

KABALE UNIVERSITY



SEXUAL HARASSMENT

POLICY, 2020

TABLE OF CONTENTS

TABLE OF CONTENTS	2
LIST OF ABBREVIATIONS	3
1.0 PRELIMINARY PROVISIONS	4
2.0 INTRODUCTION.....	4
3.0 THE POLICY STATEMENT	5
4.0 DEFINITION	6
5.0 TYPES OF SEXUAL HARASSMENT.....	7
6.0 ENFORCEMENT PRINCIPLES	8
7.0 THE POLICY OBJECTIVES	9
8.0 STRATEGIES TO ACHIEVE THE OBJECTIVES.....	9
9.0 IMPLEMENTING THE POLICY.	10
10.0 SEXUAL HARASSEMENT AND EDUCATIONAL SOVEREIGNTY	10
11.0 SEXUAL HARASSMENT COMMITTEES	11
12.0 UNIT COMMITTEES	11
13.0 KABALE UNIVERSITY ANTI SEXUAL HARASSMENT COMMITTEE	11
14.0 COMPLAINTS PROCEDURE.....	11
15.0 FORMAL COMPLAINTS PROCEDURE.....	12
16.0 INFORMAL COMPLAINTS PROCEDURE.....	13
17.0 OUTSIDE COMPLAINTS MECHANISM.....	13
18.0 RETALIATION AND PROHIBITION	14
19.0 GUIDELINES FOR DOCUMENTING SEXUAL HARASSMENT.....	14
20.0 MALICIOUS ACCUSATIONS.....	14
21.0 INVESTIGATIONS	14
22.0 ACCOMPANIMENT.....	15

23.0 PROTECTION OF PERSONAL DIGNITY	15
24.0 SERVICE ON THE RESPONDENT	15
25.0 FAILURE TO RESPOND TO SUMMONS	15
26.0 MONITORING AND EVALUATION.....	16
27.0 SANCTIONS AND DISCIPLINARY MEASURES	16
28.0 APPEALS.....	17

LIST OF ABBREVIATIONS

KABASHC	Kabale University Anti-Sexual Harassment Committee
KABSHP	Kabale University Sexual Harassment Policy
KAB	Kabale University
HRM	Human Resource Manual
HRO	Human Resource Officer

1.0 PRELIMINARY PROVISIONS

1.1 This policy may be cited as ‘The Kabale University Sexual Harassment Policy, 2020 and;

1.2 Commencement

This policy shall come into operation on such date that Council approves.

1.3 In this policy, unless the context otherwise requires: -

“Advisor” means a KAB staff empowered to provide mediation as a way of resolving the complaint between the complainant and the respondent.

“Complainant” means a student, staff or KAB associate lodging a complaint of sexual harassment or discrimination.

“Employer” means a person or firm that employs workers, and for purposes of this policy Employer shall mean the KAB Council.

“KAB Associates” means honorary or adjunct lecturers, collaborating/visiting researchers, consultants, employees of projects, contractors, and support service providers engaged in KAB activities.

“Policy” means the KAB Sexual Harassment Policy.

“Respondent” means a person alleged to have sexually harassed or discriminated a complainant.

“Staff” shall mean any person employed by KAB Council whether full-time, part-time, temporary, contracted or casual.

“Student” means a registered, elective or vocational student of KAB and any other individual receiving training or education within KAB as the case may be.

“University” means Kabale University.

“Third Party” means a non-KAB staff or student harassing either staff or student of KAB.

