



**Spotlight
Initiative**

*To eliminate violence
against women and girls*



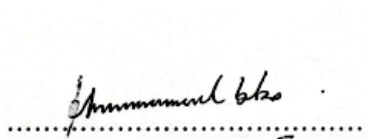
Gulu University Anti-Sexual Harassment Policy



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The 5th Gulu University Council, DO HEREBY enact the Gulu University Anti-Sexual Harassment Policy this 31st day of August 2021.



**Chairperson,
Gulu University Council**



Secretary to Council

Gulu University

Anti-Sexual Harassment Policy

Document Number	GU/P/002-2021
Custodian	DVC, Academic Affairs
Responsible Docket	Anti-Sexual Harassment Coordination Unit
Approved by	Gulu University Council
Date of Approval	31 st August 2021
Date of Amendments/ Review	-
Related Documents: Gender Policy, Safeguarding Policy, Whistleblowing Policy, Human Resource Manual, Student's Rules and Guidelines	

FOREWORD

Working or learning environments in institutions of higher learning are very dynamic and sometimes unpredictable. The dynamism and evolution of culture may result in emerging social vices, including various forms of sexual harassment. At Gulu University, sexual harassment is believed to exist, but because victims may fear to report it has only been talked about parenthetically.

Cognizant of its vision to be the leading academic institution for promotion of community transformation and industrialisation for sustainable development, the University is committed to create a safe working and learning environment, free from depravities including sexual harassment.

Sexual harassment is seen as an infringement on fundamental human rights. In the context of higher institutions of learning it negates the tenets of a safe learning and working conditions, thus undermining a conducive environment for advancement of learning, generation of new knowledge as well as productive work.

The University has therefore taken a deliberate effort to develop the Anti-Sexual Harassment Policy to provide a framework to detect, prevent and/or to address cases of sexual harassment as well as protect victims. With certainty, the university hopes this Policy and its guidelines will help improve work and learning conditions, workforce productivity, retention and morale of staff and students.

As Gulu University, we are indebted to the UN Women and all the partners who financially contributed towards the production of this policy. In addition, to Makerere University Gender Mainstreaming Department, who worked together with Gulu University on this path, we owe you great appreciation and best wishes.

Special thanks go to the Policy Drafting/working Committee, composed of Sr. Rosalba Aciro (Chairperson/Academic Registrar's Depart-

Form B2- Investigating Alleged Perpetrator's Account (to be filled by SHFPP)

Case number: _____

Names of Parties Involved:

Alleged Perpetrator _____

Complainant/harasee (if known) _____

2. Date(s) of Incident(s) _____

3. Location(s) of Incident(s) _____

4. Details of explanation: _____

Witnesses, if any (Please attach testimonies): _____

6 Evidence, if any (Please attach evidence): _____

Exhibit(s), if any (Please attach exhibits): _____

Steps taken by the Alleged Perpetrator to address the situation (if any): _____

Additional Comments (if any): _____

Name of Investigator: _____ Name of Alleged Perpetrator: _____

Title: _____ Title: _____

Date: _____ Date: _____

Signature: _____ Signature: _____

Form B1- Investigating a Complaint (to be filled by SHFPP)

1. Case Number _____

2. Names of Parties Involved:
Complainant/harassee _____
Alleged Perpetrator _____

3. Date(s) of Incident(s) _____

4. Location(s) of Incident(s) _____

5. Details of incident(s): _____

Effect of incident(s) on aggrieved party (emotional, physical, psychological, job performance): _____

Witnesses, if any (Please attach testimonies): _____

Evidence, if any (Please attach evidence): _____

Exhibit(s), if any (Please attach exhibits): _____

Steps taken by the complainant/harasee to stop the harassment, if any:

Additional Comments (if any): _____

Name of Investigator: _____ Name of Alleged Complainant/harasee: _____

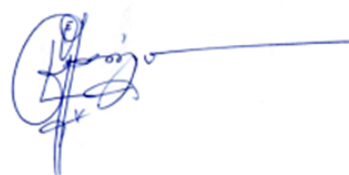
Title: _____ Title: _____

Date: _____ Date: _____

Signature: _____ Signature: _____

ment); Dr. Christine Oryema (Member/Faculty of Science); Mr. Walter Okot (Member/Faculty of Business and Development Studies); Dr. Pebalo Francis Pebolo (Member/Faculty of Medicine) and Mr. David Claeve Waiswa (Member & Editorial/Faculty of Agriculture and Environment).

Gratitude also goes to the students' community, spearheaded by the Peer Trainers under the Safer Universities project, for their hard work during the process. On this note, Mr. Oruka Ivan (Student/Faculty of Agriculture and Environment) and Ms. Elizabeth Oting (Student/Faculty of Law), who participated actively in the policy working committee, cannot go unrecognised.



Prof. G.L. Openjuru
Vice Chancellor

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Form A2- Formal Complaints Register

Instructions:

- Steps 1-3 must be filled immediately upon receipt of complaint by the SHFPP;
- Steps 4 and 5 must be completed within 30 days upon receipt of complaint.

Date: _____ Case Number: _____

1. Description of Sexual harassment:

Date of Incident _____ Frequency _____

Form of SH _____

2. Names of Concerned Parties:

Complainant/harasee:

Name _____ Age ____ Sex ____ Position _____ Contact _____

Alleged Perpetrator:

Name _____ Age ____ Sex ____ Position _____ Contact _____

3. Action Taken by Committee: _____

4. Appeal or other form of action, if any: _____

5. Other Relevant Comments: _____

Follow- Up

To be filled in 1 Month After conclusion of complaint, by R & S Committee

Name of Investigator: _____ Name of Aggrieved Party: _____

Title: _____ Title: _____

Date: _____ Date: _____

Signature: _____ Signature: _____

APPENDIX II: Forms for Reporting, Registering and investigating a Complaint

Form A 1- Informal Complaints Register

Instructions

Steps 1-3 must be filled immediately upon receipt of complaint by the SHFPP.

Steps 4 and 5 must be completed within 15 days upon receipt of complaint. Should a supervisor/manager facilitate the mediation, the SHFPP is responsible for collecting information for steps 5, 6 from said supervisor/manager.

