

MAKERERE



UNIVERSITY

**REPORT ON THE INVESTIGATION OF
SEXUAL HARASSMENT AT MAKERERE UNIVERSITY**

June 2018





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ACRONYMS

ARD	Academic Registrar's Department
CAES	College of Agriculture and Environmental Sciences
CEDAT	College of Engineering, Design, Art and Technology
CEES	College of Education and External Studies
CHS	College of Health Sciences
CHUSS	College of Humanities and Social Sciences
COBAMS	College of Business and Management Sciences
COCIS	College of Computing and Information Science
CONAS	College of Natural Sciences
COVAB	College of Veterinary Medicine, Animal Resources and Biosecurity
DHR	Directorate of Human Resources
DICTS	Directorate of ICT Support
DOS	Dean of Students
DLA	Directorate of Legal Affairs
DVC (AA)	Deputy Vice-Chancellor (Academic Affairs)
DVC (F&A)	Deputy Vice-Chancellor (Finance and Administration)
EWD	Estates and Works Department
GMD	Gender Mainstreaming Directorate
KAPS	Kenya Airport Parking Services
MASA	Makerere Administrative Staff Association
MUASA	Makerere University Academic Staff Association
NUEI	National Union of Educational Institutions
SOL	School of Law
SOWGS	School of Women and Gender Studies
UC	University Council
UCGC	University Counselling and Guiding Centre
VCO	Vice-Chancellor's Office

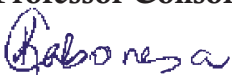


SIGNATORIES TO THIS REPORT


1. **Professor Sylvia Tamale** (Committee Chairperson)

Sign: 
Date: 08/06/2018

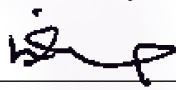
2. **Associate Professor Consolata Kabonesa** (Committee Member)

Sign: 
Date: 8th June 2018


3. **Associate Professor Christopher Mbazira** (Committee Member)

Sign: 
Date: 8th 06/2018

4. **Associate Professor Betty Ezati** (Committee Member)

Sign: 
Date: 8th JUNE 2018

5. **Associate Professor Aaron Mushengyezi** (Committee Member)

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Date: 08/06/2018





EXECUTIVE SUMMARY

1. This report presents the findings and recommendations of the Committee that was appointed by the Vice-Chancellor on 2nd March, 2018 to investigate sexual harassment at Makerere University. The Committee's terms of reference were threefold: to investigate the causes of increasing cases of sexual harassment at the university; to review the Makerere University *Policy and Regulations Against Sexual Harassment* and make recommendations for its improvement; and to receive submissions on sexual harassment at Makerere University.
2. In its methodology, the Committee used a qualitative approach to collect and analyse evidence from various stakeholders. It interviewed participants from the ten Colleges and the main administrative units of the University. It employed purposive random sampling to ensure that respondents represented all cadres of employees and students in each College, that is, Principals, Deans, academic and administrative staff, students and support staff. A total of 234 interviews were conducted with members of the university community using open-ended questions, focusing on the terms of reference. Since existing studies show that women bear the brunt of sexual harassment, the Committee deliberately interviewed more women than men – women comprised 59 per cent of the total respondents. The Committee also invited members of the University community to present any information related to the terms of reference. It held a Press Conference to invite members of the public to make submissions related to issues of sexual harassment at the university. The Committee further analysed the bulk of discussions on the topic, which it collected from the Academic Staff Email Listserv as well as the MUASA WhatsApp Group. It also carried out desk and Internet research to document relevant secondary data on the subject and organised a public validation meeting to present and discuss the draft report with members of the university community and other stakeholders from outside the university. The Committee qualitatively analysed the findings by drawing patterns and themes from the data collected.
3. The Committee established several factors that respondents perceived to be the major causes of sexual harassment at Makerere University. These include abuse of power by those holding academic and administrative authority. There was a broad consensus among respondents that power relations lay at the heart of sexual harassment. They argued that abuse stemmed from inequalities in power and from the exploitation of such power in gender relations, lecturer-student relationships, boss-employee relationships, and socio-economic status. The Committee also noted that the university environment is generally attuned to a patriarchal culture which stereotypes females as sexual objects and there is a campus "fraternity" culture, all of which shape attitudes that contribute to inappropriate sexual behaviour.
4. Other highlighted factors hinge on the campus environment. The physical infrastructure and organizational environment at Makerere University is highly conducive to serial sexual harassment. Most buildings do not have 24-hour security or surveillance cameras. Although street lighting has improved tremendously, there are still several dark spots along some walkways. In addition, respondents cited the climate of impunity in which sexual harassment and abuse takes place at the university. Staff members and students know many of the notorious perpetrators but the culprits are rarely held to account because of peers who cover up for their

colleagues, or due to the fear of lawsuits. There is also fear of retribution, avoidance of jeopardizing job/academic careers, as well as shame and stigma associated with speaking out.

5. Respondents also reported alcohol and drug abuse as fueling acts of sexual abuse especially in halls of residence. When female students engage in excessive alcohol and drug abuse they too become vulnerable to sexual assault and other forms of abuse. Several cases of student-to-student sexual harassment and assaults reported by the respondents were attributed to abuse of alcohol and drugs. Many participants equally blamed women's dressing style for the increasing cases of sexual harassment. However, the Committee did not find a causal relationship between dressing and sexual harassment nor did it recommend the imposition of a university dress code. Research studies show that socially-sanctioned dress codes have a controlling effect over human beings, violate individual liberties and they are an ineffective means by which to combat sexual harassment.
6. Lack of awareness was another causal factor that respondents linked to sexual harassment. Many students, academic, administrative and support staff did not know about the *University Policy and Regulations Against Sexual Harassment* and few have read it. Hence, they lack information on the preventive, educational actions and punitive vigilance that contributes to the number of cases of sexual harassment on campus.
7. Poor academic monitoring and mentoring systems coupled with long bureaucratic processes required by the various university entities also provide fertile ground for perpetrators to exploit, harass and cause harm to others. Students were generally concerned about the problem of "missing marks" that is common in some university units. While the Committee acknowledged that sometimes results are omitted due to genuine errors and honest oversight, it noted that oftentimes some examiners deliberately omit students' results from the class list in order to get them into their offices and exploit them.
8. In its findings, the Committee found gaps and weaknesses in the existing policy. Since the policy was passed twelve years ago, Makerere University has been transformed by the collegiate system, which means that the very conceptual framework on which the policy was based is no longer operative. Such deficiencies and gaps need to be corrected in order to strengthen the provisions of the policy and to improve its efficacy. The report contains comprehensive recommendations in this regard in sub-sections 5.1 and 5.2.
9. The report also cites specific cases of sexual harassment that have been reported in different colleges and other administrative units at the university. However, few respondents were willing to discuss specific cases beyond those with names of perpetrators blacked-out and those notoriously reported in the local media. The Committee notes that this culture of silence contributes to the cover-ups that have pervaded the University for decades.
10. The Committee recommends several issues that need to be reviewed in the existing policy in order to make it more effective. It also recommends expedited investigation and disposal of existing as well as new cases that may emerge. It further outlines short term and strategic actions that the university needs to take to maintain a positive working and learning environment; strengthening counselling services and allocating adequate resources for prevention, management and rehabilitation of survivors of sexual harassment; and awareness-raising and training of the university community about sexual harassment and professional conduct.



Such training should, inter alia, take the form of a standardized online training module for all students and staff. In addition to the online training module, regular refresher workshops should be conducted for university stakeholders to review the key issues in the policy. The university also needs to create awareness to all its service providers, including internship partners and supervisors.

11. The report further outlines academic and administrative policy changes that need to be made to weed out loopholes that are exploited by perpetrators of sexual harassment. These include developing a fair and transparent system of examination assessment including well-defined evaluative criteria and a meaningful system of feedback; addressing various complaints related to examination results to eliminate face-to-face contacts between complaining students and relevant examiners; and discouraging consensual romantic relationships between staff and students. Above all, and in line with the *Constitution of the Republic of Uganda* and the *University Gender Equality Policy*, the university should adopt an affirmative action policy programme in order to close the gender gap in its administrative and academic activities as these aggravate unequal power relations at the university.
12. The university also needs to improve on its physical infrastructure and amenities including safety and security in public places as they provide a breeding ground for the vice. The Committee recommends serious enforcement of the 2009 *University Gender Equality Policy* in order to build a safe and positive environment. The university should secure, control and guard its perimeter and all entry points controlled and guarded. It should also introduce a night escort service on campus to curb sexual assaults.
13. In conclusion, the report urges the university management to do everything within its powers to eradicate the vice of sexual harassment which deprives its victims of their human rights, including the right to dignity and to be free from inhuman and degrading treatment. To stamp out the vice, the university needs to understand its root causes, such as the structural, systemic and contextual issues; unequal gender-power relations; and a campus climate that generally protects perpetrators and promotes impunity.



