



VALLEY UNIVERSITY OF SCIENCE AND TECHNOLOGY

SEXUAL HARASSMENT POLICY

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This Sexual Harassment Policy was approved and adopted by the University Council at its meeting held on

08. March. 2021

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ABBREVIATIONS

ICT	-	Information and Communication Technology
IEC	-	Information, Education and Communication
IPV	-	Intimate partner violence
SA	-	Sexual Assault
SC	-	Sexual Consent
SH	-	Sexual Harassment
SM	-	Sexual Misconduct
UWC	-	University-Wide Committee on Sexual Misconduct
VUST	-	Valley University of Science and Technology

DEFINITIONS

Sexual Harassment: Is defined as the unwelcome and unreciprocated conduct of a sexual nature which makes a person feel offended or intimidated. It includes unwelcome sexual advances, requests for sex in return for favours, unwanted physical, verbal or non-verbal conduct of a sexual nature. Such conduct would constitute sexual harassment if;

- Submission to or rejection of such conduct is used or seen to be used as a basis for decisions affecting one's employment or academic standing.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or learning environment.
- Where a person is asked to engage in sexual activity as a condition of one's employment/ career or academic advancement. Some examples of behavior or conduct which constitute sexual harassment include;
 - a. Physical Conduct
 - Unwelcome physical contact including patting, stroking, kissing, inappropriate touching
 - Physical violence including sexual assault or rape
 - Unwelcome physical contact such as touching or pinching
 - Stalking
 - b. Verbal Conduct
 - Sexual comments about one's body and use of vulgar jokes
 - Sexual advances, incessant demands to establish a sexual relationship or threats
 - Repeated and unwanted social invitations for physical intimacy
 - Repeatedly using sexually degrading words or statements to describe a person
 - Sending sexually explicit messages or pornography by phone, email, SMS, or any form of social media platform.
 - Inappropriate enquiries about a person's private life such as inquiring about one's sexual deficiencies or sexual behaviour.
 - Unwelcome and sexually explicit statements, stories or comments which are not legitimately related to employment duties, course content, research or other University Research or activities.
 - Raising irrelevant topics of a sexual nature inside or outside a classroom.
 - c. Non-verbal conduct
 - Display of sexually explicit or suggestive material or objects
 - Sexually suggestive gestures
 - Whistling, leering or ogling
 - Indecent exposure and display
 - Taking any form of photographs, recording or videos for the purpose of blackmail, cyber bullying or stalking

Anyone can be a victim of sexual harassment regardless of their gender.

VUST recognises that sexual harassment may occur between people of the same gender. What matters is that sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

VUST also recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships e.g. between an employee and supervisor or student and their lecturer. However, harassment may also occur between peers. All forms of sexual harassment are prohibited whether it takes place within VUST premises or outside including social events or any other University activities.

“**Teachers**” includes, but is not limited to, all ladder and non-ladder faculty of the University. “Teachers” also includes graduate and professional students and postdoctoral fellows and associates only when they are serving as part-time acting instructors, teaching fellows or in similar institutional roles, with respect to the students they are currently teaching or supervising.

“**Students**” refers to those enrolled in any and all educational and training programs of the University.

Sexual consent can be accurately gauged only through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but it serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

Intimate Partner Violence (IPV) occurs when a current or former intimate partner uses or threatens physical or sexual violence. IPV also may take the form of a pattern of behavior that seeks to establish power and control by causing fear of physical or sexual violence. Stalking may also constitute IPV.

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, email, text messages, or phone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

Complainant – Means the person who lodges a complaint relating to sexual harassment

Respondent – A person against whom a sexual harassment complaint has been made.

Committee – Members of the University appointed to handle complaints of sexual harassment.

1. BACKGROUND

Sexual harassment of any nature is prohibited by law. Many forms of sexual misconduct are prohibited by Ugandan law, and could result in criminal prosecution or civil liability. Sexual Harassment is a direct or implicit request to a worker/staff/student for any form of sexual favor to get preferential treatment at workplace; or threaten the worker/student of detrimental treatment on present or future status of the staff or student. It also includes use of filthy language (unwelcome verbal advances, sexual oriented comments, request for sexual favours, jokes of a sexual nature, offensive flirtation or obscene expressions of sexual interest that are addressed directly to the person), visual material of sexual nature (sexually suggestive pictures, objects or written materials or sexually suggestive gestures) and showing physical behavior of sexual nature (unwanted and unwelcome touching, patting, pinching or any other unsolicited physical contact). All these have a detrimental effect on worker's employment, job performance and job satisfaction.