Date: _____ Case Number: _____

Description of sexual harassment:

Date of incident _____ Frequency _____

Form of SH: _____

Names of concerned parties:

Complainant/harasee: Name _____ Age _____ Sex _____ Position _____

Alleged perpetrator: Name _____ Age _____ Sex _____ Position _____

Option taken by complainant/harasee: _____

4. Action taken by mediator/facilitator: _____

5. Other relevant comments: _____

Follow- Up

To be filled in 1 Month After conclusion of complaint, by R & S Committee

Name of Investigator: _____

Title: _____

Date: _____

Signature: _____

1.0 Preamble

Gulu University is committed to providing an institutional environment where all may pursue their studies, careers, duties and activities free from sexual harassment. Sexual harassment (SH) constitutes serious misconduct, and will result in disciplinary action. The University will not tolerate SH.

The focus of this Anti-sexual Harassment (ASH) Policy is on the prevention and management of SH in the University; it should be understood in the context of other university's policies as well as national and international policies.

2.0 Definitions

- 2.1 **Alleged perpetrator** means a person alleged to have committed an act of sexual harassment;
- 2.2 **Complainant** means a person who lodges a complaint under this policy, or a person against whom an act or acts of sexual harassment as defined in the policy has or have allegedly been perpetrated;
- 2.3 **Confidentiality** means ensuring that information is accessible only to those authorised to have access to it;
- 2.4 **Employee** means an employee of Gulu University or a person who has agreed to be bound by the rules and policies of the University relating to staff;
- 2.5 **Employee disciplinary procedure** means the disciplinary procedure that applies to a category of staff;
- 2.6 **Harassee** means a person who is a victim/survivor or complainant of acts of SH. This can be anyone including a man, woman, supervisor, supervisee, student, contractor, visitor, community member, employer, employee or peers.
- 2.7 **Harasser** means a person who perpetrates and/or commits

acts of sexual harassment. This can be anyone including a man, woman, supervisor, supervisee, student, contractor, visitor, community member, employer, employee or peers

2.8 **Reporting Office (RO)** means an office where matters related to anti-sexual harassment can be reported/handled, and may be designated by the Vice Chancellor from time to time;

2.7 **Rules on conduct for students** means the rules on the conduct of students adopted by the University Council from time to time;

2.8 **Same-sex harassment** means harassment where the alleged perpetrator and the victim are of the same sex;

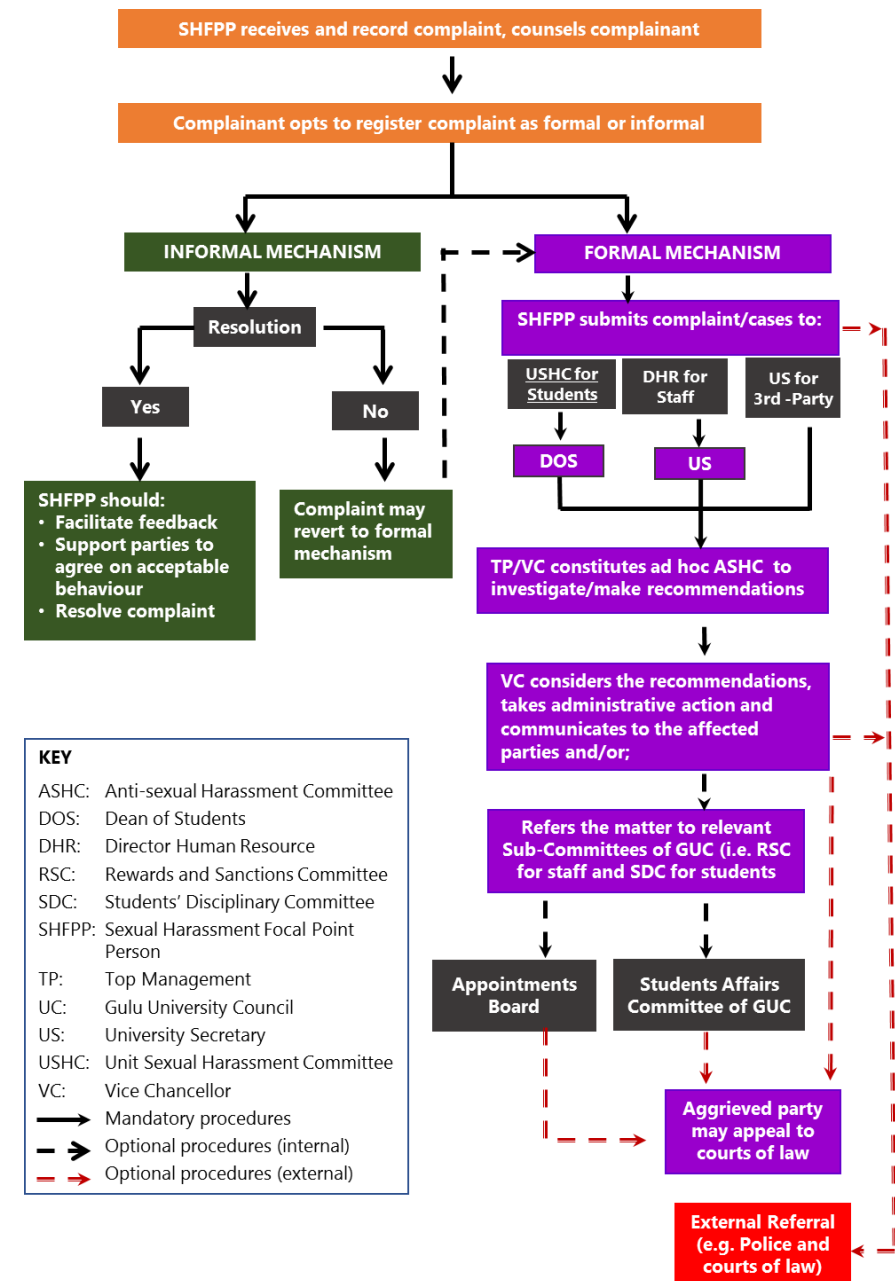
2.9 **Serious misconduct** means conduct as defined in the Employee Disciplinary Procedure and the Rules on Conduct for Students;

2.10 **Sexual assault** means conduct as defined in the Sexual Offences Policy;

2.11 **Sexual harassment (SH)** is unwelcome conduct of a sexual nature that violates the rights of a person. In determining whether conduct constitutes sexual harassment the following factors are to be taken into account:

- i. Whether submission to or rejection of such conduct is used or threatened to be used as the basis for decisions affecting the employment and/or the academic standing of an individual;
- ii. Whether such conduct 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;

APPENDIX I: Procedure for Handling Sexual Harassment Complaints



versity community and its associates are aware of the contents of this policy and are able to appropriately implement it and to prevent sexual harassment

11.0 Policy Monitoring and Evaluation

In order to appraise the steps taken and the success in the implementation of the policy, the University Management shall:

- a) Establish a committee to monitor and evaluate the performance of the University in implementing this policy;
- b) Put in place an appropriate monitoring and evaluation system with indicators to measure the implementation process. Examples of such indicators include cases reported and resolved, training and sensitization activities/workshops held, policy related research activities carried out, etc
- c) Put in place a forum for receiving views from members of the university regarding the policy and undertake to review the policy from time to time based on informed research

- iii. Whether the harassment is on the grounds of sex and/or gender (regardless of the sexual orientation of either the complainant or the alleged perpetrator);
- iv. The impact of the sexual conduct on the complainant;
- v. Whether the sexual conduct was unwelcome;
- vi. The nature and extent of the sexual conduct.

2.12 **Unwelcome sexual conduct** includes behaviour that is perceived by the complainant as demeaning, compromising, embarrassing, threatening and/or offensive: Unwelcome sexual conduct includes physical, verbal and non-verbal conduct. Such conduct may be direct or indirect and may include technological devices, images and weapons. A single incident of unwelcome sexual conduct can constitute sexual harassment. It is also important to note the following:

- i. The assessment of what is unwelcome should be informed by context, including culture and language;
- ii. Previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome;
- iii. When a victim has difficulty indicating to the alleged perpetrator that the conduct is unwelcome; the victim may seek the assistance and intervention of another person in order to make it clear that the conduct is unwelcome;
- iv. Some forms of sexual harassment are such that the alleged perpetrator should have known that the behaviour would be unwelcome.

2.13 **Unwelcome physical sexual conduct** ranges from touching to sexual assault and rape.

2.14 **Unwelcome verbal conduct** includes innuendos, suggestions or hints of a sexual nature, sexual advances, sexual threats, comments with sexual overtones, sex-related jokes

or insults, graphic comments about a person's body, inappropriate enquiries about a person's sex life, whistling of a sexual nature and the sending by electronic means or otherwise of sexually explicit text;

2.15 **Unwelcome non-verbal conduct** includes gestures, indecent exposure and the display or sending by electronic or other means sexually explicit pictures or objects.

2.16 Sexual harassment may take the form of special victimization, *quid pro quo* harassment and the creation of a hostile environment.

- i. **Special victimization** occurs when a person is victimized or intimidated for failing to submit to sexual advances;
- ii. **Quid pro quo harassment of prospective employee** occurs when an alleged perpetrator influences or attempts to influence a person's employment circumstances by coercing or attempting to coerce that person to engage in sexual activities;
- iii. **Quid pro quo harassment of a prospective student** occurs when an alleged perpetrator influences or attempts to influence the admission of a student to the University or to University residences by coercing or attempting to coerce that person to engage in sexual activities. *Quid pro quo* harassment also occurs when an alleged perpetrator influences or attempts to influence the access of a student to training, organizational or funding opportunities, or interferes in grading or evaluation, by coercing or attempting to coerce a student to engage in sexual activities;
- iv. **Creation of a hostile environment** occurs where the purpose or effect is to interfere with another's perfor-

case involves a junior staff as a victim;

- g) If the alleged perpetrator is a member of the Top Management; a committee of the University Council shall conduct the investigations.
- 10.10 While the code of conduct for staff and students may not apply to third parties who are neither students nor employees of the University, the ASH Policy and other related policies shall be respected by all who work at, visit the university or take part in the University's activities at any location (such as hospital staff engaged in teaching/supervising students, where students may be for internship or placement, security agencies within the university). The ASHC shall keep a record of complaints and reported violations against the ASH policy by third parties and shall report to appropriate offices or agencies so that the information can be taken into account in considering whether to continue to contract for services.
- 10.11 The University shall take all reasonable steps to communicate this policy to all employees, students and third parties on a regular basis and to raise awareness about the need to prevent sexual harassment. Communication and dissemination of the policy can be strengthened by:
- a) Posting this policy on GU website and providing regular and current information on its implementation and have the same gazetted.
 - b) Deans, directors and department heads communicating regularly through written or oral means the seriousness of SH, the existence of this policy and its salient features to employees, students and third parties within their faculties/ Institutes/ departments
 - c) Continued training and sensitization to ensure that the Uni-

10.7 The composition of the ASHC shall be drawn, while considering gender balance, from different groups at GU such as Gulu University Academic Staff Association (GUASA), Gulu University Support Staff Association (GUSASA) and representation from of the University Secretary's office, the Dean of Students office, the Academic Registrar's office, the Directorate of Human Resource and Faculties/Institutes. The list of members shall be published and updated annually. The members shall receive training and sensitization on SH.

10.8 When there is a reported case of sexual harassment, the Vice-Chancellor on behalf of Top Management shall appoint from the ASHC an Ad hoc Committee with membership of not exceeding 9 members, including the Chairperson to handle the case. The ad hoc committee shall co-opt students to the team whenever cases of sexual harassment directly involve students.

10.9 The composition of the Ad hoc Committee to handle specific cases shall be carefully selected to ensure that:

- a) All members are people of integrity with no previous allegations of sexual harassment;
- b) There is no conflict of interest issues;
- c) At least one-third of the members are female;
- d) The number of members shall be odd to cater to majority-based decisions;
- e) Student representation shall be limited to cases where students are involved either as victims or perpetrators;
- f) No junior staff shall be appointed to investigate staff members who serve in senior University positions unless the

mance at work or in study;

2.17 **Student** means a registered student of the University or a person who has agreed to be bound by the rules and policies of the university relating to students; and

2.18 **The University** means Gulu University;

2.19 **Tribal-centred sexual harassment** means a form of sexual harassment with sexuality insinuations linked to tribe of a person being sexually harassed

2.20 **Victim blaming** occurs when a victim of a crime is held entirely or partially responsible for the harm enacted upon them, such as when a victim of sexual harassment is blamed because of their clothing.