TABLE 1

Action Table Summarizing Recommendations and Timelines

S/N	Recommendation	Responsible Office(r)	Timeline
Short-Term			
1.	Resolution of all outstanding sexual harassment cases	<input type="checkbox"/> Special VC Committee <input type="checkbox"/> GMD	Immediate action
2.	Install sexual harassment and assaults hotlines	<input type="checkbox"/> DVC (F&A)	Immediate action
3.	Conduct regular workshops to raise awareness and empower students and staff	<input type="checkbox"/> GMD	Immediate action
4.	Develop systems to address examination-related complaints in academic units and the Academic Registrar's Department	<input type="checkbox"/> DVC (AA) <input type="checkbox"/> ARD <input type="checkbox"/> Senate	By January 31, 2019
5.	Enforce Resolution 7.2 of the University <i>Gender Equality Policy</i> and tighten physical infrastructure safety and especially lighting on campus. Introduce night escort service.	<input type="checkbox"/> UC <input type="checkbox"/> GMD <input type="checkbox"/> DOS <input type="checkbox"/> Police	By January 31, 2019
6.	Recommend to government to amend and incorporate sexual harassment in the Education (Pre-Primary, Primary and Post-Primary) Act of 2008 as well as the Universities and Other Tertiary Institutions (Amendment) Act of 2006 and to amend the Employment Act of 2006.	<input type="checkbox"/> University Council <input type="checkbox"/> GMD	By January 31, 2019
Medium-Term			
1.	Policy on sexual harassment Reviewed and printed	<input type="checkbox"/> GMD <input type="checkbox"/> DLA	By May 31, 2019
2.	Develop a sexual harassment online training module	<input type="checkbox"/> GMD <input type="checkbox"/> COCIS <input type="checkbox"/> SOL <input type="checkbox"/> SOWGS	By May 31, 2019
3.	Review university record-keeping systems	<input type="checkbox"/> DVC (AA) <input type="checkbox"/> AR <input type="checkbox"/> DHR <input type="checkbox"/> DICTS	By May 31, 2019
4.	Appoint VC's Anti-Sexual Harassment Committee of 100 members in roster	<input type="checkbox"/> VC	By May 31, 2019
5.	Install CCTV cameras in strategic places	<input type="checkbox"/> University Council	By May 31, 2019
6.	Secure campus perimeter and all entry points Develop card access system to buildings	<input type="checkbox"/> UC <input type="checkbox"/> GMD	By May 31, 2019
Long-Term			
1.	Address the skewed gender make-up of the administrative and academic staffing at the university	<input type="checkbox"/> University Council	Next respective elections or nominations

1.0 INTRODUCTION

1.1 Background

The problem of sexual harassment is part and parcel of the phenomenon of sex-based discrimination which is endemic in all societies around the world. Sexual harassment and sexual assaults are manifestations of gender-based violence and the abuse of power.¹ The findings of the gender terrain baseline study undertaken by the Makerere University Gender Mainstreaming Division in 2004 were in line with other global studies that reveal that the majority of victims of sexual harassment are women while the majority of perpetrators are men.² This is hardly surprising given that in both the work places and institutions of learning the power imbalance is gendered with men holding most positions of power. Such a fact does not discount sexual harassment of men by women, but it merely reflects the situation that fewer women occupy positions of power. Moreover, power manifests in various complex ways when structural authority interlocks with other dynamics such as age, class, marital status, race or ethnicity to fuel abuse. As the commonest abuse of power, sexual harassment exists in all work places and educational institutions.

Makerere University has been in the media spotlight for cases of sexual harassment and sexual assaults in the past few months. The focus on Makerere is explicable because it is the oldest and most prestigious institution of higher learning in the country. At the same time, such reports point to a pervasive and serious problem that the university needs to address, but it by no means connotes that Makerere is an isolated case. Moreover, the focus is being turned on the university even though a policy against sexual harassment has been in place since 2006, demonstrating that the problem is much larger than the drafting of guidelines to address it. It is against the above background that the Vice-Chancellor, Professor Barnabas Nawangwe, appointed a five-member Committee on 2nd March, 2018 to investigate the vice of sexual harassment at Makerere University. The Committee which was chaired by Professor Sylvia Tamale comprised of the following members:

- 1) Professor Sylvia Tamale – Former Dean, School of Law.
- 2) Associate Professor Consolata Kabonesa – Former Dean, School of Women and Gender Studies.
- 3) Associate Professor Christopher Mbazira – Ag. Principal, School of Law.
- 4) Associate Professor Betty Ezati – Dean, School of Education.
- 5) Associate Professor Aaron Mushengyezi – Dean, School of Languages, Literature and Communication.

The following members of the Gender Mainstreaming Directorate (GMD) provided the secretarial support for the Committee:

- 1) Dr. Euzobia Mugisha Baine – Ag. Director, GMD.
- 2) Ms. Frances Nyachwo – Deputy Director, GMD.

1 The Makerere University *Policy and Regulations Against Sexual Harassment* defines the term “sexual harassment” as “unwelcome sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature.” It makes a distinction between *quid pro quo* harassment and hostile environment harassment. (See Clause 2.1).

2 See, for example, Africa Rights, *Crimes Without Punishment: Sexual Harassment and Violence Against Female Students in Schools and Universities in Africa* (African Rights Discussion Paper No.4, London, 1994); Carla Sutherland, “Sexual Harassment: A Darker Side to Campus Life” *Agenda* 11 (1991) 7-10; Rachel Osborne, “Sexual Harassment in Universities: A Critical View of the Institutional Response,” *Canadian Women Studies* 12(3) (1991): 72-76; Michele Gelfand, Louise Fitzgerald and Fritz Drasgow, “The Structure of Sexual Harassment: A Confirmatory Analysis Across Cultures and Settings,” *Journal of Vocational Behavior* 47 (1995): 164-177.

- 3) Mr. Eric Tumwesigye – Gender Officer, GMD.

1.2 Terms of Reference

The Committee was given two months within which to deliver on the following Terms of Reference:

- (a) To investigate the causes of increasing cases of sexual harassment at the University;
- (b) To review Makerere University Sexual Harassment Policy and Regulations and Make recommendations for its improvement; and
- (c) To receive submissions on Sexual harassment at Makerere University.

1.3 Methodology and Approach

The Committee used a qualitative approach to collect and analyse the evidence received from various stakeholders. In gathering data, the Committee did the following:

- (a) It interviewed participants from the ten Colleges and the main administrative units of the University. Employing purposive random sampling techniques, it ensured that the participants represented all cadres of employees and students in each college; that is, directors, students, academic staff, administrative staff, and support staff. The open-ended interview questions were tied to the three terms of reference. Since existing studies show that women disproportionately bear the brunt of sexual harassment, the Committee deliberately interviewed more women than men for this study – women comprised 59 percent of the total respondents.
- (b) It invited members of the University Community to provide any information related to the terms of reference. The Makerere University Academic Staff Association (MUASA) submitted an official report on the same.
- (c) It held a Press Conference to invite members of the public to make submissions related to the terms of reference.
- (d) It analysed the bulk of discussions on the topic collected from the Academic Staff Email Listserv as well as the MUASA WhatsApp Group.
- (e) It conducted desk and Internet research to document relevant secondary data on the subject.
- (f) It organised a validation meeting of the Draft Report with members of the university community as well as stakeholders from outside the university.³

A total of 234 interviews were conducted with members of the university community (See Appendix A for the breakdown). The Committee qualitatively analysed the findings by establishing meaningful patterns and themes from the data collected.

1.4 Limitations of the Study

Due to constraints of time and budget, the Committee did not consult members of the university community located outside the main campus. However, there was a clear pattern in the findings across all the units that the Committee believes it captured most of the key issues related to sexual harassment and assaults at Makerere University.

³ These included representatives from civil society organizations, United Nations agencies, other universities, the media, Government Ministries, Parliament, and political leaders around the environs of Makerere University.



The response from members of the public was quite poor. This might have been due to the limited time and the fact that it was not possible to establish a telephone hot-line as initially planned due to the nationwide suspension of registering new SIM cards by the Uganda Communications Commission (UCC) which was working on synchronizing the mobile phone service providers' records with those of the National Identification and Registration Authority (NIRA).



2.0 PERCEIVED CAUSES OF SEXUAL HARASSMENT

The Committee established several factors that respondents perceived to be the major causes of sexual harassment and abuse at Makerere University. These are discussed below.

2.1 Campus Environment

The findings revealed a climate of impunity in which sexual harassment and abuse takes place at the University. Staff and students know the notorious perpetrators; stories do the rounds in hushed whispers but rarely are the perpetrators held to account. In some cases, perpetrators are indeed reported, however the relevant units rarely take the appropriate investigative action. This is particularly true for academic “stars” who attract huge financial grants into the university, or who are respected by their peers and students. The fear of law suits is another reason why many cases are not tried and concluded.

The culture of impunity that surrounds sexual harassment and rape at the university thus allows for the vice to thrive. Such impunity was demonstrated by the fact that while this Committee was conducting its investigations, a fresh case arose, with an allegation involving an individual from the Academic Registrar’s Department. Investigations into this case were ongoing at the time of writing this report. Over the years, several known perpetrators of sexual harassment and assaults at Makerere have got away unpunished and continue with employment at the university. Persistent incidents of sexual abuse are routinely swept under the rugs.