2.0 INTRODUCTION

- 2.1 This Sexual Harassment Policy is to address acts and practices related to sexual harassment at all levels within the structures of Kabale University. It is based on the Universities and Other Tertiary Institutions Act, 2001 under section 40 which empowers Kabale University Council to approve regulations necessary for the fulfillment of the objectives and functions of the University. It is also in compliance with the Employment (Sexual Harassment) Regulations S.I No.15 of 2012, Regulation 3 which stipulates that an employer with more than 25 employees shall adopt a written policy against Sexual Harassment. KAB therefore recognizes the need to create a conducive work and study environment for employees and students respectively at the University.
- 2.2 This Policy is in conformity with the Ugandan Bill of Rights, 1995, which provides *inter alia* that all persons are equal in all aspects of life and shall enjoy equal protection of the law. In recognition of its vision to become a distinct, vibrant, people-centered University in the Great Lakes Region and beyond, and the desire to excel in the generation and dissemination of relevant knowledge and skills development for lifelong learning and community service, Kabale University has made a commitment to create an environment for academia that is free from sexual harassment. The University shall continue to uphold professional ethics and conduct for the smooth running of the University functions.
- 2.3 This policy applies to all students, academic staff, administrative staff and support staff suppliers and service providers of Kabale University as well as to others who participate in Kabale University programs, activities and employment in both on- and off-campus settings.

3.0 THE POLICY STATEMENT

- 3.1 In line with the Constitution of the Republic of Uganda that guarantees all Ugandans equality, dignity and non-discrimination, Kabale University reaffirms its zero-tolerance for sexual harassment and is committed to creating an environment that respects and protects the rights of all its members, male and female.
- 3.2 Kabale University is committed to providing a safe environment for all its employees and students, free from discrimination on any ground and from harassment at the University including sexual harassment. Kabale University will treat all incidents seriously and promptly investigate all allegations of sexual harassment.

3.3 Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment and/or the University. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint

4.0 DEFINITION

4.1 For purposes of this policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or unwanted physical, verbal or non-verbal conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated.

4.2 Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical conduct

- a) Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- b) Physical violence, including sexual assault
- c) Physical contact, e.g. touching, pinching.
- d) The use of job-related threats or rewards to solicit sexual favors

Verbal conduct

- a) Comments on a worker's appearance, age, private life, etc.
- b) Sexual comments, stories and jokes
- c) Sexual advances
- d) Repeated and unwanted social invitations for dates or physical intimacy.
- e) insults based on the sex of the worker
- f) Condescending or paternalistic remarks
- g) Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- a) Display of sexually explicit or suggestive material
- b) Sexually-suggestive gestures
- c) Whistling
- d) Leering
- e) Touching oneself in a sexual fashion in front of others
- f) Talking about one's own sexual exploits in front of others
- g) Showing offensive/sexual pictures, stories, objects

- 4.3** Such conduct would constitute sexual harassment when:
- a) Compliance to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement; or
 - b) Agreement to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting the employment and/or the academic standing of an individual; or
 - c) Such comportment has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, threatening, hostile or offensive working or learning environment.

4.4 Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Kabale University recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

4.5 Kabale University recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example lecturers demanding for sex to give marks (male lecturers to female students), male staff asking for sexual favors from female staff in order to be promoted and vice versa, students harassing each other sexually or female students or staff harassing their male counterparts.

4.6 Anyone, including employees of the University, casual workers, contractors or visitors who sexually harass another will be reprimanded in accordance with this internal policy.

5.0 TYPES OF SEXUAL HARASSMENT

5.1 Quid Pro Quo Sexual Harassment.

Quid pro quo means this for that. An example of this form of sexual harassment occurs if a Lecturer (or any employee) stipulates or implies that your grade (or participation on a team, in a committee, etc.) will be based on whether you submit to unwelcome sexual conduct. This abuse of authority is illegal regardless of whether one refuses sexual demands or submits to them.

5.2 Hostile Environment of Sexual Harassment

Verbal, physical or visual forms of harassment, that is sexual in nature, sufficiently severe, persistent, or pervasive and unwelcome fall under the category of Hostile Environment of Sexual Harassment. A single, severe incident, such as a sexual assault, could create a hostile environment.

