrimination and sexual harassment exist within the College. These undermine the vision and

mission of KCMUCo, academic and career prosperity, harmonious relationships between individuals and damage the general image and integrity of the College. The College therefore commits to the creation and maintenance of conducive working, learning and living environment free of gender discrimination and sexual harassment.

## **5.2 Strategies**

To achieve the objectives of this policy, KCMUCo shall:

- i. regularly provide awareness and sensitization to students and staff on issues related to gender and sexual harassment.
- ii. provide mechanism and procedures to investigate and address issues related to gender and sexual harassment, including taking appropriate legal actions for gender related misconduct.
- iii. ensure female employees with relevant education and professional requirements are promoted and assume higher responsibilities and decision-making positions within the College.
- iv. ensure all job advertisements encourages women to apply
- v. ensure women candidates whose scores are equal to that of men are given employment priority
- vi. ensure female employees are given priority in training opportunities
- vii. encourage female students to apply for admission and deliberately seek funds from various sources to sponsor

- qualified female applicants into various academic programmes.
- viii. encourage and counsel female employees and students to take up leadership positions
  - ix. equip staff, students, service providers and partners with skills and knowledge to defend themselves against gender discrimination and sexual harassment.
  - x. set up mechanism and procedures that encourage anyone who feels discriminated and/or sexually harassed within or outside the College to report and record such incidents to the attention of relevant officers or organs.
  - xi. maintain confidentiality of both the complainant and the respondent throughout investigation and proceedings to protect them from intimidation, threats or repercussion in respect to reporting the incident(s) and in the course of handling cases of gender discrimination and sexual harassment.
  - xii. prohibit gender discrimination and sexual harassment at KCMUCo to create and maintain the acceptable attitudes and behaviours with the ultimate goal of creating hospitable, equitable, conducive and safe environment.
  - xiii. ensure that whenever relevant all data and information collected, analysed stored and disseminated are sex



disaggregated as a key to achieve the SDG 2030 Agenda of achieving gender equality and other commitments.

- xiv. establish gender coordination unit.
- xv. make use of the available ICT facilities and establish an online reporting system for expeditious and confidential handling of complaints.
- xvi. establish a monitoring and evaluation committee.

## **6.0 Procedures of handling issues related to gender discrimination and sexual harassment**

KCMUCo staff, students or individual partners believed to experience gender discrimination and sexual harassment shall report the incident within 48 hours of occurrence. However, delays in reporting shall not automatically preclude the College from taking necessary actions in a given situation. The reporting shall be made to:

- a) the designated gender coordinator who shall liaise closely with Dean of Students and the Head of Human Resource Management and Administration.
- b) DPA, Deans, Directors, Heads of Departments, Units and Sections or any supervisors depending on the circumstances and locations.

The person receiving the complaints shall be the advisor of the incident(s). The procedures shall be strictly confidential and the

advisor shall be required to keep records of the discussions. The advisor shall:

- a) assist the complainant to determine in whether the incident(s) reported constitute(s) gender discrimination and/or sexual harassment or not.
- b) discuss alternatives to resolve the incident(s) without involving the formal authorities.
- c) inform the person(s) against whom the complaint is made, the nature of the allegations and provide mediations as alternative of resolving it.
- d) mediate the parties to seek for agreements to resolve the incident(s).
- e) advise the parties of the consequences if the informal complaint is not resolved and subjected to formal complaint.
- f) attempt to ensure that there is no re-occurrence of the incident(s) complained about or reappraisals against the complaint.
- g) provide the complainant with support and counselling whatever course of action is chosen.
- h) keep the records of the complaint for both surveillance purposes and possible use for the future as the case may be.

For any ongoing proceedings, complainant or respondent shall not be:

- a) an advisor.
- b) a person to whom the formal complaint is lodged.

c) a person who decides about the decision of a formal complaint. If the incident remains unresolved and the complainant decides to take further actions, the advisor shall assist the complainant in lodging a formal complaint to the GSHC committee chairperson by filling an incident reporting form provided in the first schedule of this policy.

### **6.1 Procedures of the Formal Complaints**

Upon receipt of the formal complaint the GSHC shall:

- a) initiate investigations of the incident(s).
- b) provide the respondent with a copy of the written complaint.
- c) provide disclosure of the nature of the complaint(s) to the respondent and invite the respondent to provide a response in writing within seven (7) days.
- d) interview all witnesses if available.
- e) obtain any other relevant evidence(s).
- f) review the investigation findings and receive any further information.
- g) come up with decision and communicate it to the complainant and the respondent within 30 days after lodging a formal complaint(s).

### **6.2 Disciplinary Actions**

If the respondent(s) is found guilty, appropriate disciplinary actions shall be taken against him/her. Charges of the disciplinary offence or

misconduct against any staff or students shall be handled in accordance with the Gender and Sexual Harassment Policy, KCMUCo Staff Regulations and Conditions of Service and KCMUCo Charter and Rules 2010.

The complainant may decide at any stage depending on the severity of the alleged complaint or if the complainant is dissatisfied with the handling of the incident(s) by the internal mechanism, shall report the incident(s) to the relevant Government authorities and once government authorities initiate investigation, internal College investigation will be suspended.

### **6.3 Malicious Accusations**

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

### **6.4 Retaliation/Revenge**

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

## **6.5 Record Keeping**

KCMUCo shall maintain a written record of each complaint and how it was investigated and resolved at all levels of handling the alleged incident(s) in a confidential manner. The records shall be kept in accordance with the College's records retention schedule.