In addition, there is a deeply unchecked “fraternity” culture among male students, which produces, reinforces and poisons the campus environment with sexist vulgarities and profanities. Such culture emboldens the perpetrators to act with impunity, engendering a culture of silence that allows the abuse to continue unabated. When victims sense that perpetrators do not face serious consequences, they do not bother to report other cases, thus unwittingly protecting the predators.

Additionally, the physical infrastructure and organizational environment at Makerere University is highly conducive to serial sexual harassment. Most buildings on campus do not have 24-hour security or surveillance cameras. Although street lighting on campus has improved tremendously, there are still several dark spots along walkways. For example, part of Mary Stuart Road between CEDAT and Lumumba Hall has no functioning lights and West Road is totally dark. The university boundaries are extremely porous and all types of people enter campus unchecked. The majority of students stay off campus and many live in hostels outside the main campus. The university does not provide any security for such students, such as a night-time escort service, leaving them vulnerable to sexual assaults. Although there is a police station on the main campus, there is no regular security patrol on the campus grounds. A safe and secure environment on campus would go a long way in reducing incidents of sexual harassment and abuse.

Apart from the Policy and Guidelines Against Sexual Harassment, Makerere University has several other policies, including the *Gender Equality Policy*, the *Professional Integrity and Standards Policy* and the *Human Resources Policy*. However, these policies are not effectively implemented. The general university failure to enforce policies has generated a culture of impunity and a belief that the bark of the policies will never be accompanied by a serious bite.



2.2 Abuse of Power

Respondents agreed that inequalities in power and the exploitation of such power lay at the heart of sexual harassment at Makerere University. Power inequalities are occasioned by gender, lecturer/student relationships, boss/employee relationships and socio-economic status. It was clear in the findings that the majority of the victims of sexual harassment and abuse are female. Table 2 shows the university demographics of the leadership cadre. Not only are the majority of people holding administrative and managerial authority men, but also the majority of academic staff are male. It means that most of the female employees and students depend on men's authority for the recruitment, retention and advancement of their professional and academic careers. The data clearly shows an overrepresentation of males in positions of authority with females gravitating towards the bottom rungs of the authority ladder. In the academic year 2016/2017 Makerere University had a student population of 39,546 comprising 56 percent males and 44 percent females.⁴

It was also noted that the university is generally attuned to the patriarchal culture that stereotypes female bodies as sexual objects as well as a sexist mindset that portrays women as “available” for men's sexual gratification. Male students demonstrate one element of this culture by publicly chanting graphic sexist derogatory songs on campus or taunt and ridicule female students. Combined, these attitudes largely contribute to inappropriate sexual behaviour.

While sexual harassment against women is more prevalent, the study indicated that men, too, are negatively affected by the vice. Some women also put male subordinates and counterparts on pressure for sexual favours. However, like the taboo issue of males experiencing domestic violence in silence, most male victims of sexual harassment suffer silently because of the stigma and stereotypes that men cannot be sexually harassed. For example, one male respondent told the Committee that when he had just joined university service as a young lecturer, a female colleague pestered him for a sexual relationship for two years. It made him extremely uncomfortable but he chose to keep quiet about it because of “the shame and utter fear of not being taken seriously.” Under the university *Policy and Regulations Against Sexual Harassment* persistent, unsolicited flirting and advances qualify as “unreasonably interfering with an individual's work” and they create a “hostile or offensive working environment.”⁵

⁴ See Directorate of Quality Assurance, *Self-Assessment Report* (Kampala: Makerere University, 2017).

⁵ See Clause 2 (1) (c) of the Makerere University *Policy and Regulations Against Sexual Harassment*.

TABLE 2

Makerere University Gender-Segregated Leadership Profile as of May 2018

Cadre	Males	Females	Total	Percentage of Females
CENTRAL MANAGEMENT				
Vice-Chancellor	1	0	1	0%
Deputy Vice-Chancellor (Academics)	1	0	1	0%
Deputy Vice-Chancellor (Finance & Administration)	1	0	1	0%
University Secretary	1	0	1	0%
Director of Human Resources	1	0	1	0%
Academic Registrar	1	0	1	0%
University Librarian	0	1	1	100%
University Bursar	1	0	1	0%
Dean of Students	1	0	1	0%
Director, Planning & Development	0	1	1	100%
Director, Quality Assurance	1	0	1	0%
Director, Legal Affairs	1	0	1	0%
Director, Internal Audit	1	0	1	0%
Director, Estates & Works	0	1	1	100%
Director, Research & Graduate Training	1	0	1	0%
Director ICT Support	1	0	1	0%
ACADEMIC STAFF				
College Principals	10	0	10	0%
College Deputy Principals	6	4	10	40%
Deans	23	6	29	21%
Heads of Departments	76	20	96	21%
Professors	79	8	87	9%
Associate Professors	132	29	161	22%
Senior Lecturers	121	65	186	35%
Lecturers	360	129	489	26%
Assistant Lecturers	388	157	545	29%
STUDENTS' GUILD				
Guild President	1	0	1	0%
Guild Vice-President	0	1	1	100%
Guild Cabinet	18	6	24	25%
Guild Financial Advisor	1	0	1	0%
Guild Legal Advisor	1	0	1	0%
Residential Hall Chairpersons	8	3	11	27%
Guild Representative Council (GRC)	64	23	87	26%

MUASA				
Chairperson	1	0	1	0%
Vice-Chairperson	1	0	1	0%
Executive Committee	16	0	16	0%
MASA				
Chairperson	1	0	1	0%
Vice-Chairperson	1	0	1	0%
Executive Committee	7	4	11	36%
NUEI (MAKERERE CHAPTER)				
Chairperson	1	0	1	0%
Vice-Chairperson	1	0	1	0%
Executive Committee	9	5	14	36%
Overall Totals	1,339	463	1,802	26%

Source: Offices of Human Resources Directorate, Dean of Students and Academic Registrar's Department, Makerere University.

The statistics in Table 2 clearly demonstrate a gross underrepresentation of women in positions of authority at all levels of Makerere University's administrative structure. Men hold a large percentage of leadership positions. Out of 16 members of the central management team of the University, only 2 are women. The entire 16-member executive of MUASA is made up of men. The total representation of women in all these positions of leadership at Makerere is approximately 26 percent. Such a profile not only goes against the national constitution that calls for gender balance and fair representation of marginalised groups, but it also partly explains the rampant extent of sexual harassment at Makerere. The university should address this situation.

2.3 Lack of Awareness

Only a small number of university stakeholders (students, academic staff, administrative staff and support staff) said they knew about the university *Policy and Regulations Against Sexual Harassment*. Even fewer have read its content as this respondent demonstrates:

I have not read the policy but I have heard that there is a policy. I just imagine what it is – something like staff should not harass students or students should not harass students or staff harassing other staff. I think one needs to read it.

Such a lack of awareness is quite surprising given that:

- (1) The policy is available on the university website;
- (2) The policy is explained to freshers as an integral part of their Joining Instructions and is placed on the orientation agenda of some colleges; and

- (3) The Directorate of Gender Mainstreaming is designated with the mandate to disseminate the policy and organise awareness-raising workshops.

The community at Makerere University thus lacks information on the preventive, educational actions and punitive vigilance, which contributes to the number of cases of sexual harassment on campus. First year female students are especially vulnerable in the first few weeks of their stay at Makerere as they orient themselves to campus life. Many are naïve, and have often become soft targets to sexual predators. The university should do much more to enhance the levels of awareness regarding gender relations, sex discrimination, sexual harassment and assaults. Such awareness would empower individuals on issues of prevention, safety, security and ethics.

2.4 Poor Academic Monitoring and Mentoring Systems

The University's bureaucratic systems of storing academic records, student registration and clearance for graduation, submission and retrieval of results, and processing transcripts, also exacerbate abuse of power and harassment of students and alumni. Students who were interviewed raised concerns against the problem of "missing marks" which seems to have become "institutionalized" at the university. While results are omitted due to genuine errors and honest oversight, some male examiners deliberately omit female students' results from the class list in order to get the students into their offices and to exploit them. This is when *quid pro quo* sexual harassment takes place; a process where one's employment or academic advancement is premised upon submission to sexual advances.⁶

Abusers also take advantage of the vulnerability of some poor students, those that are involved in examination malpractices or are performing poorly in their studies. Because most students desperately want to graduate with their peers, some of them engage in sexually-compromising behaviour with predatory staff members.

2.5 Abuse of Alcohol and Drugs

The Committee received reports that in some men's halls of residence female cleaners and cooks do laundry for students for a small fee. An example was cited in Lumumba Hall where some male students who abuse alcohol and drugs sexually assault cleaners when they go to collect clothing for washing. When female students engage in excessive alcohol and drug abuse they also become vulnerable to sexual assault and other forms of abuse. Several cases of student-to-student sexual harassment and assaults reported by the respondents were attributed to predators who viewed inebriated females as targets.