3.0 Context and Rationale of the Policy

Development of the Policy was partly informed by a scoping for the Gulu University Gender Policy development in 2016 and a Mapping Study Report of 2019 on Sexual Harassment at the university. The key findings of these studies are expounded below.

3.1 Understanding Sexual Harassment at the University

- a) Acts of sexual harassment create a hostile or offensive institutional environment whether for staff, students or partners. Sexual harassment is a manifestation of power relations, that is, abuse of power by those holding academic and administrative authorities who take advantage of those under their authority.
- b) Abuse of power stems from socio-economic status, inequalities in power and the exploitation of such power in relations such as lecturer-student, boss-employee, student-student, or staff/student-contractor relationships.

- c) Misconduct would constitute sexual harassment when:
- i. The advances are made a pre-condition for an individual's employment, academic recruitment, achievement or progress
 - ii. Submission to or rejection of such conduct is used or threatened to be used as a basis for decisions affecting the employment and/or academic standing of an individual.
- d) At Gulu University, SH is believed to exist but has only been talked about in passing. Thitherto, documentation of sexual misdemeanours has been lacking due absence of an institutional framework for curbing and managing such vices.
- e) Cases of SH commonly talked about at the university are reportedly amongst staff and students, among students themselves, and people outside the University. Examples include but not limited to:
- i. Demanding sex in exchange for academic/employment rewards,
 - ii. Rape, date rapes commonly in student hostels, and attempted rape,
 - iii. Suicide cases related to intimate relations.
 - iv. Casual touching, patting on one's body parts,
 - v. University staff clashing with students over boyfriends/girlfriends,
 - vi. Unwelcome jokes of sexual nature and sharing intrusive social media messages of a sexual nature
 - vii. Sexual harassment during staff-student casual outings, conduct of research projects or school practice, etc.
 - viii. Unethical employee sexuality acts compromising professionalism and integrity of the university e.g. staff-student

particularly the emotional and physical trauma they suffer.

- Emergency medical services (e.g. Post Exposure Prophylaxis), para-legal advice and other relevant services
- Measures to mitigate the impact of sexual harassment or the reporting thereof on the complainant.

The protective measures may include, but are not limited to:

- No-contact orders, where appropriate
- Change of University student residence, where appropriate
- Change of academic classes and academic concessions, where appropriate
- Special leave (staff) or leave of absence (students) where appropriate

10.6 While the primary aim of this policy is to assist complainants who allege sexual harassment, an alleged perpetrator may at any stage approach the ASHC for advice on the application and interpretation of the policy. This policy recognizes the right of the alleged perpetrator to a fair hearing. In such instances the ASHC shall:

- a) Provide the alleged perpetrator with a copy of this policy and of the University's disciplinary rules;
- b) Advise the alleged perpetrator of her/his right to obtain legal representation and of the availability of counselling;
- c) Advise the alleged perpetrator that the University may choose to follow the University disciplinary rules even if the complainant does not wish to do so;
- d) Explain to the alleged perpetrator the protective measures available to the complainant

University.

10.2 Key actors include University Council; Top Management; Vice Chancellor; Deputy Vice Chancellors; Appointments Board; Directorate of Gender Mainstreaming; Director Human Resource; ASH Committee, SHFPP; University Legal Officer; Deans and Directors; Heads of Departments; Dean of Students; University Counsellor; Students' Guild; Religious Leaders; Wardens in students' hostels and; Security agencies e.g. Uganda Police.

10.3 There shall be an Anti-Sexual Harassment Committee (ASHC) which shall be appointed by the Vice-Chancellor on behalf of Top Management. The Committee shall be charged with the duty and authority to ensure full implementation of this Policy.

10.4 Each Faculty/Institute and Administrative Department shall nominate a Unit Sexual Harassment Committee (USHC) to deal with complaints at a local level.

10.5 The role of the Anti-Sexual Harassment Committee shall include:

- a) Implementation of this Policy while observing the basic principles of natural justice.
- b) Provision of a comprehensive sexual harassment response for the University. This will include the provision of supportive and protective measures to the complainant whether or not disciplinary proceedings are instituted.

The supportive measures may include, but are not limited to:

- Counselling and other psycho-social services to address the plight of the victims of sexual harassment,

marriages and tribal-cantered SH.

3.2 Examples of SH

Sexual Harassment is a fluid social practice animated by abuse of power. In view of this fluidity, examples of Sexual Harassment shall include but are not limited to:

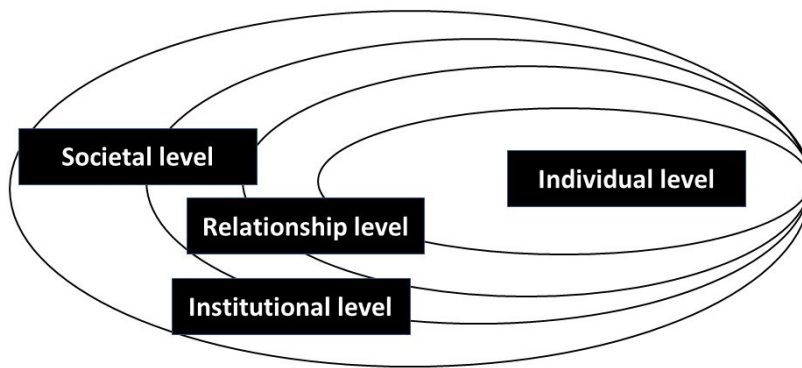
- a) Inappropriate physical contact of any body parts such as patting, scratching, pinching, stroking or brushing against the body;
- b) Unwanted and persistent explicit or implicit propositions to engage in sexual activity;
- c) Intentional disrobing or exposure of sexual body parts or under wear;
- d) Unwanted demands for sexual relations in exchange for employment, academic or other favours;
- e) Sexual stares such as leering and ogling with suggestive overtones;
- f) Lustful gestures, such as hand or sign language to denote sexual activity
- g) Stalking through following or spying on a person;
- h) Sexual assault, rape, date rape;
- i) Cyber-based sexual harassment e.g. sharing private, unwanted private messages and photographs on social media platforms

3.3 Potential Causes and Contributors to Sexual Harassment

The socio-ecological model (<http://www.cdc.gov/violenceprevention/pdf/SVPrevention-a.pdf>) helps to analyze potential causes and contributors of SH at 4 levels as outlined below:

- a) **Individual level:** Includes biological and personal history

factors (e.g. education, beliefs, affluence, etc.) among victims, bystanders, perpetrators.