## **7.0 Implementation Framework**

### **7.1 Coordination, Monitoring and Evaluation**

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

#### **7.1.1 Coordination**

There shall be Gender and Sexual Harassment Committee (GSHC), which shall oversee the effective coordination and implementation of this policy. The Committee shall be chaired by Deputy Provost for Administration (DPA) who shall be responsible for overseeing the efficient implementation of the policy and the coordination of all matters related to gender and sexual harassment at KCMUCo. DPA

shall be assisted by the GSHC coordinator who shall be appointed by the Chairperson amongst members of GSHC representing faculties, directorates, institutes, departments, sections and units. The GSHC shall report administrative issues to the Human Resource and Students Affairs Committee (HRSAC). GSHC shall provide quarterly implementation reports to the College Governing Board (CGB) through HRSAC.

### **7.1.2 Monitoring and Evaluation (M&E)**

The implementation of this policy depends on the effective Monitoring and Evaluation (M&E) mechanism. These are necessary means for assessing the implementation of strategies and the goals and objectives of the policy. The College through the GSHC shall support M&E activities. The GSHC shall work together with other actors in the M&E in their respective faculties, directorates, institutes, departments, sections and units. In consultation with actors, GSHC shall develop guidelines and indicators to be used for M&E of the policy and related activities. All actors of the implementation of the policy shall be responsible for M&E of policy activities falling within their jurisdiction.

The M&E mechanisms shall focus on the analysis of the policy progress in the achievement of goals and objectives of the policy. M&E reports shall be prepared and disseminated at all levels of

stakeholders to share their views on the progress of the policy. Hence, M&E results shall be used to review the policy for the purpose of improving it.

## **7.2 Policy Statement and Strategies**

### **7.2.1 Policy statement**

KCMUCo shall establish a Monitoring and Evaluation Committee for gender discrimination and sexual harassment.

### **7.2.2 Strategies**

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

## **7.3 Implementation of the Policy**

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

- i. Deputy Provost Administration who shall be a Chairperson.
- ii. Legal Officer who shall be a secretary of the Committee

- iii. Dean of Students
- iv. Head of Human Resource Management and Administration Section
- v. Academic staff member
- vi. Administrative staff member
- vii. RAAWU representative
- viii. TUMaSO representative
- ix. Any other member as shall be appointed by the Provost where situation so dictates.

### **7.3.2 The Mandate of GSHC**

The GSHC shall have the mandate to:

- i. coordinate and implement the policy.
- ii. monitor and evaluate all gender and sexual harassment related issues within the College.
- iii. advise and assist Sections, Units, Departments, Faculties, Institutes and Directorates on gender and sexual harassment related issues.
- iv. take active roles in addressing gender and sexual harassment related issues affecting KCMUCo community.
- v. translate gender and sexual harassment related issues into implementable programmes.
- vi. establish networks with other organizations working on gender and sexual harassment related issues.



- vii. establish and maintain a GSHC resource centre at KCMUCo.
- viii. mobilize resources for the implementation of gender and sexual harassment related issues.
- ix. plan and prepare gender and sexual harassment related activities for community sensitization programmes.
- x. review Gender and Sexual Harassment Policy where necessary.
- xi. approve short, medium and long terms implementation programmes.
- xii. ensure that all potential advisors are appropriately informed especially on diversity issues that may impart knowledge, understanding and information mentioned in this policy.

## **8.0 Policy Status**

This is a revised policy

## **9.0 Related Policies**

This policy will be implemented closely with:

- a) KCMUCo Charter and Rules, 2010
- b) KCMUCo Staff Regulations and Conditions of Service
- c) Employment and Labour Relations Act, 2004 and amendment therein
- d) KCMUCo Students Support Services Manual
- e) National Gender Policy of 2000
- f) And any other related documents

## **10.0 Key stakeholders**

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

## **11.0 Effective Date of the Policy**

This policy will be operational immediately after the approval by the College Governing Board.

## **12.0 Next Review Date**

This policy shall be reviewed after every three (3) years or as shall be deemed necessary.

## **13.0 Policy Owner**

College Governing Board

## **14.0 Policy Custodian**

Deputy Provost for Administration

## **15.0 Approval Details**

This Gender and Sexual Harassment Policy is hereby approved by the College Governing Board in its .....meeting held on .....2020.

# FIRST SCHEDULE

*(Incidence Reporting Form)*



## KILIMANJARO CHRISTIAN MEDICAL UNIVERSITY COLLEGE

*(A Constituent College of Tumaini University Makumira)*

### SECTION A – COMPLAINANT INFORMATION

Names:

Phone:

Address:

Job Title/Academic Programme

Student Registration Number/Employment ID No.

Email:

Select Preferred Communication Method:

Email

Phone

In Person

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

**SECTION B – NATURE OF THE COMPLAINT**

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

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

*Please use an additional sheet if necessary  
N.B. Should you wish to provide additional supporting evidence,  
please provide.*

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

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

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

\_\_\_\_\_

Date of meeting/discussed: \_\_\_\_\_

Department/Unit(s): \_\_\_\_\_

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

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**SECTION D - DESIRED OUTCOME**

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

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

**SECTION E - DECLARATION**

As far as possible, all complaints will remain confidential to those people who are involved in investigating the complaint, providing a response to it and communicating with you, unless there is a serious risk of harm to you or others. In the interest of natural justice, parties to a complaint have the right to know the full details of the complaint.

I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.

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

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

- (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
  - (e) \_\_\_\_\_
  - (f) \_\_\_\_\_
  - (g) \_\_\_\_\_
  - (h) \_\_\_\_\_