2.6 Women's Dress Styles

Many participants blamed women's dressing style for the increasing cases of sexual harassment, recommending that the university should enforce a strict dress code. Below are some examples of what respondents said:

Women loitering around with their open thighs is not okay... these are devils, little temptresses who harass innocent, defenceless lecturers.... [Male lecturer]

⁶ See Clause 2 (1) (a) and (b) of the Makerere University Policy and Regulations Against Sexual Harassment.



I have one seductress in this hospital. She will do everything to put the men in compromising situations and thereafter she will overturn the tables to her benefit. [Female Doctor at the University Hospital]

Indecent dressing should not be encouraged. Parents and teachers have a duty to teach young girls and women to be decent at all times. [Male lecturer]

This madness of women should be put to order otherwise the world is finished! [Male lecturer]

Not until we teach our girl child to see herself as gold which is not like sand (easily excavated) vultures will continue preying on them. [Male lecturer]

This deeply-ingrained complex issue of women's dress from the lens of men as victims has historically been invoked in all societies around the world. The issue is discussed in greater detail under section 2.9 below.

2.7 Fear of Retribution and Jeopardizing Careers

Another reason that undermines the elimination of sexual harassment on campus was attributed to a fear of retribution and avoidance of jeopardizing job and academic careers. It was apparent from the interviews with participants that there is a deep fear of retribution as well as stigma, which stood in the way of curbing sexual harassment. When one's academic or employment advancement depends on a powerful professor or boss, one would think twice before lodging a complaint of sexual harassment against them. Peers also cover up misconduct and protect their colleagues involved in the vice out of embarrassment. One respondent said, "How can you end the livelihood of a man who has a family to look after and a global reputation to protect just like that?" Others fear to draw a negative spotlight on their Department.

Many respondents (including female professors) reported having experienced sexual harassment but availed the information on condition that they do not name the culprits. This fear "protects" perpetrators who, aware of this culture, continue with their abusive conduct unabated. It also points to a loophole in the existing Policy, which calls for "trial-by-peer." This provision makes it difficult to conduct a genuinely impartial and effective process of examination of the allegations.

2.8 Other Causes Mentioned

A few respondents mentioned other causes which they believe contributed to sexual harassment at Makerere University:

- (a) Human nature which drives men to satisfy their sexual fantasies and needs.⁷
- (b) Predator's psychological disorders.
- (c) Male misinterpretation of female friendliness.
- (d) Indiscipline of the predators.
- (e) Social decay and moral degeneration.
- (f) Perpetrator's low self-esteem and victim's lack of self-respect.
- (g) Over-fraternization between super-ordinates and subordinates.
- (h) Challenges experienced by victims in collecting evidence.

⁷ The Committee noted that this popular belief has no scientific basis as not all men are sexually aggressive or abusive.

- (i) Consensual relationships gone sour.
- (j) Students' laziness and poor academic performance.
- (k) Lack of clear and popularized reporting mechanisms.

2.9 Analysis of Some Complex Issues

(a) Female Students' Dress Code

As noted in 2.6 above, the issue of women's clothing featured prominently among the causes of sexual harassment highlighted by male and female stakeholders. The Committee analysed whether there is a causal relationship between what women wear and the phenomenon of sexual harassment. While the Committee unequivocally agreed that there is no causal relationship, nevertheless it considered the issue important enough and discussed it in more detail.

The issue of women's dressing is not new and many studies have been conducted to establish its veracity.⁸ There are historical and social contexts that breed such attitudes and are linked to the wider issue of violence against women.

Some of the questions to ponder include the following:

- (i) Do some women's dress styles invite sexual abuse?
- (ii) Are women who cover their bodies in long dresses sexually abused?
- (iii) Does a woman's "No" count for anything regardless of how she is dressed?
- (iv) Is it possible to separate sexual desire from coercive actions?
- (v) How do we balance "sexual provocation" and women's freedom to dress as they please?
- (vi) Do women who dress "provocatively" buy into their own "objectification"?
- (vii) Does the focus on women's clothing amount to victim-blaming?
- (viii) Would a man be compelled to cover his lips if women found them "sexually provocative"?

In traditional Ugandan societies, men generally exercise social dominance over women and such dominance extends to sexuality; most men feel an unquestioned entitlement to women's bodies. Some men who want to "satisfy" their sexual desires at will use this sense of "entitlement" as an "enabler" for their behaviour. The association of women's bodies with sexuality and shame can be traced to alien traditions and religious values.⁹ Ugandan traditions have evolved to appropriate such values as well. Today, institutions such as the media, religion, education and culture play a big role in depicting women's bodies as sexualized objects that must be covered in order to avoid violation. These institutions do not transmit similar messages about men's bodies or dressing. Hence, society reduces a woman to her body parts and pushes her humanity to the margins. It also places the responsibility to prevent sexual harassment and assaults squarely on a woman. Moreover, Makerere University is a secular university, which would make it difficult to impose a dress code based on religious values.

The study revealed that sexual harassment occurred to women regardless of the length

⁸ See, for example, Theresa Beiner, "Sexy Dressing Revisited: Does Target Dress Play a Part in Sexual Harassment Cases?" *Duke Journal of Gender, Law & Policy* 14 (2007): 125-152; Patricia McFadden, "The cultural complexity of sexual harassment and violence" in *Report: Southern African Tertiary Education Institutions Challenging Sexual Harassment/Sexual Violence*, Gaborone: National Institute for Research Development and Documentation and NETSH (1997); Jane Bennett, Amanda Gouws, Andrietta Kritzing, Mary Homes and Chris Tidimane, "'Gender is Over': Researching the Implementation of Sexual Harassment Policies in Southern African Higher Education," *Feminist Africa* No. 8 (2007): 83-104.

⁹ See Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest* (New York: Routledge, 1995); Sylvia Tamale, "Nudity, Protest and the Law in Uganda," *Feminist Africa* No. 22 (2017): 52-86.



and width of their skirts. Sexual arousal is a phenomenon common to males and females and dress may be one of the many potential practices that titillate the human senses. Nevertheless, issues of arousal and provocation should be distinguished from and never be confused with matters of sexual coercion and abuse. As noted by Pereira:

The state of fear arising from coercion is quite distinct from the potential discomfort of sexual arousal. Moreover, the actions that result in men's sexual arousal are not synonymous with actions that are coercive and abusive of women. A female student who is coerced into trading sexual favours for passing an examination experiences threats to her academic survival that do not apply to anyone experiencing sexual arousal or discomfort when looking at women's bodies or their dress.¹⁰

The fact that the majority of harassers sit in positions of authority over their victims speaks to the real problem here—that is, using women's dressing to justify the abuse of power. The Committee therefore concluded that women's clothing is not the cause of sexual harassment or abuse. The Committee also rejected the imposition of a university dress code for students and staff because research studies show that socially-sanctioned “decency” dress codes have a controlling effect, violate human rights and liberties, and are an ineffective way to combat sexual harassment.¹¹

(b) Consensual Intimate Relations Between Staff and Students

Another controversial issue was whether the policy against sexual harassment should totally prohibit intimate relationships between staff and students. Many respondents felt that in order to avoid conflict of interest, there should be a total bar on such relationships, especially when it comes to grading examinations. The complexity of this issue arises from the layers of social and cultural traditions around gender relations in society. For example, how would the university distinguish the “conflict of interest” issues that arise from an intimate relationship from those that stem from natal or marital relationships, say a lecturer teaching his/her son/niece/sister? What about intimate relationships (including marriages) that precede the student's admission into the university programme? Aren't individuals who are above 18 years old legally free to engage in consensual sexual relations of their choice? Practically speaking, how and who would enforce such a policy?

The Committee agreed that prohibiting such intimate relationships might not curb sexual harassment. However, it noted the risks involved when staff members engage in intimate relationships with students or their subordinates. The asymmetrical relations between the parties make it difficult to determine whether the “consent” on the student's part was genuine or coerced. Moreover, since it is a thin line that separates consent from assault, persons who are in positions of authority can easily find themselves entangled in a complex web of accusations by unscrupulous students or subordinate partners who turn against them with trumped-up charges. Therefore, the policy should clearly spell out the risks involved in such relationships.

10 Charmaine Pereira, “The Politics of Sexual Harassment and Sexual Violence in Nigerian Universities: Overview of the Research Initiative for Women's Studies in Nigeria,” Abuja, Sexual Harassment Action Research Project – Unpublished Report, 2011 at p.6.

11 See Florence Muhanguzi, Jane Bennett and Hosea Muhanguzi, “The Construction and Mediation of Sexuality and Gender Relations: Experiences of Girls and Boys in Secondary Schools in Uganda,” *Feminist Formations* 23(3) (2011): 135-152 and Rituparna Bhattacharyya, “Understanding the spatialities of sexual assault against Indian women in India,” *Gender, Place & Culture: A Journal of Feminist Geography*, 22(9) (2015): 1340-1356.

3.0 GAPS AND WEAKNESSES IN THE EXISTING POLICY

3.1 Conceptual Challenges

- (a) The existing policy has been in existence for twelve years and university units have not fully enforced it. Only the School of Law had a standing Anti-Sexual Harassment Committee in accordance with the policy while other units established *ad hoc* committees as and when a case was reported. Given the inadequate levels of student and staff awareness as seen in 2.3 above, it is hardly surprising that enforcement of the policy was very low.
- (b) Makerere University has been transformed by the collegiate system, which means that the very conceptual framework on which the policy was based is no longer operative. For instance, it refers to Faculties which no longer exist. The University also introduced the university-wide field attachment programme for all students which has additional implications on the scope of the problem. Therefore, the university should overhaul the policy and adapt it to its current needs.