Sexual Harassment Regulations 2012 prescribes that those who contravene the sexual harassment related provisions commit an offence. (Source: 128(3) of the Penal Code Act; 7 of the Employment Act 2006; 19 of the Employment (Sexual Harassment) Regulations 2012)

The sexual harassment Policy supports the ambitions of the university, to be undertaken to enable the achievement of these goals. This policy cannot be implemented in isolation: areas of interaction with other aspects of the institutional strategy, for example the strategic plan, gender policy, and plans for central services and administration will be apparent.

This policy also describes the procedure through which a staff or student may bring the complaints of sexual harassment to the attention of the responsible human resource officer. The officer shall keep confidential all the information related to the complainant except where disclosure is necessary for the purpose of investigation or taking disciplinary measures. Each worker should be well aware of the provisions of the policy statement.

Valley University is committed to providing an environment where all may pursue their studies, careers, duties and activities free from discrimination on any ground and from harassment at work including sexual harassment. VUST will operate a zero-tolerance policy for any form of sexual harassment in the work place and learning environment, treat all incidents seriously and promptly and investigate all allegations of sexual harassment. This policy applies to all levels within VUST structures that include students, faculty and staff as well as others who participate in VUST Programmes and activities both on and off campus.

2. RATIONALE

The overall aim of the sexual harassment Policy is to create and strengthen awareness about sexuality, and sexual harassment practices that the university needs to be aware of and take keen interest in putting measures that guard against such bad practices which affect staff and student wellbeing while in the University.

3. POLICY OBJECTIVES

1. To create an enabling, harmonious, environment for staff and students in the university.
2. To establish a mechanism for implanting the policy
3. To influence the behaviour of students and staff of the University to take responsibility for prevention of Sexual harassment.
4. To sensitise staff and students on the unacceptable and punishable nature of this vice that compromises social responsibility.
5. To establish an anti-sexual harassment committee to handle complaints of this behaviour.
6. To integrate sexual harassment content into the organisation's core trainings, including staff and student orientation programmes so as to educate and raise awareness at all levels on how to recognise, prevent, and respond to sexual harassment.
7. To make the policy accessible to students and employees and create awareness of the complaints procedure.
8. To put in place a system for redress in cases of breach of sections of this policy.

4. SCOPE OF THE SEXUAL HARASSMENT POLICY

This policy applies to all applicants for employment, to all applicants for admission to University programs, and to all officers and employees of the University, all students, all persons who serve the University as its agents and are under the control of the University, and to all individuals who teach, conduct business or participate in activities at the University.

5. POLICY STATEMENT - CONTEXT OF SEXUAL HARASSMENT

5.1. A student harassed by a staff/faculty

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development.

Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, or directly supervising a student, a sexual relationship between them is inappropriate and must be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning

environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sexual harassment and sex discrimination.

Therefore, teachers must avoid sexual relationships with students over whom they have or might reasonably expect to have direct pedagogical or supervisory responsibilities, regardless of whether the relationship is consensual. Conversely, teachers must not directly supervise any student with whom they have a sexual relationship.

Students are particularly vulnerable to the unequal institutional power inherent in the teacher-student relationship and the potential for coercion, because of their age and relative lack of maturity. Therefore, no teacher shall have a sexual or amorous relationship with any student, regardless of whether the teacher currently exercises or expects to have any pedagogical or supervisory responsibilities over that student.

Additionally, this policy applies to members of the Valley University community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, as well as others who advise, mentor, or evaluate students.

Policy statement

1. Relations between staff and students are not allowed and acceptable. This applies to staff and students in same or different departments.
2. Cases of marriage between students and staff whether same or different departments are not allowed.
3. If however, there is consent between the two parties (student and staff or between staff), such consent must be brought to the attention of the administrators.

A student who believes has been sexually harassed by a staff/faculty should follow the following reporting channels; Report the matter to the Dean of Students or Students Counselor or their Faculty Dean. If a Student chooses not to utilise the designated people above, they may bring the matter to the Vice Chancellor.

