

**MAKERERE**



**UNIVERSITY**

**POLICY & REGULATIONS  
ON  
SEXUAL HARASSMENT PREVENTION**

July 26, 2006  
[Recommended by the Senate to Council]

## **1.0 INTRODUCTION**

- 1.1 This policy on Sexual Harassment Prevention is to address acts and practices related to sexual harassment at all levels within the structures of Makerere University. It is based on the findings from the 2004 Situational Analysis of the Gender Terrain at Makerere University conducted by the Gender Mainstreaming Division.
- 1.2 In line with the Constitution of the Republic of Uganda that guarantees all Ugandans equality, dignity and non-discrimination, Makerere 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.
- 1.3 This policy applies to all students, academic staff, administrative staff and support staff of Makerere University as well as to others who participate in Makerere programmes, activities and employment in both on- and off-campus settings.

## **2.0 DEFINITION**

- 2.1 For purposes of the present policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature. Such conduct would constitute sexual harassment when:
  - (a) Submission 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) Submission 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 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.

## **3.0 ENFORCEMENT PRINCIPLES**

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

- 3.1 Any complaint lodged under this policy will be treated with diligence, fairness, justice and due process, following the guidelines attached hereto.
- 3.2 The University Legal Officer as well as the Dean of Law shall serve as resource people with regard to the interpretation of the guidelines.

- 3.3 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.
- 3.4 Anonymous complaints are not permissible.
- 3.5 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).
- 3.6 Investigations must be conducted promptly and thoroughly.
- 3.7 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.
- 3.8 Both the complainant and the respondent must be notified of the outcome of the investigation.
- 3.9 If the respondent is found guilty of sexual harassment, the punishment shall be executed through the appropriate channels of the University.

#### **4.0 OBJECTIVES**

The objectives of this policy are three-fold:

- 4.1 To sensitize the University community about the evils of sexual harassment, thereby engendering a sense of social responsibility and zero tolerance for such behaviour.
- 4.2 To establish an institutional framework that encourages victims of Sexual Harassment to exercise their rights, maintain their dignity and refuse to submit to the pressures of sexual harassment.
- 4.3 To take action in eliminating sexual harassment at Makerere University and impose corrective action as is necessary, including disciplinary action where appropriate.

## **5.0 STRATEGIES**

The University shall achieve its objectives through the following strategies:

- 5.1 Adopting and implementing the Policy and Guidelines to Sexual Harassment Prevention.
- 5.2 Establishing Anti-Sexual Harassment Committees to handle complaints of sexual harassment.
- 5.3 Launching sensitization programmes and advocacy for education about sexual harassment for students and staff at all levels of the University.
- 5.4 Equipping members of the University community with skills and tools to defend themselves against sexual harassment.
- 5.5 Integrating sexual harassment into the curriculum of the compulsory course unit on ethics for all students.
- 5.6 Establishing a gender-responsive monitoring and evaluation framework for the prevention of sexual harassment.
- 5.7 Promoting action-based research that highlights the root causes and complexities of sexual harassment and developing a culture that is responsive to diversities.
- 5.8 Setting up a sexual harassment hotline for reporting emergency cases of sexual assaults.

## **6.0 SEXUAL HARASSMENT AND ACADEMIC FREEDOM**

- 6.1 This policy is intended to combat genuine sexual abuse and harassment and shall not limit academic 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.
- 6.2 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.

## **7.0 IMPLEMENTING ORGANS**

- 7.1 A Senate Committee known as the Makerere University Anti-Sexual Harassment Committee (MASHC) is the body, with appellate jurisdiction, charged with the duty and authority to ensure full implementation of this Policy.
- 7.2 Each College/Faculty/School/Institute and administrative Unit shall appoint a Unit Anti-Sexual Harassment Committee to deal with complaints at the local levels.

## PREAMBLE

Whereas the Universities and Other Tertiary Institutions Act, 2001 under section 40 empowers the Makerere University Council to approve regulations necessary for the fulfillment of the objectives and functions of the University;

and whereas the Ugandan Bill of Rights, 1995, provides *inter alia* that all persons are equal in all aspects of life and shall enjoy equal protection of the law;

and whereas, in recognition of its vision to be a center of academic excellence, providing world-class teaching, research and service relevant to sustainable development needs of society, the University has made a commitment to create a conducive environment of reciprocal respect among members of the University community;

and whereas, the University recognizes that the conducive environment for academia and work includes due regard for the rights and feelings of all, free from sexual harassment;

and whereas, the University is committed to upholding professional ethics and conduct for the smooth running of the University function;

and whereas sexual harassment may occur between equals, but most often occurs in situations when one person has power over another;

the University therefore affirms that sexual harassment is a negation of reciprocal respect in addition to being a violation of the fundamental rights, dignity and integrity of the person and that it undermines the environment required for the advancement of learning, the dissemination of knowledge, research and productive work.

DO HEREBY enact the Makerere University Sexual Harassment Prevention Regulations, this 23rd day of February 2006.