3.2 Weaknesses

Apart from weaknesses related to awareness and enforcement, the policy has several deficiencies that the university should address in order to improve its efficacy. They include the following:

- (a) The structuring of the Policy makes it difficult to distinguish policy statements from implementation guidelines. The implementation framework is not comprehensive and several policy statements are repeated.
- (b) It is not very clear where and to whom victims of sexual harassment should report. The policy speaks generally of “person in authority” (clause 11.1). Clause 15 advises that informal complaints should be made to “any academic staff, administrative staff or students’ leader.” These generalities may lead to stultifying results if the victim fails to pinpoint which academic staff member to report to or when the academic staff member they report to is biased or unaware of the policy.
- (c) The stipulated investigative processes are not effective. In particular, the fact that members of the unit *ad hoc* committees are potentially colleagues of the perpetrator, puts them in an awkward and uncomfortable position. Moreover, given the composition of such committees, it is problematic for students and junior staff to sit in judgment over senior staff members of the university.
- (d) The policy pays little attention to the plight of victims of sexual harassment, particularly the emotional and physical trauma which they suffer.
- (e) Clause 22, which compels investigative committees to “abide by the rules of natural justice,” assumes that all potential committee members fully understand these legal concepts and procedures.
- (f) Clause 11.5 prohibits anonymous complaints of sexual harassment. While the spirit behind this rule is valid, banning anonymous complaints totally may discourage victims from reporting genuine cases. Many victims of sexual harassment fear retribution associated with identifying themselves. The University should consider the merit in an anonymous allegation if there is supporting evidence.



- g) The penalties and disciplinary guidelines provided under Clause 24 are not comprehensive enough. It is not clear, for example, when the Committee should impose the harshest penalty of dismissal.

3.3 Gaps

The Committee found gaps in the policy that should be filled in order to strengthen the preventive measures as well as processes of investigation and resolution of complaints.

- (a) The application of the policy under Clause 1.3 does not include service providers and service consumers. Clause 3 does not list stakeholders who do business with Makerere University including host internship supervisors.
- (b) The interpretative Clause 3 is not broad enough in its definition of the term “student” to include past students. For example, the fresh case that arose during the tenure of this Committee involved a former student who had come to the university to have her academic transcript certified by the Academic Registrar’s Department.
- (c) Clause 7 lists examples of conduct that constitutes sexual harassment but it does not include rape and computer-based or social media sexual harassment.
- (d) The Committee’s findings revealed that there are many cases where victims of sexual harassment have reported to academic and administrative members who did not take any action. The policy does not address this issue, which emboldens abusers.
- (e) The policy does not address the issue of inter- and intra- consensual intimate relationships between students and staff members.
- (f) There is no provision for an online reporting mechanism.
- (g) The policy is silent on legal representation during hearing of cases.
- (h) The policy does not provide for publicizing officially resolved cases of sexual harassment.



4.0 SOME EXAMPLES OF SPECIFIC CASES OF SEXUAL HARASSMENT

As noted earlier in this report, few respondents were willing to discuss specific cases beyond those with names of perpetrators blacked-out and those that have been reported in the local media. This culture of silence contributes to the cover-ups that have made it difficult for the university to curb sexual harassment. Below are some brief facts of a few recent cases that have been reported at Makerere University.

4.1 College of Humanities and Social Sciences

The case that triggered the appointment of the current Committee to investigate sexual harassment at the university was an exposé by an NBS Television investigative report aired on their news bulletin of 26th February, 2018. The investigative reporter worked undercover with a female student who accused Dr. Swizen Kyomuhendo, a senior lecturer in the Department of Social Work and Social Administration, of sexually harassing her. The NBS news report alleged that the student played along with Kyomuhendo's demands while wearing a hidden camera to document the evidence. The news clip showed Kyomuhendo with the student in his office and then later at a lodge. The victim's face and voice were disguised for confidentiality. Based on that evidence, the College of Humanities and Social Sciences (CHUSS) instituted an *ad hoc* committee to investigate the case. The alleged victim in this case chose not to appear before the committee, allegedly for fear of reprisals and being labelled by the community. She had used the video footage as her "live" testimony and declined to publicly show her face. At the time of preparing this report, this case was on going and had not yet been concluded.

4.2 Directorate of ICT Support

Makerere University contracts the Kenya Airport Parking Services (KAPS) to manage its automated vehicle control and parking services on campus. The KAPS staff who operate the three access gates work closely with the University's Directorate of ICT Support (DICTS) staff. Three young females who work with KAPS reported a case of sexual abuse by a DICTS male staff member to the Estates and Works Department (EWD) of the university, which directly supervises KAPS work. The three KAPS female employees alleged that the DICTS employee persistently made sexual advances to them. They reported that when they rejected his unwanted advances, he wrote incriminating reports about them, falsely accusing them of taking bribes at the automated gate stations. They claimed that many young women had lost their KAPS jobs in that way. At the time of preparing this report, DICTS was yet to institute a Committee to hear this case.

4.3 Mitchell Hall

In April 2017, a female student of Music and Film called Brenda Nakyejjiwe went to visit her male friend, Jeremiah Mukyemu – a fourth year medical student in Mitchell Hall. It is alleged that after Brenda rejected Jeremiah's sexual advances, the two engaged in a bitter argument. When she realized that she had been cornered in his third-floor room and nobody was responding to her shouts for help, Brenda jumped out of the window to escape sexual assault. She was injured and subsequently admitted to Mulago Hospital with multiple fractures and injuries. The media reported that Jeremiah had allegedly attempted to rape another female student in 2015 but the case was resolved out of court. Respondents informed this Committee that Jeremiah was arrested by the police and charged with attempting to rape Brenda, but it is not clear whether the case ever went to trial. The College of Health Sciences also did not follow up the case under the university's *Policy and Regulations Against Sexual Harassment*.



4.4 College of Business and Management Sciences

The Committee received information about another case of alleged harassment that was reported in the College of Business and Management Sciences (COBAMS) in July 2017 concerning one Brian Musaga, a lecturer in the School of Statistics and Planning. Musaga was in charge of examinations in the School, a position that brought him into regular contact with students who had examination-related problems. Some female students from that School reported that everyone warned them to steer clear of Musaga as he was a known sexual predator. Most of his colleagues allegedly knew about his abusive behaviour but “did not want to get involved,” an omission that seemed to give Musaga *carte blanche* to harass students. Six female students from the School accused Musaga of sexually harassing and assaulting them and the university suspended him. The six students testified to a special committee instituted by the then Vice-Chancellor, Prof. John Ddumba, that the accused lecturer allegedly abused his victims in his office after working hours. To date, the Committee’s report on Musaga’s case is not yet published.

4.5 College of Health Sciences

In April 2017 two female students of medicine and surgery approached the Mentorship Committee of the College of Health Sciences (CHS) complaining of being sexually harassed by some lecturers. After these two lodged their complaints, more students got the courage to come out, revealing a pattern of serial abuse. One of the doctors is a well-respected senior researcher who attracts a lot of funding to CHS. Under the influence of alcohol, he allegedly locks female students in his office, gropes them and makes sexually-suggestive comments to them. The students claimed that he follows some of them to their halls of residence. The female students said they felt more comfortable confiding in the female doctor who chaired the Mentorship Committee. One of them remarked, “*If I report him to administration, who would the University afford to lose..., me or the guy with ground-breaking research?*” This Committee was informed that a tabloid newspaper had carried a report alleging that the same doctor had inappropriately abused a patient. No staff member at the CHS was willing to disclose the name of this doctor. At the time of writing this report, this case was unresolved.

4.6 College of Natural Sciences

This Committee was informed about the case of Vasha Ntegeka, a first year student of Botany and Zoology at the College of Natural Sciences, who reported a rape case to Wandegaya Police Station in March 2016. She alleged that her lecturer and benefactor, Mr. Chris Bakuneta had sexually assaulted her in the garage-turned-bedroom that he had availed her near his residence in Quarry Flats. Bakuneta allegedly helped Vasha secure a scholarship for her studies, as her parents could not afford the tuition fees. She alleged that he sexually taunted her for months. Bakuneta was arrested and charged by the police. Vasha lodged her formal complaint to the university in April 2016. Respondents informed this Committee that her unit did not take action on this matter and Bakuneta is back teaching.

4.7 School of Law

Another case reported to this Committee was that of a third year Law student, Sheba Tayahwe, who lodged a formal complaint to the Anti-Sexual Harassment Committee of the School of Law against a fellow student called Franco Tumuhimbise in November 2013. She alleged that while in a lecture, Franco sent her a note saying, “If you don’t remove that whorish mosquito net in 20 minutes, I promise to undress you,” a reference to her skirt-shorts culottes. She

reported that after the lecture Franco pounced on her, attempted to undress her and tore her dress in order to humiliate her. At the hearing before the School Committee, Franco admitted to the offence and he apologized to Sheba. The Committee ruled that Franco Tumuhimbise's behaviour violated the policy regulation that prohibited the creation of an intimidating, threatening, hostile or offensive learning environment and suspended him for one semester. The Senate Committee sustained the punishment on appeal.