- b) **Relationship level:** Includes proximal social relationships, most importantly those between victims and harassers. This category also recognizes power differentials or closeness between colleagues (i.e. supervisor/supervisee, student/staff) at work or the stress of working away from home and spouse.
- c) **Institutional level:** Institutional culture includes values and beliefs, norms, practices, written and unwritten rules for interaction in which social relationships are embedded. This category also encompasses misuse/abuse of institutional power, lack of space for privacy and separation of sexes, lack of and/or inadequate enforcement of sanctions against perpetrators, poor induction of staff/contactors on appropriate professional behaviour and unsupervised/unregulated activities.
- d) **Societal/cultural level:** Includes peer groups, religious and community institutions outside the University as well as larger societal factors that create unacceptable climate for violence, and reduce inhibitions against violence (e.g., norms of inequality, discriminatory policies, etc.). This category also involves facilitators of sexual harassment such as ethnic and

ployment (Sexual Harassment) Regulations 2012, The Penal Code Act 2010; The Uganda Public Service Act No. 9 of 2008 and The Uganda Public Service Standing Orders 2019, Education Act Uganda No. 13 of 2008, The Universities and Other Tertiary Institutions Act 2001, and The Protocol to the African Charter on Human and Peoples' Rights.

- b) The Accounting Officer with the technical guidance of the university legal office shall have the power to give interpretation or guidance on any matter, paragraph, clause or terminology in this policy that is deemed to be misleading, ambiguous or whose meaning is not clear or not clearly understandable to any person, group or section of users.
- c) In case of any doubts of the Accounting Officer's interpretation, the final recourse for interpretation of any matter, paragraph, clause or terminology shall be with the University Council through the appropriate committee(s).
- d) The University Council shall from time to time when deemed necessary issue guidelines to fill the gaps in this policy.

9.16 Commencement and Amendment

This Policy shall come into force on the date of approval by the University Council. The policy can be amended by the University Council as and when deemed necessary.

10.0 Implementation Framework

- 10.1 Gulu University recognises the need to prevent and/or respond to SH as crucial towards promoting a safer work and learning environment. The implementation of the ASH policy shall therefore, be a collective responsibility of all stakeholders of the University. Each actor shall have a specific role towards realisation of a sexual harassment-free Gulu

sion is carried out in conformity with the prevailing human resources policy and regulations of the University.

9.14 Appeals

- a) Both the complainant and respondent have a right of appeal if dissatisfied with the decision of the internal disciplinary organs of the University.
- b) A person who is not satisfied with the decision of the disciplinary organs of the University may, within fourteen (14) days of the decision, appeal against the decision to the relevant appellate organ.
- c) For academic, administrative and support staff, appeals shall be directed to the Staff Tribunal, while students shall appeal to the Students' Affairs Committee of the University Council. Others shall appeal to the University Council.
- d) The Appellate Organs of the University shall dispose of all appeals within three (3) months from the date of lodgment of the Appeal.
- e) Any person who is dissatisfied with the decision of the University Appellate Organs shall, upon exhaustion of all internal remedies, appeal to the High Court within fourteen (14) days.

9.15 Interpretation

- a) This Policy shall, not override any Act, Statutory Instrument, Instructions or guidelines issued by the Government of Uganda from time to time. It shall, therefore, be interpreted in the context of existing national and international laws on sexual harassment as well as other institutional rules and regulations. Examples of existing ones include The Republic of Uganda Constitution of 1995, Employment Act 2006, Em-

regional gender stereotypes, and poverty which can make women vulnerable to quid pro quo sexual exchanges.

3.4 Specific driving factors of SH at the University

- a) Reports indicate that cases of SH at the University are notably driven by a set of socio-cultural factors. It is also important to note that the University receives staff and students from multi-cultural, but predominantly rural African settings which are pervaded by dominant norms and values such as silence that enshrouds issues around sexuality.
- b) Silence around sex limits conversations around sexual relations and consequently defining what can be openly talked about, including cases of harassment and abuse. This cascades into hegemonic narratives that reduce sexual harassment to mere rumours, bury it as a repressed narrative and consequently providing subtle contexts that perpetuate the vice further.
- c) Other factors that contribute to the practice of SH include:
 - i. The perception that students and staff are old individuals who engage in consensual sexual relations in the University.
 - ii. Increasing desire for money by students want to live lives beyond their humble background and end up prioritising material things
 - iii. Students and staff freely moving out together such as for evening and weekend outings, leading to points of compromise
 - iv. Drug abuse which often increases perpetrator's likelihood of committing the crime.
 - v. Changing lifestyles amongst students and staff, often relenting in lack of self-respect.

3.5 The Impact of Sexual Harassment on the University

Whether imagined or in reality, SH at the University is a social aspect that warrants concern to forestall such future scenarios. This is because it:

- a) Reflects the University as an unsafe space for staff, students and partners.
- b) Compromises the University's ability to achieve its mission and vision of expanding access to higher education and contributing towards promotion of non-discriminatory education for community transformation, industrialisation and sustainable development.
- c) Compromises the reputation, professional image of the University and ultimately the quality of education. Voices from alumni and the public perceive the institution as riddled by SH and abuse even when there are claims of unreported cases.
- d) Deprives the victim of human dignity.

3.6 Specific consequences of Sexual Harassment

a. Victims

- | | |
|--|---|
| • HIV/STDs/abortions/unwanted pregnancies | • Fear to work with harasser/ avoidance |
| • Depression | • Late salary |
| • Demotion | • Forced marriages |
| • Loss of respect for manager/ supervisor/ harasser | • Loss of career capital |
| • Favors granted if one complies/not granted if one doesn't comply | • Difficulty to get a legal remedy If the University doesn't have a policy against SH |
| • Unwanted or forced transfers | • Loss of job |
| • Poor performance | • Loss of self-confidence |
| • Poor performance appraisal, failed promotion | • Legal costs |
| | • Secondary trauma |

- | | |
|---|---|
| • Written warning | • Counseling |
| • Public apology to the institution and to the aggrieved party | • Suspension. |
| • Compensation to the aggrieved party | • Demotion. |
| • Criminal investigations by authorities outside the University | • Dismissal. |
| | • Any other penalty deemed appropriate by the existing internal University disciplinary systems |
- c) A person who has been found guilty by the appropriate disciplinary organ shall be handled in accordance with the laws and policies that govern the University, the Public Service Standing orders and other national laws.
 - d) All aggravated offences shall be dealt with in accordance with the procedure and penalties provided for by the Criminal Procedure Code Act and Penal Code Act.
 - e) The penalties given by the relevant disciplinary organ shall not preclude the victim from seeking remedies provided by the national judicial framework.
 - f) If a party institutes criminal proceeding resulting from the criminal aspects of the allegations or civil proceedings for the civil elements, it shall not impede the University internal disciplinary mechanism from proceeding with the investigation, hearing and determination of the matter until the suit is decided in the courts of law.

9.13 Suspension

The Vice-Chancellor shall have the mandate to suspend a member of the University community against whom a complaint of SH has been lodged, provided that any such suspen-

9.10 Lodging of a complaint

- a) A complaint of SH shall be lodged within five years after its occurrence.
- b) A complaint received more than five years after the incident (s) of SH may be accepted if there are reasonable grounds as to why it was not lodged within the prescribed time.
- c) A complaint shall be investigated and a report forwarded to the appropriate organ for further action within three (3) months after lodgment except for informal complaints which shall be addressed within 14 days.

9.11 Service of summons

- a) The investigation committee shall issue summons to the respondent who shall respond in writing within seven (7) days from the date of service.
- b) Where a respondent has been summoned and fails to lodge a written response within the prescribed period or fail to appear in person on the day of a scheduled hearing, the committee may proceed ex-parte.
- c) In exceptional circumstances, where the accused may not be able to respond in writing, adjournment may be granted.

9.12 Penalties

- a) If a case of SH has been reported, university authorities have an obligation to take action to remedy the violation. The range of appropriate actions is case-dependent, but can include cautioning, counseling, training, disciplinary action.
- b) Depending on the gravity of the matter, a person found guilty of SH shall be liable to any or a combination of the following:

b. Perpetrators

- | | |
|--|-----------------------------|
| • HIV/STDs | • Violator of human rights |
| • Being avoided/feared to work with | • Loss of job |
| • Conflict with victims | • Civil claims |
| • Loss of respect | • Criminal charges |
| • Poor performance | • Incurrence of legal costs |
| • Poor performance appraisal, failed promotion | |

c. Institutional level

- | | |
|--|--|
| • Absenteeism | • Tainted reputation |
| • Attrition (dismissal, resignation, transfer) | • Poorer educational performance |
| • Lower productivity level | • Poorer help seeking behavior |
| • Professional dissatisfaction | • Criminal charges |
| • Hostile, tense environment | • Civil claims |
| • Disrupted team work | • Incurrence of legal costs through industrial actions |
| • Avoidance of harasser | • Violation of staff/student/ community trust |
| • Supervisor authority undermined | |

d. Societal

- | | |
|---|--------------------------------------|
| • Decreased productivity | • Reinforcement of patriarchal norms |
| • Violation of human rights which negatively impacts both the state and individuals | • Poor educational outcomes |

There are several possible consequences of SH for the victim, the perpetrator, the University, and society.

4.0 Policy Objectives

- 4.1 The overall objective of this policy is to promote a University environment that is safer and friendly towards inclusivity and sustainable academic progress.
- 4.2 The specific objectives are:
 - a) To provide an institutional framework that will guide prevention of and/or response to SH at the University,
 - b) To promote awareness and sensitisation about the nature

- c) To build human, financial and institutional capacities to respond to cases of sexual harassment,
- d) To reinforce the culture of zero tolerance towards harassment, abuse and exploitation in the University.

- ## 5.0 Scope and Legal Contexts of the Policy

5.2 This policy is intended to prevent and/or respond to acts and social practices related to sexual harassment within Gulu University. The policy builds on other progressive laws and policies within the University, national, regional and international legal frameworks that outlaw all forms of discrimination, oppression and abuse of human dignity;

5.4 This Policy affirms its commitment to promote non-discrimination, professional and ethical conduct, gender responsive academic environment and zero tolerance to sexual harassment. This is in line with the Gulu University Gen-

- g) Where the investigation committee finds that there is a case for the respondent to answer regarding the preferred charge(s), members who participated in the investigation shall not be members of the disciplinary committee.
- h) For avoidance of doubt, in cases where the accused person is a staff member, the investigation report shall be forwarded to the Vice Chancellor for onward transmission to the Reward and Sanctions Committee/Appointments Board. Where the accused is a student, the report shall be forwarded to Vice Chancellor for onward transmission to the Students Disciplinary Committee of the University. Where the accused is neither a staff nor a student, the report shall be forwarded to appropriate law enforcement agencies.
- i) When handling SH complaints, the University shall ensure compliance with rules of natural justice. But it should be noted that as quasi-judicial bodies, the investigative and disciplinary entities of the University enjoy relative flexibility and freedom from the strict rules and procedure.

- a) The investigative entities shall carry out investigations with independence, objectivity and with due diligence and respect for the rights of both the complainant and the respondent.
- b) Where there is a complaint against or conflict of interest by a member, the latter shall recuse him/herself from the committee investigating the alleged SH.
- c) Cases duly investigated shall be referred to internal university disciplinary systems for action.

- ii. There are no conflict-of-interest issues and all appointed members shall sign a declaration for both confidentiality and no conflict of interest.
 - iii. The total number of members is odd for majority-based decisions;
 - iv. The composition maintains gender equity and, in any case, the extra odd number member should be female;
 - v. Students' representation on the ad hoc committee shall be limited to complaints where students are involved either as complainants or respondents. No student shall sit on an ad hoc committee investigating academic, administrative or support staff;
 - vi. If the accused individual is a member of Management, a committee of the University Council shall conduct the investigative process.
- d) The investigative work of ad hoc committees shall be facilitated by a secretariat that comprises members from the ASH Coordinating Unit with the backing of the University Legal Officer. It shall be the duty of the secretariat to ensure that the ad hoc committees adhere to the provisions of this Policy and report any violations to the office of the Vice Chancellor
 - e) The secretariat shall formulate clear and detailed procedural guidelines for ad hoc committees to follow during their investigative proceedings.
 - f) After the ad hoc committee has completed its investigations, the chairperson of the committee shall communicate to the Vice Chancellor the committee's findings and recommendations through a written report. On receiving the committee's report, the Vice Chancellor shall forward it to the rele-

der Policy (2017), University Strategic Plan (2019/20 – 2024/25), and the Human Resource Manual (2017);

- 5.5 The policy reiterates International Conventions and commitments such as CEDAW that condemn all forms of discrimination against women, to which Uganda is a signatory.

