



LIRA UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT, 2018

Reviewed by:

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1.0 Citation

This policy shall be cited as “Lira University Policy Against Sexual Harassment, 2018”

2.0 Enactment

Be it enacted by Lira University Council

3.0 Definition

In this policy, in this policy unless the context otherwise requires.

“accused person or alleged perpetrator” means a person who has been reported to have committed sexual harassment.

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

“relevant committee” includes a Committee at various levels of the University handling issues of discipline of staff or students.

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

“sexual body parts” includes parts but not limited to genitals, breasts and buttocks.

“staff” means all employees of Lira University.

“student” includes all full time and part time persons enrolled in the course of study leading to the award of degrees, diplomas, and certificates of Lira University.

“university” means Lira University.

“sexual harassment” includes unsolicited or unwelcomed 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.

- (i) Pressure for a dating, romantic, or intimate relationship;
- (ii) Unwelcome touching, kissing, hugging, or massaging;
- (iii) Pressure for or forced sexual activity;
- (iv) Unnecessary references to sexual body parts;
- (v) Remarks about a person's gender or sexual orientation;
- (vi) Sexual innuendoes or humor;
- (vii) Obscene gestures;
- (viii) Sexual graffiti, pictures, or posters;
- (ix) Sexuality explicit profanity;
- (x) Stalking or cyber bullying;
- (xi) E-mail and Internet use that violates this policy; and
- (xii) Sexual assault.

4.0 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 Lira University community including academic, administrative and support staff as well as students, visitors and others involved into the University activities.

5.0 Aim of the Policy

5.1 The aims of the policy are to:

- 5.1.1 Create a working and learning environment free from sexual harassment where dignity, courtesy and respect are key to all members of the University community;
- 5.1.2 Implement training and awareness strategies to ensure that all staff and students know their rights and responsibilities;
- 5.1.3 Provide efficient and effective procedure for complaints based on the principles of natural justice;
- 5.1.4 Handle all complaints in a sensitive, fair, timely and confidential manner;
- 5.1.5 Protect the complainants by ensuring any acts of victimization or retaliation are investigated and dealt with accordingly;
- 5.1.6 Encourage the reporting of behavior which breaches this policy; and
- 5.1.7 Promote appropriate standards of conduct at all times.

6.0 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 battery, and sexual coercion.

7.0 Enforcement and Implementation

7.1 Complaint received shall be handled in the following manner;

- 7.1.1 Complaint will be treated with utmost confidentiality until a *prima facie* case is made;
- 7.1.2 That the alleged perpetrator shall be promptly informed of the allegation;
- 7.1.3 The committee will tacitly investigate the complaint to establish whether or not the complaint raises a *prima facie* of sexual harassment;
- 7.1.4 The committee shall discontinue the investigation where there is no *prima facie* case of sexual harassment is established;
- 7.1.5 That provided the clauses relating to confidentiality shall not apply where the complaint relates to a matter already before police or courts law;
- 7.1.6 Any complaint of violation of this policy be treated with diligence, fairness, justice and due process;
- 7.1.7 The University Lawyer in liaison with top management and sexual harassment committees at various level shall be responsible for the implementation of this policy;

- 7.1.8 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;
- 7.1.9 The investigation of the alleged sexual harassment shall be done promptly and thoroughly with the knowledge of the accused person and the complainant;
- 7.1.10 The outcome of the investigation shall be made known to the accused person and the complainant; and
- 7.1.11 If the accused is found guilty, he/she shall be punished using appropriate procedures of the University.

7.2 Strategies for implementation of the Policy

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

7.3 Procedures

The University shall set up Sexual Harassment Committees at various levels of the Senate, Faculty and Department. The members of the committees shall be engendered comprising of persons with high integrity chaired by the head of that particular unit.

7.4 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 behavior, they have to take action even in the absence of complaint.

7.5 Managers and supervisors have a responsibility to: -

- 7.5.1 Monitor the teaching, learning and working environment to ensure that acceptable standards of conduct are observed at all times;
- 7.5.2 Be role models.

- 7.5.3 Promote and monitor the University Sexual Harassment Policy within the learning and working environment;
- 7.5.4 Treat all complaints with outmost seriousness, confidentiality and take immediate action to resolve the matter;
- 7.5.5 Ensure that no victimization occurs against the complainant; and
- 7.5.6 Refer complaints to relevant Sexual Harassment committee for investigation to be done.

7.6 Responsibilities of Staff and Students

7.6.1 All University Staff and Students have a responsibility to:

- 7.6.1.1 Adhere to the University's Sexual Harassment Policy;
- 7.6.1.2 Report any form of sexual harassment witnessed and offering to act as witness;
- 7.6.1.3 Offer support to sexually harassed person; and
- 7.6.1.4 Treat every information given during investigation confidential.
- 7.6.1.5 Desist from any form of sexual harassment.

7.7 What to do when sexually harassed

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

- 7.7.1.1 Speak firmly or write directly to the harasser indicating that his / her behavior is offensive and unacceptable and must stop immediately;
- 7.7.1.2 Seek advice from your supervisor, manager, office of the Dean of Students or Human Resource Unit.
- 7.7.1.3 Keep all documents and records of sexual harassment confidential;
- 7.7.1.4 Make complaint on sexual harassment following appropriate procedures of the University;
- 7.7.1.5 Externally, make complaint to the police or Uganda Human Rights Commission.

7.8 Complaints of Sexual Harassment

7.8.1 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, immediate University Authority, Dean of Students

or Human Resource Unit for immediate action. The responsible unit shall interview the complainant and witnesses.

7.8.2 2) The respective authority shall accept in writing or orally any complaint of the violation of this policy and carry out thoroughly investigation.

7.8.3 Anyone who observes sexual harassment within the University Community should report it to the respective authority.

7.9 Retaliation

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

Notwithstanding the above clause, the person shall be at liberty to pursue formal legal proceedings against the complainant.

7.10 Sexual Harassment Investigation

7.10.1.1 All complaints of alleged sexual harassment shall be investigated in a fair and expeditious manner with maximum confidentiality by the relevant Sexual Harassment Committee or Disciplinary Committee.

7.10.1.2 Issues of conflict of interest shall be avoided in the process.

7.10.1.3 2) The investigation shall be done within two weeks after the complainant lodging in the complaint.

7.10.1.4 3) The relevant committee shall allow the rules of natural justice to prevail in the process of investigation.

7.10.1.5 4) In case the accused person fails to respond to summon within the given period, he/she commits an offence and is liable to disciplinary action.

7.11 Time to bring complaint

7.11.1.1 That any person who is victim of sexual harassment should lodge the complaint promptly but not later than (1) one month from the date of the alleged harassment occurred.

7.11.1.2 Unless the complainant was under the supervision of the alleged perpetrator in which case time will start running from the

date the complainant ceases to be under the control of the alleged perpetrator, or

- 7.11.1.3 Unless there is a judgment of court whether in civil or criminal case finding the alleged perpetrator guilty of sexual related offences or cause of action on a subject of the complaint and in which case time will start running from the date of judgment of the court.
- 7.11.1.4 Or unless the relevant disciplinary committee extends time for just cause.

7.12 Disciplinary Action.

- 7.12.1.1 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 Students or Human Resource Policy Manual for 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.
- 7.12.1.2 There shall be a rebuttable presumption of consent, where there existed consensus romantic relationship between the alleged perpetrator and the alleged victim.

8.0 Reconciliation

The relevant disciplinary committee shall encourage reconciliation between the parties which may include;

- 8.1.1.1 Apology by the alleged perpetrator without admission of liability, provided that the alleged victim willingly accepts the apology and such incident shall not form part of the person's personal file.
- 8.1.1.2 Where there is an honest misunderstanding or misstatement of fact or variation in culture.

9.0 Malicious Complaint

Where the alleged victim lodges a frivolous or vexatious or malicious complaint against any member of the University that commits a disciplinary offence; he or she shall be liable for disciplinary action by the relevant disciplinary committee.

10.0 Appeal

10.1 Any person (except university employee) aggrieved by 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.

10.2 University employee shall appeal in accordance with the Human Resource Policy Manual.

11.0 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.

12.0 SAVING PROVISION

Nothing in this policy shall be deemed to affect or limit the powers of the University to discipline any student or staff of the University under any other policy on facts arising from this policy. This policy shall only supplement the existing policy.