Teachers or students with questions about this policy are advised to consult with the University Vice Chancellor, the appropriate dean, the head of department, the Chaplain, or one of their designees. Students or other members of the community may lodge a formal or informal complaint regarding an alleged violation of this policy with the Chairperson of the University Council in cases where senior officers of the university such as Vice Chancellor, his deputies are involved.

Violations of the above policies by a teacher will normally lead to disciplinary action. For purposes of this policy, “direct supervision” includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required

research or other academic activities, serving in such a capacity as Academic Registrar or Deans of Faculty, and recommending in an institutional capacity for admissions, employment, or awards.

5.2. Students harassed by fellow University Students

Any form of sexual harassment is not permitted

Policy statement

1. Relations between students are not allowed and acceptable. This applies to students in same or different departments.
2. Cases of marriage between students whether same or different departments are not allowed.
3. If however, there is marriage consent between the two parties (student and staff or between staff), such consent must be brought to the attention of the administrators.

If a student believes he/she has been a victim of sexual harassment by another student the student should lodge a complaint with the Dean of Students. If the students believe the complaint has not received due consideration the matter shall be forwarded to the Vice Chancellor.

5.3. Harassment by a fellow staff

Staff are expected to avoid romantic or sexual relationships with employees and trainees for whom they have or might reasonably expect to have supervisory or reporting responsibilities.

Policy statement

1. Relations between staff and students are not allowed and acceptable. This applies to all staff whether in same or different departments.
2. Under no circumstances can a supervisor directly supervise or evaluate any employee or trainee with whom they have or have had a romantic or sexual relationship. If such a relationship exists or develops, the supervisor and employee must promptly disclose it to the Head of Human Resources. In such cases, Arrangements, which may include reassignment or relocation, will be made to address any issue of conflict of interest. Any decision affecting any aspect of employment (for example, transfer, promotion, salary, termination) must be made by disinterested and qualified supervisory personnel.
3. Cases of marriage between staff whether same or different departments are allowed. In such cases, the consent between the two parties must be brought to the attention of the administrators.

A staff who believes they are being harassed by a fellow staff should report the matter to their Immediate Supervisor, Head of Department to which the staff belongs, the Human Resource Office or appointed University Counselor. If their Immediate Supervisor or Head of department is the alleged harasser the matter should be lodged with the Human Resource Office.

5.4. University Staff or students harassed by visitors or suppliers

A staff or student who believes that in the course of their study or employment at the University, they have been harassed by someone other than staff or student may contact the Dean of Students or the Human Resource Office. These may include but not limited to; visitors and suppliers (Security, Catering, interns, supervisors of students on internship placement etc.)

5.5 Sexual harassment by females on male colleagues

This policy shall also deal with;

- a) Cases of sexual harassment by female students on male students
- b) Cases of sexual harassment by female students on their teachers, faculty/staff members;
- c) Cases of sexual harassment by female faculty/staff members on their male colleagues.

The grievance handling procedures as stated in this policy shall apply to this particular section as well.

6. IMPLEMENTATION OF SEXUAL HARASSMENT POLICY

Valley University of Science and Technology is committed to maintaining and strengthening educational, working, and living environments founded on mutual respect in which students, faculty, and staff are connected by strong bonds of intellectual dependence and trust. Therefore, Valley University of Science and Technology prohibits all forms of sexual misconduct. Valley University aims to eradicate sexual misconduct through education, training, clear definitions and policies, and serious consequences for policy violations. The Vice Chancellor has the responsibility for ensuring compliance with policies regarding sexual misconduct.

These policies apply to all members of the Valley University community as well as third parties (i.e., individuals who are not students, faculty, or staff, including but not limited to guests and consultants) directed toward University students, faculty, or staff members. Conduct that occurs in the process of application for admission to a program or selection for employment is covered by these policies. These policies also apply to conduct that occurs in Valley University-related off-campus activities.

Effective implementation of the Policy will be achieved through a University-Wide Committee on Sexual Misconduct.

Any cases of Sexual Harassment shall be reported to the individuals mentioned above, who shall then forward the complaint to the University-Wide Committee on Sexual Misconduct for investigation, hearing and recommendation of a disciplinary action.

Violations of this policy will normally lead to disciplinary action, up to and including termination.