4.8 Academic Registrar's Department

As mentioned earlier, the Committee received a new case that arose during the course of its investigation. The case concerned an officer in the Academic Registrar's Department, one Edward Kisuze, who allegedly abused a former female student, Rachael Njoroge. Rachael reported that while she was seeking certification of her academic documents, Kisuze allegedly accosted her. Kisuze was subsequently arrested and charged by Police before the Department concluded its investigative hearing. Kisuze was out on bail at the time of preparing this report but the university investigative hearing had not been initiated. Rachael informed the Committee that she had faced a lot of persecution, intimidation and tormenting from the public ever since the case was reported. She said that the whole experience made her feel "isolated and alone."

4.9 Conclusion

The Committee received a few more cases but the details provided were general and vague. The above cases reveal varied responses to cases of sexual harassment on- and off-campus and demonstrate a culture of silence surrounding the problem. The high profile cases reported in the media have helped to place the spotlight on the vice, hence increasing awareness about the issue. The university offers little support to victims of sexual harassment after they report such cases and it needs to do more to eradicate the problem.

5.0 RECOMMENDATIONS

Based on its findings, the Committee made several recommendations, which it classified into five categories:

- (a) Policy review.
- (b) Investigation and disposal of cases.
- (c) Campus environment.
- (d) Raising awareness and training.
- (e) Academic/administrative policy changes.

Table 1 provides a summary of the recommendations establishing timelines and individual/official responsibilities. The Committee also recommends that the Vice-Chancellor appoints a special committee to dispose of all pending cases of sexual harassment at the university.

5.1 Issues for Review in the Existing Policy

- (a) For the avoidance of doubt, the revised policy should be renamed *Policy and Regulations Against Sexual Harassment*.¹²
- (b) The revised document should clearly demarcate the Policy Statements and the Procedural Guidelines. The procedural guidelines should clearly enumerate the procedural requirements that *ad hoc* committees must follow in hearing the cases.¹³ It must be emphasized that the committees are “quasi-judicial” which means that the basic principles of natural justice must be observed; including representation by counsel, if desired. However, it should also be clear that as such committees are not fully-fledged courts, they enjoy greater flexibility and freedom from the strict rules of law and procedure. Where one of the parties has legal representation, the university should avail legal aid to the other party. There are many legal aid providers in Uganda that Makerere University can liaison with in this regard.¹⁴ For example, the Public Interest Law Clinic (PILAC) at the Law School, Uganda Association of Women Lawyers (FIDA-U) and Legal Aid Project (LAP) of Uganda Law Society.¹⁵
- (c) The definition of “student” in the policy should be broadened to include former students of the university.
- (d) The scope of the policy should extend to suppliers and service providers of Makerere University, including field attachment partners.
- (e) Clause 7, which enumerates “Examples of Sexual Harassment”, should be renamed “Examples of Sexual Harassment and Abuse.” Additional examples should include rape; cyber-based harassment such as trolling through tweets; “sexting” and other social media platforms; taking unwanted pictures and sharing them.
- (f) Establishing effective mentoring relationships for staff and students.
- (g) The Policy should not prescribe a dress code for students and staff. Hence, perpetrators

12 See Makerere University Senate resolution taken at its 153rd meeting held on 11th November 2015 and approved by the Makerere University Council (see Minutes of the 137 meeting held on 2nd and 3rd February 2016).

13 See the report on the School of Law Sexual Harassment case discussed in section 3.7 above which provides some useful guidelines on these procedural issues.

14 This can be done via Memoranda of Understanding (MOUs).

15 Such legal aid should not be provided by the university Directorate of Legal Affairs because of the potential conflict of interest issues that may arise when/if one of the parties files a lawsuit against Makerere University.

should not invoke women's attire and sartorial choices as a defence for explaining away their sexually-harassing behaviour.

- (h) University staff should disclose the extent of their relationships (marital, natal or intimate) with students and other staff members whom they are required to directly evaluate or assess, and a third party should be appointed to undertake the evaluation or assessment instead. Intimate relations between students and university employees cannot be prohibited but they should be strongly discouraged as they involve grave risks and complications, perceived and real.
- (i) The policy should not compel anyone, particularly victims, to report cases of sexual harassment. The decision to lodge a formal complaint should be fully vested in the victim, who should be allowed to freely exercise their agency in the enforcement process. The only exception should be cases where non-reportage may result in serious harm to the victim or to others. Makerere can learn from the University of Oregon, which uses a policy referred to as "mandatory supporting" in which academic and administrative staff must actively listen and be compassionate to the survivor of sexual harassment and abuse.¹⁶ This is quite different from a policy that requires "mandatory reporting" of all cases.
- (j) Clause 16 on "Guidelines for Documenting Sexual Harassment" should provide more detailed guidelines on how to gather relevant evidence to prove both types of sexual harassment; that is, *quid pro quo* and hostile environment.
- (k) The policy should impose a penalty on persons in authority who do not take action when a case of sexual harassment is reported to them; that is, one who does not do anything proactive to progress the case.
- (l) In view of the victims' fear of retaliation, the policy should allow for alternative modes of presenting testimonies at the request of the victim; for example, via two-way closed circuit television (CCTV), pre-recorded video or written evidence.
- (m) Counselling, medical and legal support for victims of sexual harassment is critical. The university should provide resources to the University Counselling and Guiding Centre (UCGC) and the University Hospital so that they can effectively support victims of sexual abuse.
- (n) Install CCTV cameras in strategic places around campus, particularly inside university buildings, and provide adequate lighting throughout the campus.
- (o) The Directorate of Gender Mainstreaming, the Directorate of Legal Affairs and the Counselling and Guiding Centre should install special sexual harassment and assault hotlines, which victims of sexual violence can use to report the crime at the university.
- (p) The Directorates of Gender Mainstreaming and Legal Affairs should form a Coordination Committee for sexual assaults/harassment on campus. This Committee should hold regular liaison meetings with the police at the university to update each other on reported cases and follow up on the progress of investigations.
- (q) The policy should make it clear that parallel investigation processes can take place on campus and in courts of law. Hence, police criminal investigations on any case of sexual harassment and assault should not impede in-house university investigations. Similarly, a survivor of sexual harassment or assault should have the freedom to pursue legal action in courts of law even as in-house probing is going on.
- (r) The provisions under "Penalties" (Clause 24) should be revisited to make them more comprehensive and also to take into account the interests of victims. For example, in addition to the existing ones, it should include fines of up to two years' salary and com-

¹⁶ It would require significant training and skilling of staff members and the university community to gain such competence.



pensation of victims. It should also include some guidelines on which conduct calls for what penalty; for example, the maximum penalty of dismissal or expulsion should be reserved for rape or repeat violators.

- (s) The policy should provide for anonymous complaints, noting that such complaints are more difficult to investigate and results may be less satisfactory. Anonymous allegations are complicated but they should not be ignored. The university's zero tolerance policy means that it should take all allegations seriously. Depending on the circumstances of each case (for example, how much information is provided or the severity of the accusation), the university should investigate the merits of the circumstantial evidence and consider whether or not to pursue the case.
- (t) The policy should require all reported cases of sexual harassment to be published (metadata only), then the proven cases to be released to varying extents (depending on the preference of the survivor of the violence). The Directorate of Gender Mainstreaming should create an archive of sexual harassment and assault cases.
- (u) As the institution that pioneered a policy on sexual harassment in the country, Makerere University should propose to government to amend the Education (Pre-Primary, Primary and Post-Primary) Act of 2008 as well as the Universities and Other Tertiary Institutions (Amendment) Act of 2006, incorporating issues of sexual harassment in educational institutions. Government should also be advised to strengthen the sexual harassment provisions in the Employment Act of 2006. In particular, it should deal with the wrongful assumptions that sexual harassment occurs only in workplaces with more than 25 employees or that it is only employers and their representatives who are capable of harassing.¹⁷

5.2 Investigation and Disposal of Cases

This section deals with the complicated and sensitive issue of investigations in more detail but it forms part of the issues to be reviewed in the existing policy under 5.1.

- (a) In order to eliminate conflict of interest issues, Anti-Sexual Harassment Committees based at university units should be removed from the Policy. These should be replaced with a broader Vice-Chancellor's Roster of 100 Anti-Sexual Harassment Committee members, who can be called upon to constitute smaller *ad hoc* panels when the need arises.¹⁸ All 100 members should be trained and sensitized on sexual harassment and abuse.
- (b) The policy should allow for both informal and formal systems of reporting. Complaints of sexual harassment can be reported to the GMD, DLA and UCGC or any person of authority that the victim trusts. Online reporting should also be available. The university should implement an online sexual abuse reporting system such as Callisto.¹⁹ In addition, the GMD, DLA and UCGC should create sexual assault and harassment complaint boxes for victims to drop complaints.
- (c) All complaints of sexual harassment should then be routed through the Directorate of Gender Mainstreaming, which will work with the office of the Vice Chancellor to institute an *ad hoc* committee of a minimum of 3 and a maximum of 7 to investigate each reported case. The *ad hoc* committee will be carved out of the broader Vice-Chancellor's Committee.