## PRELIMINARY

Title 1. These regulations may be cited as the Makerere University Sexual Harassment Prevention Regulations, 2006.

Commencement 2. These Regulations shall come into force on a date to be determined by the University Council.

Interpretation 3. In these Regulations, unless the context otherwise requires:

“Complainant” means a person who complains that she/he has been sexually harassed.

“Frivolous” means that the complaint has no reasonable basis in law or fact.

“Hostile environment” means unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

“Member of Staff” means an employee of the University duly appointed by the University authorities.

“Respondent” refers to a person against whom a sexual harassment complaint has been lodged.

“Senate Committee” means the Makerere University Anti-Sexual Harassment Committee (MASHC).

“Sexual assault” means non-consensual and/or abusive sexual conduct.

“Sexual body parts” include, but are not limited to, areas around the genitals, breasts and buttocks.

“Student” refers to a student who has been duly admitted to the University.

“Unit Committee” means the Anti-Sexual Harassment Committee at the College, Faculty, School, Institute or Administrative department.

“ University “ means Makerere University.

“Visiting Staff” are included under the University staff.

Definition of sexual harassment

4. (1) Sexual harassment means unwelcome sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature; such conduct would constitute sexual harassment when:
  - (a) Submission 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) Submission 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 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.
- (2) Sexual harassment may comprise a single act or a continuous act(s) or omission(s).

Application

5. Sexual harassment is prohibited for both on-campus and off-campus University settings between and among:
  - (a) Students;
  - (b) Academic Staff;
  - (c) Administrative Staff;
  - (d) Support Staff;
  - (e) Students and Staff Members;
  - (f) Staff Members of various categories.

Forms of Sexual Harassment

6. A conduct amounts to sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition for employment or academic achievement or advancement;
- (b) Submission to, or rejection of such conduct is used or threatened, or insinuated to be used as the basis for an individual's employment, or academic achievement, or enhancement;
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, exploiting, hostile, offensive working or academic environment.

Examples of  
Sexual  
Harassment

7. Examples of sexual harassment include, but are not limited to:
- (a) Unwanted physical contact of intimate body parts such as; patting buttocks or stroking breasts, massaging any part, scratching the palm or deliberate brushing against the body;
  - (b) Unwanted and persistent explicit or implicit propositions to engage in sexual activity such as, sending sexually explicit telephone messages, E-mail messages, letters or notes;
  - (c) Exposure of sexual body parts;
  - (d) Unwanted demands for sex in exchange for employment or academic favours, such as threats of employment termination if a subordinate refuses the supervisor's sexual advances or promise of higher grade on submission to sexual advances;
  - (e) Unwanted verbal communication, sexual epithets, jokes, written references to sexual conduct, sexual gossip, deficiencies or prowess;
  - (f) Unwanted non-verbal conduct such as facial expressions, suggestive finger and other body gestures;
  - (g) Sexual assault.

Prohibition of Retaliation

8. (1) A student or member of staff shall not retaliate against or victimize a person who complains of sexual harassment.

(2) A student or member of staff shall not retaliate against or victimize a witness who provides evidence of sexual harassment.

(3) A respondent who retaliates or victimizes a complainant of sexual harassment commits a disciplinary offence, and shall on conviction, be subjected to disciplinary action AND the disciplinary action shall reach out all the agents, colleagues and accomplices of the person respondent.

Academic Freedom

9. These regulations shall not limit bona fide freedom of expression and exercise of academic freedom through different teaching methods.

Frivolous or False Accusations

10. (1) A student or member of staff who makes a frivolous, malicious and vexatious or false accusation of sexual harassment against another person commits a disciplinary offence.

(2) A person convicted of disciplinary offence under this regulation shall be liable to any or a combination of the following:

- (a) Written warning;
- (b) Ordered to give a public apology to the aggrieved party;
- (c) Ordered to compensate the aggrieved party;
- (d) Suspension;
- (e) Dismissal;
- (f) Demotion;
- (g) Transfer.

Confidentiality

11. (1) When a person in authority receives a complaint of sexual harassment, that person shall as far as practical, treat the complaint with utmost confidentiality.

(2) Where it is necessary to interview a witness, the Committee shall maintain strict confidentiality.

(3) Any person handling a case of sexual harassment and any party to the case shall treat it with confidentiality except where disclosure is necessary to prevent imminent harm.

(4) Any Committee member who fails or neglects to respond in a timely and appropriate manner to a complaint of sexual harassment commits an offence and is liable to be penalized under Regulation 24.

(5) Anonymous complaints are not permissible.

## PROCEDURAL MATTERS

Anti-Sexual  
Harassment  
Committees

12. The University shall set up Anti-Sexual Harassment Committees at two levels:

(1) At every College, Faculty, School, Institute or Administrative Department. This will be referred to as the Unit Anti-Sexual Harassment Committee.

(2) At the level of Senate and it shall be referred to as the Makerere University Anti-Sexual Harassment Committee (MASHC).

