

KING CEASOR UNIVERSITY



SEXUAL HARASSMENT POLICY

1.0 Introduction

King Ceasor University (KCU) is committed to ensuring a safe and healthy working and learning environment free from all forms of discrimination, including sexual harassment, intimidation, retaliation or coercion. The University shall address every act and practice related to sexual harassment of/by its employees at all levels. This is in line with the constitution of the Republic of Uganda that advocates for protection of rights of equality, dignity and non-discrimination. Sexual harassment will not be tolerated under any circumstances and action will be taken against any person who breaches this policy.

1.1 Definition

- 1) Sexual harassment is defined as unsolicited or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed to a person of the same or of the opposite sex when:
 - a) Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education;
 - b) Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
 - c) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive is an intimidating, hostile, or offensive employment, educational, or living environment.

- 2) While it is difficult to list all circumstances that may lead to sexual harassment, these are some of the examples that may result into the violation of this policy.
 - a) Pressure for a dating, romantic, or intimate relationship;
 - b) Unwelcome touching, kissing, hugging, or massaging;
 - c) Pressure for or forced sexual activity;
 - d) Unnecessary references to sexual body parts;
 - e) Remarks about a person's gender or sexual orientation;
 - f) Sexual innuendoes or humor;
 - g) Obscene gestures;
 - h) Sexual graffiti, pictures, or posters;
 - i) Sexually explicit profanity;
 - j) Stalking or cyber bullying;

- k) E-mail and Internet use that violates this policy; and
- l) Sexual assault.

1.2 Scope of the policy

All members of the university community have a responsibility to maintain a working and learning environment free from sexual harassment and the policy applies to all members of the KCU community including academic, administrative and support staff as well as students and others involved into the University activities.

1.3 Aim of the Policy

The aims of the policy are to:

- 1) Create a working and learning environment free from sexual harassment where dignity, courtesy and respect are key to all members of the university community;
- 2) Implement training and awareness strategies to ensure that all staff and students know their rights and responsibilities;
- 3) Provide efficient and effective procedure for complaints based on the principles of natural justice;
- 4) Treat all complaints in a sensitive, fair, timely and confidential manner;
- 5) Protect the complainants by ensuring any acts of victimization or retaliation are investigated and dealt with accordingly;
- 6) Encourage the reporting of behaviour which breaches this policy; and
- 7) Promote appropriate standards of conduct at all times.

1.4 Sexual Violence

This is a prohibited form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Some examples of sexual violence may include rape, sexual assault, sexual battery, and sexual coercion.

1.5 Enforcement and Implementation

- 1) Any complaint of violation of this policy shall be treated with diligence, fairness, justice and due process;
- 2) The University Lawyer in liaison with top management and sexual harassment

committees at various level shall be responsible for the implementation of this policy;

- 3) All sexual harassment complaints shall be treated as confidential and only those who are involved into the investigation process can gain access to all the information about the allegation;
- 4) The investigation of the alleged sexual harassment shall be done promptly and thoroughly with the knowledge of the accused person and the complainant;
- 5) The outcome of the investigation shall be made known to the accused person and the complainant; and
- 6) If the accused is found guilty, he/she shall be punished using appropriate procedures of the University.

1.6 Strategies for implementation of the Policy

- 1) The University shall adopt and implement this Policy;
- 2) Set up Sexual Harassment Committees at various levels to handle cases of violation of this Policy;
- 3) Carry out awareness program on sexual harassment to students and staff of the University; and
- 4) Set up appropriate system and/or procedure of reporting sexual harassment.

1.7 Sexual Harassment and Academic Freedom

The University shall be committed to the principles of free inquiry, expression, discrimination and harassment. The policy is intended to protect intellectual and academic freedom from sexual harassment.

1.8 Procedures

The University shall set up sexual harassment committees at various levels of the Senate, College, School and department. The members of the committees shall be engendered comprising of persons with high integrity chaired by the head of that particular unit.

1.8.1 Responsibilities of Managers and Supervisors

It is the responsibility of managers and supervisors to prevent or eliminate sexual harassment in the workplace and learning environment. They have a role to identify, prevent and redress potential sexual harassment problems. In case of observation of inappropriate sexual behaviour, they have to take action even in the absence of complaint.