6.0 ENFORCEMENT PRINCIPLES

6.1 Enforcement and implementation of this policy shall be based on the following principles:

- a) Any complaint lodged under this policy will be treated with diligence, fairness, justice and due process, following the guidelines attached hereto.
- b) The Vice Chancellor and the University Legal Officer shall serve as resource people with regard to the interpretation of this Policy.
- c) All complaints of sexual harassment will be treated with confidentiality to the extent practical. Only those individuals necessarily involved in the investigatory process and the decision regarding resolution of the complaint should ordinarily be provided access to information regarding any allegation of sexual harassment.
- d) Anonymous complaints are permissible. Anonymous allegations are complicated but they shall not be ignored. The university's zero tolerance policy means that it shall take all allegations seriously. Depending on the circumstances of each case (for example, how much information is provided or the severity of the accusation), the university shall investigate the merits of the circumstantial evidence and consider whether or not to pursue the case.
- e) In any investigation of sexual harassment allegations, the accused must promptly be made aware of the complaint and of the identity of the complainant(s).
- f) Investigations must be conducted promptly and thoroughly.
- g) Determination of whether conduct amounts to sexual harassment shall be on a case-by-case basis and determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include

the frequency of the conduct, its severity, and whether it is threatening or humiliating.

- h) Both the complainant and the respondent must be notified of the outcome of the investigation.
- i) If the respondent is found guilty of sexual harassment, the punishment shall be executed through the appropriate channels of the University.

7.0 POLICY OBJECTIVES

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

- a) Ensure that all staff, students and associates are informed and understand what constitutes sexual harassment.
- b) Create and maintain an environment free from sexual harassment.
- c) Assist the employer, staff, students, associates and the public in preventing sexual harassment at KAB.
- d) Provide transparency regarding how KAB intends to manage any breach of this policy within the working, learning and living environment.
- e) Provide and implement effective procedures to manage complaints and ensure consistency in the handling of issues associated with sexual harassment.
- f) Promote surveillance and advocacy on prevention of sexual harassment.

8.0 STRATEGIES TO ACHIEVE THE OBJECTIVES

The University shall achieve its objectives through the following strategies;

- a) Adopting and implementing the Sexual Harassment Policy.
- b) Establishing Anti-Sexual Harassment Committees to handle complaints of sexual harassment.
- c) Launching sensitization programs and advocacy for education about sexual harassment for students and staff at all levels of the University.
- d) Sensitize students on many issues pertaining to campus life by organizing student seminars on growing up issues and adolescence.
- e) Expose issues pertaining to Sexual exploitation bribery, corruption to the whole community of the University i.e. staff and students.
- f) Give supportive and protective measures to the complainant once the complaint is lodged.
- g) Guide students/party concerned on the formal and informal procedures that can be adopted when sexual harassment has been reported.

- h) Equipping members of the University community with skills and tools to defend themselves against sexual harassment.
- i) Integrating sexual harassment into the curriculum of the compulsory course unit on ethics for all students.
- j) Establishing a gender-responsive monitoring and evaluation framework for the prevention of sexual harassment.
- k) Promoting action-based research that highlights the root causes and complexities of sexual harassment and developing a culture that is responsive to diversities.
- l) Setting up a sexual harassment hotline for reporting emergency cases of sexual assaults.

9.0 IMPLEMENTING THE POLICY

9.1 Kabale University will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook and the new students' circulars.

9.2 All new employees and new students must be trained on the content of this policy during orientation program as part of their induction into the University.

9.3 Every year, the university will require all employees to attend a refresher training course on the content of this policy.

9.4 It is the responsibilities of every head of department/faculty/school to ensure that all his/her employees/students are aware of this policy.

10.0 SEXUAL HARASSMENT AND EDUCATIONAL SOVEREIGNTY

10.1 This policy is intended to combat genuine sexual abuse and harassment and shall not limit educational freedom or the principles of free inquiry and expression. The policy is not intended to restrict teaching methods, freedom of expression, or social contact nor will it be permitted to do so.

10.2 Sexual harassment, however, is neither legally protected expression, nor the proper exercise of academic freedom. On the contrary, sexual harassment compromises the University's integrity, as well as its tradition of intellectual freedom. Therefore, the exercise of the right to academic freedom is subject to protection from conduct that constitutes sexual harassment.

11.0 SEXUAL HARASSMENT COMMITTEES

The Vice Chancellor shall set up Sexual Harassment Committees at two levels:

- a) At every Faculty, School, Institute or Administrative Department. This will be referred to as the Unit Sexual Harassment Committee.
- b) At the Level of Senate and it shall be referred to as the Kabale University Anti-Sexual Harassment Committee.
- c) Each committee shall be composed of persons of high integrity of whom at least 50% must be women.

12.0 UNIT COMMITTEE

- 12.1** The administrative head of the Unit shall be the chairperson of the Unit Committee.
- 12.2** The decision recommendations of the Unit Committee shall be submitted to Kabale University Anti-Sexual Harassment Committee.

13.0 KABALE UNIVERSITY ANTI SEXUAL HARASSMENT COMMITTEE /SENATE COMMITTEE

This Committee shall receive complaints from Faculties/unit committees. The composition of the Kabale University Anti-Sexual Harassment Committee (KABASHC) shall comprise a pool of eighteen persons as follows

- a) The Deputy Vice-Chancellor – Academic Affairs.
- b) One representative from each Faculty
- c) Dean of Students
- d) University Legal Officer
- e) Human Resource Director
- f) Two student representatives (Male and Female)
- g) One representative of Administrative Staff Association
- h) One representative of Support Staff Association

- 13.1** The Deputy Vice-Chancellor responsible for Academic Affairs shall be the Chairperson of the Senate Committee and the Vice Chairperson shall be selected from the members of the committee.
- 13.2** Senate shall select members of Kabale University Anti-Sexual Harassment Committee from its membership with powers to co-opt non-members.

13.3 Where the Chairperson of the Kabale University Anti-Sexual Harassment Committee is the subject of the Complaint, the Deputy Chairperson Shall Chair the Committee.

13.4 Where the Kabale University Anti Sexual Harassment Committee is handling a case of sexual harassment that involves a staff of the University and another employee, the two student representatives shall be excluded from the hearing.

14.0 COMPLAINTS PROCEDURE

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. If a victim cannot directly approach an alleged harasser, he/she may approach one of the designated Unit Committee members responsible for receiving complaints of sexual harassment.

15.0 FORMAL COMPLAINTS MECHANISM

15.1 Any member of the University Community who believes that he or she has been subjected to sexual harassment can lodge a written and signed complaint to the Chairperson or any other member of the Unit Committee.

15.2 No student or employee shall ever be required to report or make a complaint of sexual harassment to the person who is the subject of the complaint.

15.3 The Unit may also initiate an official investigation of a complaint in situations it deems require formal resolution. A formal complaint shall contain the following;

- a) Name, telephone contact and address of the complainant;
- b) Date of the complaint;
- c) Nature and details of the act or conduct complained; and
- d) Any other relevant matter concerning the complaint of sexual harassment.

15.4 When a designated person receives a complaint of sexual harassment, he/she will:

- i. Immediately record the dates, times and facts of the incident(s)
- ii. Ascertain the views of the victim as to what outcome he/she wants.
- iii. Ensure that the victim understands the University's procedures for dealing with the complaint.

- iv. Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.
- v. Keep a confidential record of all discussions and respect the choice of the victim.
- vi. Ensure that the victim knows that they can lodge the complaint outside of the University through the relevant legal framework like the Police Criminal Investigation Department.

15.5 Throughout the complaints procedure, a victim is entitled to be helped by a counselor within the University. Kabale University will nominate a number of counselors and provide them with special training to enable them to assist victims of sexual harassment.

15.6 The University recognizes that because sexual harassment often occurs in unequal relationships within the workplace/study environment, victims often feel that they cannot come forward. The university understands the need to support victims in making complaints.

16.0 INFORMAL COMPLAINTS MECHANISM

If the victim wishes to deal with the matter informally, the designated person will:

- a) Give an opportunity to the alleged harasser to respond to the complaint.
- b) Ensure that the alleged harasser understands the complaints mechanism.
- c) Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the University to resolve the matter.
- d) Ensure that a confidential record is kept of what happens and follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.
- e) Ensure that the above is done speedily and within [14] days of the complaint being made.

17.0 OUTSIDE COMPLAINTS MECHANISMS

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

17.2 The Committee investigating a sexual harassment complaint shall at the earliest opportunity possible inform the complainant of the alternative mechanisms available to help him or her make an informed decision.

18.0 RETALIATION AND PROHIBITION

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

19.0 GUIDELINES FOR DOCUMENTING SEXUAL HARASSMENT

19.1 It is important to document sexual harassment. Hence, it is vital that an account of the incident(s) complained about be documented as soon as possible after its occurrence, especially in cases of formal complaints.

19.2 The written accounts should include the following:

- a) Date
- b) Time and place of each incident
- c) The conduct and words involved in the incident;
- d) The victim's response; and
- e) The names of any witnesses if available.

19.3 The victim may confront the individual whose conduct is offensive, unwelcome or intimidating and request that such conduct stop. The request must be direct and consistent.

20.0 MALICIOUS ACCUSATIONS

If the investigation reveals evidence that the complainant maliciously accused another of sexual harassment, the complainant will be appropriately disciplined and the documentation will be retained in the complainant's file. Disciplinary procedures applying

to those found guilty of sexual harassment shall similarly apply to those filing malicious accusations.

21.0 INVESTIGATIONS

21.1 The Unit Committee shall carry out investigations of a complaint of sexual harassment with independence, objectivity and with due diligence and respect for rights of both the complainant and the respondent.

21.2 A member of any Committee investigating the alleged sexual harassment shall not be connected with the allegation in any way. He/she should be excluded from the process in case of any involvement to prevent conflict of interest.

21.3 A complaint should be lodged within a reasonable time and shall be investigated and disposed of within one month after the lodging of the complaint, except in special circumstances.

22.0 ACCOMPANIMENT

A friend or colleague may accompany a complainant or the respondent to the hearing.

23.0 PROTECTION OF PERSONAL DIGNITY

The complainant or respondent shall not be allowed to unnecessarily and repeatedly recount the events complained of, as recounting the experience of sexual harassment is difficult and can damage the party's personal dignity.

24.0 SERVICE ON THE RESPONDENT

The relevant Committee shall summon the respondent who shall respond in writing within fourteen days from the date of service, except in special circumstances.

25.0 FAILURE TO RESPOND TO SUMMONS

25.1 A respondent that has been summoned and fails to lodge a written response within the prescribed period commits an offence and is liable to be penalized under Regulation 27.

25.2 The Committee shall ascertain as to whether the Respondent was effectively served with summons and if so, the Committee shall record the fact that the Respondent was duly served but failed to respond.

25.3 The committee shall then proceed to hear the complainant ex-parte and shall after considering the evidence on record pronounce the relevant sanctions and or disciplinary measures as the case may be.

25.4 In all proceedings of sexual harassment, the committee shall diligently observe the principles of natural justice and ensure that the victim of sexual harassment is given due justice in a fair and speedy hearing.

26.0 MONITORING AND EVALUATION

26.1 Kabale University recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

26.2 The Chairperson of the University Sexual Harassment Committee shall put in place mechanisms to monitor complaints that have been upheld for purposes of ensuring that the harassment has stopped.

26.3 Members of the Unit committees, University Anti-Sexual Harassment Committee, Senate Committee and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis.

26.4 As a result of this report, the University will evaluate the effectiveness of this policy and make any changes needed.

27.0 SANCTIONS AND DISCIPLINARY MEASURES

27.1 Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- a) Verbal or written warning
- b) Adverse performance evaluation
- c) Ordered to give a public/private apology to the aggrieved party;
- d) Ordered to compensate the aggrieved party;
- e) Transfer
- f) Demotion
- g) Suspension
- h) Dismissal

27.2 The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the perpetrator.

28.0 APPEALS

28.1 A person aggrieved by the decisions of the Unit Committee may, within seven days of the decision, appeal against the decision to Kabale University Anti-Sexual Harassment Committee. (KABASHC)

28.2 KABASHC shall dispose of all appeal cases within two months of lodging the appeal except in special circumstances.