Individuals with questions about this policy or staff concerned about a romantic or sexual relationship in violation of this policy are encouraged to speak with their supervisor, Human Resources Officer, or Vice Chancellor.

6.1 Policy Enforcement

1. This policy applies to all members of the University (faculty, staff, and students) as well as to third parties such as vendors, contractors and visitors.
2. All reports of conduct that contravene this policy shall be promptly and thoroughly investigated. Complaints about violations will be handled diligently and discreetly with fairness and facts availed to those who need to know in order to investigate and resolve the matter.
3. All complaints of sexual harassment shall be treated with confidentiality to a practical extent and all designated people responsible for handling complaints will respect their privacy.
4. The University will adopt and implement this policy to prevent incidents of sexual harassment.
5. A committee shall be established to handle complaints of sexual harassment.
6. Content on sexual harassment shall be integrated into the organisation's core trainings, including staff and student orientation programmes to create awareness.
7. The policy shall be made accessible to students and employees in order to create awareness through notice boards, emails and the University website.
8. The University will nominate counsellors who will be given special training to enable and assist victims of sexual harassment. The University recognises that because sexual harassment often occurs in unequal relationships victims often feel threatened to lodge the complaint and therefore need support.
9. All complaints should be reported within one month of the incident taking place.
10. Charges found to have been intentionally framed and dishonest shall be punishable.
11. To avoid and minimise malicious allegations anonymous complaints will be disregarded.

6.2 Handling and Reporting Complaints

Anyone who is subject to sexual harassment should where possible inform the alleged harasser that the conduct is unwanted and unwelcome. The University will ensure to support victims with counselling either by the University Counselor or internal resource persons will be nominated, trained and equipped to support sexual harassment victims. Sexual harassment complaints may be handled formally or informally. The following should be adhered to when a designated person receives a complaint be it from a staff or student;

- Immediately record the dates, times and facts of the incident.
- Ascertain the views of the victim as to what outcomes he /she wants.
- Ensure that the victim understands the company's procedure for dealing with the complaint.
- Discuss and agree the next steps either handle the matter formally or informally on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if the victim is not satisfied with the outcome.
- Keep a confidential record of all discussions.

6.3 Informal Complaints mechanism

An informal complaint is when a complaint is made to any academic staff, administrative staff or student's leader. It is made in those cases where the victim wishes for action to be done such as warn the harasser but is not ready to lodge a formal complaint. If a complaint has been lodged to a student leader, academic or administrative staff the matter shall be forwarded to the Human Resource Officer or the Vice Chancellor

The designated person will;

- Inform the harasser of the complaint lodged against him/her.
- Give an opportunity to the alleged harasser to respond to the complaint.
- Ensure that the alleged harasser understands the complaints mechanism.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant.
- Ensure that a confidential record is kept of what happens.
- Follow up after the complaints mechanism to ensure that the behaviour has stopped.
- Ensure that the above is done speedily and with 10 working days of the complaint being made.
- An informal complaint remains on record and may be used in future as evidence of repeated unwanted conduct should the need arise.

6.4 Formal Complaints mechanism

A formal complaint is when a member of the University community who believes he/she has been subjected to sexual harassment can lodge a written and signed complaint. The University shall constitute a Sexual harassment committee for purposes of handling formal complaints. Members to this committee shall be people of high integrity and will be appointed on a two-year term renewable once.

The committee shall comprise the following;

- Dean of Students
- Human Resource Office
- Two additional members (One from the Senior Management Team and another from Academic Leadership)

The Committee will initiate an official investigation into the complaint in situations it deems require formal resolution.

6.4.1. Guidelines for Documenting Sexual Harassment Complaints

The written account should include the following;

- Date
- Time and place of each incident
- The conduct and words involved in the incident
- The Victim's response
- The names of any witnesses

6.4.2. Guidelines for Investigation and hearing of complaints

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

- Any person investigating the alleged sexual harassment shall not be connected to the allegation.
- In the event they bear any connection he/she should be excluded from the investigation.
- A complaint should be lodged within 30 days of the last occurrence of a sexual harassment incident.
- The committee shall summon the respondent who shall respond within 5 working from the date of being served except in exceptional circumstances.
- In case a responded has been summoned and fails to respond; If it is a student, the matter will be referred to the Students disciplinary committee. If it is a staff, the matter will be handled in accordance with the provisions of the Human Resource Manual. If it is a visitor or external contractor the matter shall be reported to police.
- A complaint shall be investigated and disposed of within three months after lodging of the complaint except in special circumstances.
- A complainant or respondent has the right and free will to be accompanied by a person of their choice to any hearing of the complaint for purposes of providing moral support but may not respond.