6.0 Policy Guiding Principles

- 6.1 This policy is enshrined in the core values that guide the University operations given their centrality in promoting an institutional culture of trust, respect and non-discrimination on basis of sex, disability, race, among other social identifications.
- 6.2 In addition to core values, the policy will be guided by specific principles as indicated below:
 - a) Any complaint lodged under this policy by all stakeholders shall be promptly and thoroughly investigated with diligence, high sense of integrity, fairness and justice to deter negative implications for future prevention, reporting of SH cases and/or responses;
 - b) The University Legal Officer and the University Secretary shall serve as resource people with regard to the interpretation of the guidelines;
 - c) All complaints of sexual harassment shall be treated with confidential fidelity to the extent to which it is practically possible. Only those individuals necessarily involved in the investigations and decisions regarding the resolution of the complaint should be provided access to information regarding any allegation of sexual harassment.
 - d) Anonymous complaints shall be investigated for merit and disposed of accordingly.

- e) In any investigations, the alleged perpetrator of the sexual harassment offence shall be promptly made aware of the complaint and the identity of the complainant(s) and the evidence against them. Similarly, both the complainant and the respondent shall be notified of the outcome of the investigation
- f) Determination of whether conduct amounts to sexual harassment shall be on a case-by-case basis.
- g) Where the respondent is found guilty of sexual harassment, the punishment shall be executed through the appropriate channels of the University.
- h) In any situation where a student is said to be harassing a member of staff e.g. a lecturer, staff are considered to be in a better position to stop the harassment because they are better placed to tell the student to stop it or bring it up at the departmental level for solutions. Staff (lecturers) should be seen to transmit values other than knowledge only)
- i) Complainants, victims or survivors of sexual harassment shall be protected against possible perpetrator retaliation;
- j) Sensitive and complex cases of SH shall be handled rationally while avoiding doubting the reported cases and evidence tendered or making shoddy and hashed conclusions without due investigation

7.0 Policy Priority Areas

- 7.1 Massive sensitisation and raising awareness about SH within and around the University community with regard to:
 - a) Meaning and interpretation of SH, its drivers; and impact on the community as expounded in sections 2 and 3.

- g) Keep records of all health treatment received as a result of the sexual harassment.
- h) Familiarize oneself with the Gulu University ASH Policy to be able to follow the complaint procedures.
- i) Contact the ASH coordinating unit to assist to gather evidence if unsure of how to go about doing any of the above,
- j) Communicate clearly to the individual whose conduct is offensive, unwelcome or intimidating and request that such conduct stops. The request must be direct and consistent. The victim shall avail evidence in this regard.

9.8 Procedures for handling reported complaints of sexual harassment

- a) In reference to section 6.3(c), the Vice Chancellor shall appoint an ad hoc committee of persons of high integrity and well-versed with the ASH Policy.

The committee shall be drawn to represent all groups in the University community (that is, academic, administrative and support staff; undergraduate and post-graduate students) as well as alumni and its partners. The number on this committee shall be an odd number but, in any case, not exceeding 9 members.

- b) All complaints of sexual harassment received by SH Focal Point Person (SHFPP) of the ASH Coordinating Unit, who shall notify the office of the Vice Chancellor to commission the investigative processes.
- c) Selection of the ad hoc committee to investigate specific complaints shall ensure that:
 - i. All members are competent people of integrity with no previous allegations of sexual harassment and abuse against them;

tives. Such systems shall include but are not limited to;

- i. Online electronic media reporting
 - ii. Suggestion boxes in the coordinating unit
 - iii. Telephone hotlines set up by the coordinating unit
- e) Anonymous reporting
- i. Anonymous complaints shall first be investigated to determine their veracity before any action can be taken.
 - ii. The Policy does not prevent anyone from seeking counselling or advice on a confidential basis.

9.7 Guidelines for documenting sexual harassment

A person subjected to sexual harassment should do the following:

- a) Collect and document all accounts of the incident(s) of SH as soon as possible after occurrence. If the evidence comes in written form such as a letter, email or text message, keep it. If the evidence is based on oral statement, try to remember the actual words used and write them down as soon as possible.
- b) For each incident, always record the time and place it happened.
- c) Record any audios and videos and photograph any inappropriate images, displays or images that indicate possible SH.
- d) For back up, make multiple copies of collected evidence and store them separately from the originals.
- e) Note down the names and contacts of all witnesses.
- f) Seek medical services in case of physical sexual assault, rape and other related abuses.

- b) Manifestations of SH; the likely offenders and perpetrators; and conditions under which the offences are usually committed in institutions of higher learning
- c) Levels at which SH can occur e.g. between and/or among staff vs students; students vs students; staff vs staff (administrative, academic staff, support staff; University partners vs staff and students and; students vs hostel staff.
- d) Promoting routine discourse on SH through open dialogue, discussion, student's orientation programmes to ensure institutional alertness to the vice
- e) Developing capacity of staff and students to resist sexual harassment.

7.2 Reinforcement of the culture of zero tolerance towards harassment, abuse and exploitation in the University through:

- a) Promoting commitment to the institutional core values of integrity, professionalism and ethical conduct among staff;
- b) Demanding victims to provide proof of harassment;
- c) Holding staff accountable for unprofessional and unethical conduct such as conducting university business with students in ungazetted places;
- d) Handling all reported cases with transparency and openness;
- e) Building stakeholder confidence in the University system e.g. through victim protection so as to enable reporting and set a precedence on whether other cases will be reported or not;
- f) Raising awareness of university community against sexual misdemeanours and build institutional willingness to challenge subtle admissibility of SH under contexts of adulthood

and consensual sexual relations;

- g) Train designated staff and students (e.g. investigative committees and student leaders) on how to receive, handle or forward cases of SH;
- h) Training students and staff on how to resist SH and record evidence for reporting if it persists.