Managers and supervisors have a responsibility to:

- 1) monitor the teaching, learning and working environment to ensure that acceptable standards of conduct are observed at all times;
- 2) be a role model themselves and where necessary seek advice and assistance from the Human Resource Unit and Dean of Student's Office in managing staff and students behaviour;
- 3) promote and monitor the University sexual harassment policy within the learning and working environment;
- 4) treat all complaints with utmost importance, confidentially and take immediate action to resolve the matter;
- 5) ensure that no victimization occurs against the complainant; and
- 6) refer complaints to relevant Sexual Harassment Committee for investigation to be done.

1.8.2 Responsibilities of Staff and Students

All University Staff and Students have a responsibility to:

- 1) adhere to the University's sexual harassment policy;
- 2) report any form of sexual harassment witnessed and offering to act as witness;
- 3) offer support to sexually harassed person in their knowledge and give advise on where to seek assistance and support; and
- 4) treat every information given during investigation confidential.
- 5) Refuse to be part of or join sexually harassing group by saying no to sexual harassment.

1.9 Response to Sexually Harassment

If you are being sexually harassed, one can do any of the following:

- 1) Speak or write directly to the harasser indicating that his /her behaviour is offensive and unacceptable and must stop immediately;
- 2) Seek Advice from your supervisor or manager or Office of the Dean of Student or Human Resource Unit on possible strategies to resolve the issue;
- 3) Keep all the documents and records of sexual harassment confidential;
- 4) Make complaint on sexual harassment following appropriate procedures of the University;
- 5) Externally, make complaint to the Uganda Human Right Commission or court of law.

1.10 Complaints of Sexual Harassment

- 1) If any University employee or student realizes that he or she has been subjected

to sexual harassment, they can report the incident to any manager or supervisor, dean of student or human resource unit for immediate action. The responsible unit shall interview the complainant and witnesses.

- 2) The respective authority shall accept in writing or orally any complaint of the violation of this policy and carry out thoroughly investigation.
- 3) Anyone who observed sexual harassment within the University Community should report it to the respective authority.

1.10 Retaliation

The University shall prohibit retaliation against any person who registers a complaint in violation of this policy, assisting another in making a complaint, or participating in an investigation. Anyone found with retaliatory conduct should be reported immediately.

1.11 Sexual Harassment Investigation

- 1) All complaints of alleged sexual harassment shall be investigated in a fair and expeditious manner with maximum confidentiality by the relevant Sexual Harassment Committee. Issues of conflict of interest shall be avoided in the process.
- 2) The investigation shall be done within two months after the complainant lodging in the complaint.
- 3) The relevant committee shall allow the rules of natural justice to prevail in the process of investigation.
- 4) In case the accused person failed to respond to the summon within the given period, he/she commit an offence and is liable to disciplinary action.

1.12 Disciplinary Action

In an event the University determined that a violation of this policy has occurred, appropriate disciplinary action shall be taken against the offender(s) under the relevant provision of student or staff misconduct. The action may be one or combination of the following: counseling, warning, apology, compensation, suspension, demotion, transfer, dismissal or termination of employment or admission.

1.13 Appeal

Any aggrieved person on the decision made by relevant committee at the unit may appeal to the higher committee at the Senate level within ten working days for the

review of the decision. In case the person is still not satisfied, he/she can seek legal redress.

1.14 Amendment of the Policy

This policy shall be amended from time to time when need arises. The amended version shall be approved by the University Council making it legally binding.

1.15 Effectiveness of the Policy

This policy will be effective from the date of approval by the University Council.

1.16 Definitions

In this policy, the following shall be deemed to be definitions of words used although not exhaustive.

“Complainant” means a person who complains of being sexually harassed.

“Staff” mean all employees of KCU.

“Accused person” means a person who has been reported to have committed sexual harassment.

“Relevant Committee” means a Committee at various level of the University handling issues of Sexual Harassment.

“Sexual assault” means an abusive sexual conduct without consent of the parties involved.

“Sexual body parts” means parts but not limited to genitals, breasts and buttocks.

“Student” means all full time and part time persons enrolled in the course of study leading to the award of degrees, diplomas and certificates of KCU.

“University” means King Ceasor University.