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

6.5 Penalties

A person found guilty of sexual harassment shall depending on the gravity of the of the offence be liable to any or a combination of the following;

- Written warning
- Make a public apology to the aggrieved party
- Suspension
- Dismissal
- Demotion
- Transfer

All the above shall be handled in line with the Disciplinary Policy as set out in the Human Resources Manual for staff and in line with the University Student rules and regulations or student handbook for the case of students.

6.6 Right to appeal

A person aggrieved of the decision shall within 14 days of the decision appeal to the Vice Chancellor.

6.7 Responsibility

The following have responsibility to this procedure;

- Vice Chancellor
- Human Resource Officer

6.8 The Committee on Sexual Misconduct

The Committee on Sexual Misconduct will be appointed by the Vice Chancellor and will consist of; Representatives from the functional divisions of the university.

The mandate of the Committee on Sexual Misconduct is to:

- To conduct short training courses that will enhance the understanding of Sexual Misconduct.
- To engage in advocacy in Sexual Misconduct related issues through public lecturers, short courses, seminars, workshops and mass media
- To conduct research in Sexual Misconduct related issues within the university and advise the university accordingly for better service delivery

6.8.1 Terms of reference for the Committee on Sexual Misconduct

1. To facilitate effective interpretation and implementation of the Sexual Harassment Policy.
2. To initiate programmes intended to fight Sexual Harassment.
3. To lobby for laws, policies, regulations and programmes that are intended to fight Sexual Harassment.
4. To promote public relations, communication and rapid response to emerging issues pertaining to Sexual Harassment.
5. To support Sexual Harassment sensitization programmes at all levels of the university and society at large.
6. To strengthen organizational / institutional capacity of groups and associations to fight in the university
7. Mobilizing resources to support Sexual Harassment programmes / activities within the university
8. Advising the university on Sexual Harassment.
9. Developing monitoring, and evaluation systems.
10. Undertaking monitoring and evaluation of Sexual Harassment programmes in the university.

7. CONFIDENTIALITY

Information generated in the course of informal reviews and formal investigations necessary to enforcing this policy will be given the full extent of confidentiality accorded by law to employee personnel records and student educational records. Any person who, without authorization, reveals such information will be subject to disciplinary action. The sharing of the content of complaints will be on a “need to know” basis, as determined in consultation with the human resource officer, and may depend on the type of review and response required by the complaint. In any case, when a complaint is being mediated or investigated, the person accused will be informed of the specific details of the complaint, as well as the prohibition against retaliation.

8. FINANCIAL IMPLICATIONS

Implementation of the policy will require some actions that may involve changing existing procedures, while others will require financial support that would come from reallocating existing budgets or increasing them.

In light of the above, the University Council pronounced itself, not to approve any policy that exerts extra financial burden to the university, until a time when it will be deemed necessary. By implication, all policies are to utilize the existing services, facilities and human resources.

9. MONITORING AND EVALUATION

Monitoring will be cardinal to the effective and efficient implementation of this Sexual Harassment Policy. This entails the collection, analysis and use of the data and information to determine the progress of implementation. Additionally, periodic evaluation of programme processes with a view to using the findings for programme improvement and planning, and impact assessment will be an integral part of the design, development and implementation of the Policy. Consequently, monitoring and evaluation mechanisms will be instituted. Activities in this area will include identification of Sexual Harassment indicators and targets, training of implementing personnel on monitoring and evaluation concepts and procedures, conducting the monitoring and evaluation, and using the findings for planning interventions.

The Vice Chancellor shall put in place mechanisms to monitor complaints for purposes of ensuring that the vice is managed.

10. REVIEW OF POLICY

This Sexual Harassment Policy will be reviewed every (3) three years to take into account emerging issues and trends. It shall be the responsibility of the Human Resource Officer to review this procedure as appropriate and avail the same for approval to the responsible authorities.

NOTE: Any part or whole of this policy that violates the National laws is null and void. National Laws take precedence.