7.3 Institutionalisation of structures for managing SH which shall involve:

- a) Designating an Anti-Sexual Harassment Coordinating Unit (ASH-CU) under the Directorate of Gender Mainstreaming to implement and oversee activities on prevention and response to SH
- b) Appointing a Sexual Harassment Focal Point Person (SHFPP) to head the ASH-CU and backed up by the University Legal Officer to enforce compliance to the ASH Policy as well as the decisions made in respect of all lodged complaints. The designated ASH officials shall be inducted on how to receive, document and forward SH cases for investigation
- c) The Vice Chancellor setting up a standing roster of 50 persons from which ad hoc committees will be drawn to investigate specific reported complaints of SH. All 50 members on the VC's roster shall be persons of high integrity, trained and sensitized on SH, abuse and procedural matters for handling complaints as and when they arise. The list shall be published and updated every year.
- d) Creation of streamlined channels for reporting and managing cases of SH
- e) Prohibition of delayed response, inaction and retaliation
- f) Provision of penalties for the offences of SH and abuse com-

- iii. An informal complaint shall remain on record and may be used in future as evidence of repeated unwanted conduct.
- iv. All informal complaints shall be addressed within 14 days of reporting.

b) Formal complaint

- i. Any member of the University community who believes that he or she has been subjected to SH can lodge a written and signed complaint with the University unit in charge of receiving and coordinating SH response or any academic/administrative unit or person of authority that the victim trusts.
- ii. A formal complaint shall contain:
 - Name, address and contact details of the complainant;
 - Date of the complaint;
 - Nature and details of the act or conduct complained about; and
 - Any other relevant details concerning the complaint.

c) Third-party reporting

- i. Any individual who witnesses SH has the obligation to report it to the university authorities.
- ii. The University shall take interest and investigate the cases and respond appropriately.

d) Alternative reporting mechanisms

The University shall put in place different forms of reporting cases of SH to enable the staff and students have alterna-

9.5 Confidentiality

- a) When a complaint has been lodged, it shall be treated with utmost confidentiality
- b) Where it is necessary to interview a witness, the investigating Committee shall maintain strict confidentiality
- c) Any person handling the complaint of SH and any party to the complaint shall treat it with confidentiality except where disclosure is necessary to prevent imminent harm.
- d) The personal dignity of all parties shall be respected during the hearing.
- e) All proceedings under this Policy shall not be open to the public.
- f) Any violation of confidentiality shall attract disciplinary action on the parties involved

9.6 Forms of lodging complaints

- a) Informal complaint:
 - i. An informal complaint is made to any member of the implementing bodies, including academic staff, administrative staff or students' leaders. It is made in those cases where the victim wishes for immediate action to be taken (for instance, warn the harasser or change his/her dissertation supervisor) to remedy or redress the harm without pursuing disciplinary actions or seeking sanctions against the respondent. In any case, the respondent must be notified of the complaint lodged against him/her.
 - ii. An informal complaint lodged with a student leader, academic or administrative staff shall be forwarded to the Unit responsible for coordinating response to SH.

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- g) Provision of psycho-social support and referral services to victims or survivors of SH, e.g. through the counselling unit, University hospital and University Police Post.

8.0 Role of the Sexual Harassment Focal Point Person (SHFPP)

- 8.1 The SHFPP shall provide a comprehensive SH response for the University. This will include the provision of supportive and protective measures to complainants, whether or not disciplinary proceedings are instituted.
- 8.2 Supportive measures may include, but are not limited to:
 - a) Emergency medical services, para-legal advice and other relevant services;
 - b) Measures to mitigate the impact of SH or the reporting thereof upon the complainant.
 - c) Crisis counselling;
- 8.3 Protective measures may include, but are not limited to:
 - a) No-contact orders, where appropriate;
 - b) Change of University student residence, where appropriate;
 - c) Change of academic classes and academic concessions, where appropriate;
 - d) Special leave (staff) or leave of absence (students), where appropriate.
- 8.4 While the primary aim of this policy is to assist complainants who allege SH, an alleged perpetrator may at any stage approach the SHFPP for advice on the application and interpretation of this policy. In such instances the SHFPP shall:

- a) Provide the alleged perpetrator with a copy of this policy and of the University's disciplinary rules;
 - b) Advise the alleged perpetrator of her/his right to obtain legal representation and of the availability of counselling;
 - c) Advise the alleged perpetrator that the University may choose to follow the University disciplinary rules even if the complainant does not wish to do so;
 - d) Explain to the alleged perpetrator the protective measures available to the complainant.
- 8.5 The SHFPP shall assist the ASH-CU from time to time draw both output and outcome indicators for monitoring and evaluation of the ASH Policy

9.0 Procedural Matters

9.1 Prohibition of delayed response, inaction and retaliation

- a) A victim of, or witness to harassment, or one who has been informed of harassment, has an obligation to report SH.
- b) Delayed response, inaction by university authorities and retaliation by the perpetrator towards the victim who reported a case of SH impact on whether victims of SH will report subsequent cases.
- c) Any person against whom a complaint of SH has been reported shall not retaliate against or victimize a person who has complained against him/her.
- d) Offences against delayed response and inaction towards progressing the case(s), retaliation or intimidation and subduing a victim shall be subjected to internal University disciplinary action.

- e) The University has a responsibility to comply with legal requirements to take prompt and appropriate action to both eliminate harassment and prevent it before it becomes severe or pervasive.
- f) All cases shall be investigated and handled to its logical conclusion whether a complainant has lost interest or intends to withdraw a case

9.2 Frivolous or false accusations

A person who makes a frivolous, malicious and vexatious or false accusation of SH against another person commits a disciplinary offence and shall be subjected to disciplinary action. The burden of proof in this instance lies on the accused.

9.3 Presumption of Innocence

A person against whom allegations or a complaint of SH has been made shall be deemed innocent until the contrary is proved

9.4 Burden and standard of proof

- a) The burden of proof shall lie on the complainant.
- b) The standard of proof that SH has been committed shall be on a balance of probabilities, i.e. proof on clear and convincing evidence.
- c) While a complainant has the responsibility to prove that s/he experienced SH, the University shall have an interest in investigating the case to protect the image and security of the institution.
- d) The University may initiate an official investigation if there is reason to believe that any of its members is committing SH or being harassed.