(3) Each Committee shall be composed of persons of high integrity of whom at least 50% must be women.

Unit Committees

13. (1) The composition of the Unit Committee shall comprise a pool of ten persons as follows:

(a) The Administrative Head of the Unit;

(b) Two senior members of academic/Administrative staff;

(c) Two junior members of academic/Administrative staff;

(d) Three members of the Support Staff;

(e) Two student representatives.

(2) The administrative head of the unit shall be the chairperson of the Unit Committee.

(3) The unit Management Boards shall select the Deputy Chairperson and other members of the Unit Committee.

(4) An ad hoc five-person investigating team representing each membership category shall be selected by the Chairperson of the Unit Committee from the pool to deal with each arising case.

(5) Where the Chairperson of the Unit Committee is the subject of a complaint, the Deputy Chairperson shall be responsible to select the ad hoc investigating team.

(6) The decision of the Unit Committee shall be subject to appeal to MASHC.

Senate  
Committee

14. (1) MASHC has appellant jurisdiction over decisions made by Unit Committees.

(2) The composition of the Senate Anti-Sexual Harassment Committee (MASHC) shall comprise a pool of twenty persons as follows:

- (a) The Vice-Chancellor;
- (b) The Chairperson of the University Disciplinary Committee;
- (c) Four representatives from Humanities;
- (d) Four representatives from Sciences;
- (e) Dean of Students;
- (f) University Legal Officer;
- (g) Dean of Law;
- (h) University counselor;
- (i) Two student representatives;
- (j) Two representatives of Administrative staff;
- (k) Two representatives of Support Staff.

(3) The Vice-Chancellor shall be the Chairperson of MASHC.

(4) Senate shall select members of MASHC from its membership with powers to co-opt non-members.

(5) An ad hoc five-person investigating team shall be

selected by the Chairperson of MASHC from the pool to deal with each arising case.

(6) Where the Chairperson of MASHC is the subject of a complaint, the Deputy Chairperson shall be responsible to select the ad hoc investigating team.

Forms of  
Complaint

15. (1) There are two options that a victim of sexual harassment may wish to pursue:

- (a) An informal complaint; or
- (b) A formal complaint.

Informal  
Complaint

(2) An informal complaint is made to any academic staff, administrative staff or students' leader. It is made in those cases where the victim wishes for something to be done (e.g., warn the harasser or transfer him/her to another department or change his/her dissertation supervisor) but is not ready to lodge a formal complaint. In any case, the respondent must be notified of the complaint lodged against him/her.

(3) An informal complaint lodged with a student leader, academic or administrative staff shall be forwarded to the Unit Committee for recording.

(4) An informal complaint remains on record and may be used in future as evidence of repeated unwanted conduct should the need arise.

Formal  
Complaint

(5) 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.

(6) 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.

(7) The Unit Committee will then deal with the complaint through its ad hoc investigating sub-

committee.

(8) The Unit may also initiate an official investigation of a complaint in situations it deems require formal resolution.

(9) A formal complaint shall contain:

- (a) Name 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.

Guidelines for Documenting Sexual Harassment

16. (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.

(2) The written account 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.

(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.

Investigations

17. (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.

(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.

(3) A complaint should be lodged within a reasonable time.

(4) A complaint shall be investigated and disposed of within three months after the lodging of the complaint, except in special circumstances.

Accompaniment 18. A friend or colleague may accompany a complainant or the respondent to the hearing.

Protection of Personal Dignity 19. 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.

Service on Alleged Harasser 20. The relevant Committee shall summon the respondent who shall respond in writing within fourteen days from the date of service, except in special circumstances.

Failure to Respond to Summons 21. 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 24.

Rules of Procedure 22. The relevant Committees shall follow these policy regulations and abide by rules of natural justice.

Monitoring 23. The Chairperson of the University Council shall put in place mechanisms to monitor complaints that have been upheld for purposes of ensuring that the harassment has stopped.

Penalties 24. (1) A person found guilty of sexual harassment shall, depending on the gravity of the offence, be liable to any or a combination of the following:

(a) Written warning;

(b) Ordered to give a public apology to the aggrieved party;

- (c) Ordered to compensate the aggrieved party
- (d) Suspension;
- (e) Dismissal;
- (f) Demotion;
- (g) Transfer.

(2) A convicted person may be dealt with in accordance with the disciplinary provisions of Makerere University Standing orders.

(3) The penalties given by the relevant Committee on Sexual Harassment shall not preclude the victim from seeking remedy/remedies provided by the national judicial framework.

Appeals

25. (1) A person aggrieved by the decision of the Unit Committee may, within fourteen days of the decision, appeal against the decision to MASHC.

(2) MASHC shall dispose of all appeal cases within three months of lodging the appeal except in special circumstances.

The Sexual Harassment Regulations 2006 are hereby approved

\_\_\_\_\_  
**Vice-Chancellor**

Date \_\_\_\_\_

\_\_\_\_\_  
**Chairperson, University Council**

Date \_\_\_\_\_