¹⁷ See Sections 7(2) and 7(4) of the Employment Act, 2006.

¹⁸ The University of Southern California in the U.S. has successfully used and tested this method for several years.

¹⁹ Some universities in the U.S. such as the University of Southern California, Stanford University and the University of San Francisco have adopted this system.

- (d) The roster of 100 must represent all categories of groups in the university community such as MUASA, MASA, NUEI and the Students' Guild, as well as all hierarchical ranks within those categories. The list will be published and updated each year. The composition of the *ad hoc* committee to investigate specific cases must be carefully selected to ensure that:
- i) All members are competent people of integrity with no previous allegations of sexual harassment and abuse;
 - ii) There are no conflict of interest issues²⁰;
 - iii) At least one half of the members are female;
 - iv) The total number of members is odd for majority-based decisions;
 - v) Students representation on *ad hoc* committees should be limited to cases where students are involved either as victims or perpetrators. Otherwise no student should sit on an *ad hoc* committee investigating academic or administrative staff.
 - vi) No junior staff is appointed to investigate/sanction a case against members who serve in senior University positions unless the case involves a junior staff member as a victim; and
 - vii) If the accused individual is a member of the Central Management Committee, a committee of the University Council would conduct the investigative process.

The investigative work of *ad hoc* committees should be facilitated by a secretariat that constitutes members from the Directorates of Gender Mainstreaming and Legal Affairs. Secretariat members will sit on the *ad hoc* committee as *ex-officio* members with no voting powers. If they detect any manner of bias on the part of the *ad hoc* committee, they should be required to report it to the Vice-Chancellor, who must address the problem immediately.

- (a) After the *ad hoc* committee has disposed of the case, the chair should submit a written report to the Vice-Chancellor communicating the committee's verdict. The Vice-Chancellor has to wait for 14 days to lapse before acting on the report; that is, forwarding it to the relevant university disciplinary bodies. This is the period given to parties in the case to exercise their right of appeal.
- (b) The Senate Anti-Sexual Harassment Committee set up under Clause 14 of the current policy should be disbanded. Instead, appeals should be handled by the existing university disciplinary structures. For academic, administrative and support staff, appeals should be directed to the Staff Appeals Tribunal, while students should appeal to the Students' Affairs Committee of the university Council. Secretariat members will sit in on appeal cases as *ex-officio* members with no voting powers.
- (c) When disposing of sexual harassment complaints, the following principles must be followed:
 - (i) Ensure compliance with basic due-process protections, and that the policy includes clear investigation and hearing procedures;

²⁰ Members of the *ad hoc* Committees nominated for each case would have to sign forms adhering to the Conflict of Interest and Confidentiality policies.



- (ii) Avoid excessive delay in either starting or completing an investigation;
- (iii) Conduct thorough investigations;
- (iv) Provide adequate feedback to both the complaining party and the alleged harasser throughout the investigative process; and
- (v) Do not make unnecessary disclosures of confidential information.

5.3 Campus Environment

It is the responsibility of the university to maintain a positive working and learning environment. The prevention and reduction of harm caused by sexual harassment and assaults is an important way of developing a positive campus climate. Enforcing the 2009 *University Gender Equality Policy* would be a good way to start building a safe and positive environment. Of particular importance is Policy Resolution 7.2 which states:

The University Management and Administration shall promote a gender-friendly and inclusive secure environment at the university in order to ensure effective protection of bodily integrity and dignity of every member of the University community.

Strategic Actions:

- (a) Implement the policy and regulations on sexual harassment.²¹
- (b) Develop and enforce guidelines for ensuring a secure environment that includes street lighting, posting security personnel at strategic points, providing night surveillance services, and availing hotlines for emergencies. Particular attention should be paid to halls of residence and private hostels.
- (c) The university shall institute concrete mechanisms to address gender-based violence against students and staff.
- (d) Strengthen counselling services and allocate adequate resources for prevention, management and rehabilitation of survivors of gender-based violence at the university.

The Committee recommends that the university management revisit and implement Resolution 7.2 of the *University Gender Equality Policy* as a serious way of creating a safe physical environment for its community.

The university should secure the perimeter and control all entry points. It should develop a card access system that controls entry into university facilities, including halls of residence. The university should also provide a night escort service for those who need the service to ensure safe movement around campus. Ultimately, all Makerere University students and employees should share the responsibility of ensuring the safety and integrity of the campus grounds and facilities.

5.4 Awareness-Raising and Training

- (a) The university community must be systematically educated about sexual harassment and professional conduct. The Committee recommends that such education should take the form of a standardized online training module.²² The training kit should be

²¹ The name of the Policy should be updated.

²² CHUSS, CEES and SOL could work together to develop the module content while COCIS could deal with the technical as-

developed carefully with various levels within the module. Quizzes and tests would be integrated into the training module. For better understanding and retention of content, the training module should, as much as possible, integrate nuanced scenarios of real cases in the materials and include role-play activities.

A trainee would have to master and pass one level before moving on to the next. The university should provide venues with computers from where trainees without access to computers can train. It would be compulsory for all current employees and students of the university to undertake and pass the module. Similarly, the recruitment of new employees and the registration of students in future would always be contingent upon passing the module.

The training should extend to visiting staff and students as well as to non-Makerere employees who work closely with our community such as the personnel of the Makerere University Police Station as well as all Makerere University certified private hostel owners and managers.

The aim should be to have the training module in English and translated into the three main language groups of Uganda (Bantu, Nilotic and Cushitic for support staff without English competence), as well as sign language for members of the university community with a hearing impairment. The policy itself and related materials should be available in braille for members with sight impairment.

The said levels of the online module would cover the following important topics:

- (i) Information about the University *Gender Equality Policy*, including basic information about gender and social justice.
 - (ii) What conduct amounts to sexual harassment (with scenario-based examples).
 - (iii) The red flags for sexual harassment.
 - (iv) How to avoid sexual harassment.
 - (v) Supervisor/Lecturer responsibilities.
 - (vi) Where to report sexual harassment.
 - (vii) The complaint process.
 - (viii) Bystander intervention strategies.
 - (ix) Counselling and other support services.
- (b) In addition to the online training module, the Committee recommends that the Directorate of Gender Mainstreaming organises regular refresher workshops for university stakeholders to review the key issues in the policy. All officials of the university central management should, at every opportunity, reiterate the university's zero-tolerance policy to sexual harassment.
 - (c) Students should be empowered through workshops on personal life skills, emotional intelligence, and equitable and healthy masculinities.
 - (d) Female staff and students should be sensitised on the fact that they can be perpetrators of sexual harassment, particularly when they persistently engage in unsolicited flirting and inappropriate advances with fellow students or staff members. They, too, can be reported and investigated under the policy.

pects of the online modules. For an example of an online training course see that of the University of Wisconsin: <https://compliance.wisc.edu/titleix/employee-training/>



- (e) Copies of the *Policy and Regulations Against Sexual Harassment* should be distributed to all stakeholders and abridged brochures of the same should be readily available. Posters with simplified messages and slogans as well as FAQs should also be developed and posted around campus and students' residences/hostels.
- (f) All College Handbooks should briefly outline the basics of the *University Policy and Regulations Against Sexual Harassment*.

5.5 Academic and Administrative Policy Changes

- (a) The University Record Keeping Policy should be reviewed to incorporate a comprehensive Students Academic Records Management component. In particular, the university must overhaul and streamline the online management system that it offers to students for purposes of registration, access to examination results, checking of financial statements and other academic files.
- (b) The university should develop a fair and transparent system of assessment of examinations, including well-defined evaluative criteria and a meaningful system of feedback. To this end, it should formulate a Grading Policy²³ that would, for example, charge each College/School to develop clear grading systems that ensure examination integrity, substantive feedback to students about their performance and online appeals for students with academic difficulties.
- (c) The university should develop an effective system of addressing various complaints related to examination results, such as missing marks, appeals for re-marking, and altered marks. Such a system should eliminate face-to-face contacts between complaining students and relevant examiners. In other words, once results are released by the respective School/College Boards, individual examiners should be rendered *functus officio* (mandate expired) *vis á vis* the concerned students. The Department's examinations office, Dean's office and the Registrar, should exclusively handle all queries and follow-ups with regard to these matters.
- (d) In order to maintain the integrity of the relationship between students and academic/administrative staff members, the policy should strongly discourage consensual romantic relationships between staff and students. However, if such relationships do take place, clear guidelines and rules must be set out in the *University Policy on Professional Integrity and Standards*.²⁴
- (e) The Directorate of Gender Mainstreaming should keep a record of repeat offenders; that is, harassers or lecturers who persistently have missing marks and other forms of misconduct. The university should also make it mandatory during the recruitment process to carry out background checks on individuals with such patterns of behaviour from other institutions.
- (f) All university partners involved in training and professional skills programmes that involve external activities such as internships, practicums, teaching practice, postdocs, and outreach, must commit to uphold to the *University Policy and Regulations Against Sexual Harassment*. Students who experience sexual harassment and abuse while on such programmes should report to their unit programme coordinators or any other person of authority at the university.
- (g) As far as possible, all courses at the university should be co-taught.

²³ See the Grading Policy of the University of Princeton at: <https://odoc.princeton.edu/faculty-staff/grading-princeton>

²⁴ An example of such guidelines can be gleaned from the Concordia University *Code of Ethics and Safe Disclosure Policy* available at: <http://www.concordia.ca/content/dam/common/docs/policies/official-policies/BD-4-guidelines-relationships.pdf>



- (h) Students should have a say on who supervises their research work.
- (i) Staff members should maintain an open-door policy whenever a student is consulting them, with the exception of units and employees designated to handle counselling services. Consultation hours should be posted on the doors of academic faculty members; in any case, appointments with students should be scheduled during office hours and within university premises.
- (j) In line with the *Constitution of the Republic of Uganda* and the *University Gender Equality Policy* (Resolution 7.5), the university should adopt an affirmative action policy programme in order to close the gender gap in its administrative and academic activities. Females should be equally represented in decision-making processes. At a minimum, females should hold one third of the leadership positions at various levels (central management, MUASA, MASA, NUEI and Student's Guild). However, the aspiration should be to have a 50-50 gender representation at all levels of the university.



6.0 CONCLUSION

The Committee concluded from its findings that it is not necessarily true that cases of sexual harassment at Makerere University are increasing; rather, there is increased reportage. As more and more victims recount their experiences, the problem of sexual harassment is finally coming into the public domain. The majority of academic and administrative staff members as well as students do not engage in abuse of this kind. However, there are some who do and they commit such acts with impunity given the permissive campus environment and the general *laissez-faire* approach to policy enforcement. Makerere University must, therefore, do everything within its powers to eradicate this vice. Sexual harassment deprives its victims of constitutionally guaranteed rights, including the right to dignity and to be free from inhuman and degrading treatment. To ignore it reinforces inequality and impunity.

In order to eradicate the vice, the university needs to understand its root causes, which include structural, systemic and contextual issues. The fundamental problem lies in the unequal power relations that exist between and among academic staff, administrators, support staff and students. It is also about gender and power. The problem is exacerbated by a campus climate of silence that generally protects perpetrators and promotes impunity. The physical infrastructure and amenities at the university including safety and security in public places is generally inadequate, providing a breeding ground for the vice. Lack of awareness about the university policy against sexual harassment also prevails among the majority of the university community, which leads to chronic under-reporting of the vice and untold suffering on the part of victims. The policy itself needs to be revised in order to refine and strengthen its provisions. Many of the gaps therein also need to be plugged.

Inadequate systems of academic monitoring and support equally fuel sexual harassment because lecturers are able to use schemes of “missing marks” and intentional retakes to target some students and subsequently abuse them. Many of such victims suffer in silence because of fear of retribution. Student and staff abuse of alcohol and drugs further contributes to the problem of sexual abuse on campus and it should be addressed.

The Committee also considered the popular belief that there is a causal relationship between women’s dressing style and sexual harassment. However, it did not find merit in the claim and it further noted that imposing a university dress code would have a controlling effect on students and staff, violate their human rights and liberties, and it would not be an ineffective way to combat the vice.

The recommendations of this report focus on the need to review and revise the existing policy in order to make it more effective; design more effective mechanisms of prevention, reporting, investigative and victim-support; and reviewing the necessary steps to be followed in handling complaints. New measures to increase awareness, conduct training for staff and student on sexual harassment related issues, and to cultivate a culture of zero-tolerance towards the vice, are also needed. In addition to reviewing the policy, other administrative and academic policy weaknesses that breed sexual harassment need to be addressed. These include overhauling the systems of record keeping and handling examination related complaints.

The Committee did not receive many reports of sexual harassment. This may have been a result of the limited period within which the Committee had to work, coupled with the general culture of silence that pervades the issue on campus. Nevertheless, the report provides some examples of sexual harassment cases that were brought to its attention.

In conclusion, the Committee urges the university management to eradicate the vice of sexual harassment, which deprives its victims of their human rights and dignity. The Com-



mittee is confident that if the commitment and resolve exhibited by the current university administration in commissioning this review is matched with a serious investment of resources to address the recommendations of this report, the scale of the problem will be significantly reduced. With such a commitment, the university will have taken the first serious steps towards uprooting the vice of sexual harassment.





ANNEXES

Appendix A

CONSULTATIONS FIELD SITES

Researcher	University Unit
Professor Sylvia Tamale	College of Health Sciences (N=20) College of Computing and Information Science (N=20)
Associate Professor Consolata Kabonesa	College of Veterinary Medicine, Animal Resources and Biosecurity (N=21) College of Natural Sciences (N=20)
Associate Professor Christopher Mbazira	College of Business and Management Sciences (N=13) School of Law (N=12)
Associate Professor Betty Ezati	College of Education and External Studies College of Engineering, Design, Art and Technology (N=40)
Associate Professor Aaron Mushengyezi	College of Humanities and Social Sciences College of Agriculture and Environmental Studies (N = 45)
Secretariat: Dr. Euzobia Mugisha Baine Ms. Frances Nyachwo Mr. Eric Tumwesigye	Directorate of Research and Graduate Training (N=4) Library (N=3) Estates and Works Department (N=7) Dean of Students Department ((N=11) Department of Academic Registrar (N=5) Directorate of Human Resources (N=5) University Hospital (N=8)



Appendix B

MAKERERE UNIVERSITY

COMMITTEE ON INVESTIGATION OF SEXUAL HARASSMENT AT MAKERERE UNIVERSITY

PRESS RELEASE

GUIDELINES FOR MEMBERS OF THE PUBLIC WHO WISH TO SUBMIT INFORMATION

Makerere University has a “zero tolerance” policy on sexual harassment. On March 2, 2018 Vice-Chancellor, Professor Barnabas Nawangwe appointed a five-person Committee to address the increasing menace of sexual harassment with a view to strengthening preventive measures as well as ensuring the full enforcement of the University *Policy and Regulations Against Sexual Harassment* (2006).

In order to conduct a thorough investigation and review, the Committee is calling upon former students and other members of the wider public who may have any information regarding this matter to contact its members as below. Please note that anonymous submissions are not permitted, but the Committee guarantees the confidentiality of all information it receives insofar as the law permits.

1) **Members of the Committee**

Prof. Sylvia Tamale	stamale@law.mak.ac.ug
Assoc. Prof. Betty Ezati	bezati@cees.mak.ac.ug
Assoc. Prof. Consolata Kabonesa	consolata.kabonesa@gmail.com
Assoc. Prof. Christopher Mbazira	chrismbazira@gmail.com
Assoc. Prof. Aaron Mushengyezi	amushengyezi@gmail.com

2) **Gender Mainstreaming Directorate**

Dr. Euzobia Mugisha Baine	emubaine@gendermainstreaming.mak.ac.ug
Ms. Frances Nyachwo	fnyachwo@gendermainstreaming.mak.ac.ug
Mr. Eric Tumwesigye	tumwesigye.eric@gendermainstreaming.mak.ac.ug

Hotlines: [to be supplied as soon as they are registered]





Appendix C

MAKERERE UNIVERSITY

COMMITTEE ON INVESTIGATION OF SEXUAL HARASSMENT AT MAKERERE UNIVERSITY

RESEARCH GUIDELINES

- (a) Select a minimum of twenty respondents to interview from each College/Administrative Unit;
- (b) Ensure that the interviewees from the Colleges and Administrative Units represent all categories, viz., academic staff, administrative staff, support staff and students;
- (c) Since females make up the majority of sexual harassment victims, the random sampling should systematically target more women than men.
- (d) As much as possible, endeavour to achieve a 50-50 gender balance of your interviewees;
- (e) Keep all your interview notes for the record;
- (f) Identify patterns and trends from the responses of the participants and interpret meanings for our analysis. But remember that outliers may also consist of legitimate data, so do not ignore them.
- (g) The main open-ended guiding questions asked of the respondents are three, viz.:
 - i) Are you familiar with the University Policy and Regulations on Sexual Harassment Prevention?
 - ii) What in your view are the causes of sexual harassment in Makerere University?
 - iii) Do you personally know of any specific cases of sexual harassment (past or current)?
- (h) Any follow-up probing questions should strictly focus on the three Terms of Reference.

Form for received cases

Date _____ Meeting Place _____

Name _____ Sex _____ DoB _____

Tel _____ E-Mail _____

Status and Affiliation _____



Brief Details of the Case:

Name and contacts of victim (if different from above) _____

Status and affiliation of victim (if different from above) _____

Name(s) of alleged perpetrator(s) _____

Status and affiliation of alleged perpetrator(s) _____

Form(s) of violation _____

Date(s)/Time(s)/Place of alleged violation(s) _____

Any witnesses/evidence? _____

Action taken so far (if any) & outcome:





