

MAKERERE UNIVERSITY POLICY & REGULATIONS AGAINST SEXUAL HARASSMENT 2006 (AS AMENDED)

Complaints and Reporting Mechanisms

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OUTLINE



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- b) Application - to whom does it apply
- c) Definitions and other terms as defined by the policy
- d) Procedural matters:
 - Reporting
 - Grievance handling
- e) Enforcement Strategies

OBJECTIVES OF THE POLICY

- a) To sensitize the University community about the evils of sexual harassment, thereby nurturing a sense of social responsibility and zero tolerance for such behavior.
- b) To establish an institutional framework that encourages survivors/victims of Sexual Harassment to seek redress.
- c) To take action in eliminating sexual harassment at Makerere University and impose such sanctions and corrective action as may be deemed necessary.



APPLICATION

Sexual harassment is prohibited for both on and off-campus University settings **against, between** or **among**:

- Students;
- Academic Staff;
- Administrative Staff;
- Support Staff;
- Contractors
- Partners
- Visitors

DEFINITIONS AND TERMS

- a) “**Sexual harassment**” means **unwelcome** sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature. Such conduct constitutes sexual harassment when:
- Submission to such conduct is made either **explicitly or implicitly** a term or condition of an individual’s employment or academic achievement or advancement; or
 - Submission to or rejection of such conduct is **used or threatened to be used** as the basis for decisions affecting the employment and/or the academic standing of an individual; or
 - Such conduct has the purpose or effect of **unreasonably interfering** with an individual’s work or academic performance or **creating an intimidating, threatening, hostile or offensive working or learning environment.**

Examples of SH

- Unwanted physical contact of any body parts;
- Unwanted and persistent explicit or implicit propositions to engage in sexual activity;
- Unwanted demands for sex in exchange for employment or academic or other favours;
- Unwanted verbal and non-verbal communication;
- Sexual assault and rape.
- ICT- or Cyber-based sexual harassment.



Definitions Ct'd

b) “Student” refers to a person who has been duly registered by the University for a programme of study.

c) “University Community” means students, alumni, Staff (teaching, administrative and support), contractors, partners and visitors to all on and off-campus university premises and facilities.



Definitions Ct'd

d) Contractors means persons or entities which have been engaged by the University to provide goods and services or execute works on contractual basis.

e) “Partners” mean persons or entities that have entered into a partnership of any nature with the University.

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

REPORTING MECHANISMS (Procedural Matters)

a) Reporting:

- Victims of Sexual Harassment are encouraged but not compelled to report Sexual Harassment. The exception is a situation where non-reportage may result in serious harm to the victim or others.
- Victims are free to report to anyone they feel they can trust. **BUT**
- Any member of the University Community who receives information about any act of sexual harassment ***has a responsibility to report it through the implementing organs as prescribed by the policy.***

Policy implementing organs

- ▶ The Office of the Vice Chancellor
- ▶ The Gender Mainstreaming Directorate
- ▶ The Directorate of Legal Affairs
- ▶ The University Guidance & Counseling Centre
- ▶ The Vice Chancellor's Roster of 100
- ▶ The Directorate of Human Resources
- ▶ The University Hospital
- ▶ Other Administrative Units
- ▶ Other duty bearers of the University: Principals, Deans, Heads of Departments, Programme Coordinators, Examination Coordinators, Student Leaders
- ▶ Security Agencies.



Failure to act on a report/complaint

- Any person in authority who receives a complaint of sexual harassment and fails to take any pro-active steps to progress the matter in a timely and appropriate manner commits an offence and shall be subject to disciplinary proceedings.

FORMS OF COMPLAINTS: Informal

- An informal complaint is made to any member of the implementing organs including academic staff, administrative staff or students' leader.
- It is made in those cases where the victim wishes for immediate action to be taken (for instance, warn the harasser or change his/her dissertation supervisor) but is not ready to lodge a formal complaint. In any case, the respondent must be notified of the complaint lodged against him/her.



Informal...

- An informal complaint lodged with any member shall be forwarded to the Gender Mainstreaming Directorate for recording except where the victim explicitly requests that no record should be made regarding the complaint.
- An informal complaint remains on record and may be used in future as evidence of repeated unwanted conduct.

Forms of complaints: Formal

- Any member of the University community who believes that he or she has been subjected to sexual harassment can lodge a **written and signed** complaint with the Gender mainstreaming Directorate or any unit or person of authority that the victim trusts.
- Any Unit may initiate an official investigation if there is a reason to believe that any of its members is committing sexual harassment or being harassed.



Contents of a formal complaint

A written complaint should contain:

- a) Name, address and contact details of the complainant;
- b) Date of the complaint;
- c) Nature and details of the act or conduct complained about; and
- d) Any other relevant details concerning the complaint

Avenues for reporting SH

a) Physically visiting GMD offices & other implementation organs

b) By Telephone: Hotlines run by GMD officials

➡ 0755-797130,

➡ 0784-609661

➡ 0758-540263

➡ 0785-594931

Avenues...



c) Anonymously complaints

- ▀ Whereas anonymous complaints are not admissible in disciplinary hearings, they are investigated first to determine their authenticity before any action can be taken

d) Online electronic media reporting (safepal)

e) Complaint boxes



GRIEVANCE HANDLING: What happens when a formal complaint is received?

- a) Anyone who receives a formal complaint is required to forward it to the Director GMD for further handling as prescribed in the policy
- b) That is when the role of the Vice Chancellors Roster becomes even more paramount



Why VCs Roster?

- a) For avoidance of conflict of interest issues Unit based SH committees were abolished.
- b) Experience showed a pervasive culture of silence due to:
 - Fear of retribution for those who report
 - Fear of jeopardizing Careers
 - Cover up by colleagues

Role of VC's Roster of 100 Members

- a) To carry out the objectives of this policy: namely;
 - To sensitize the University community about the evils of sexual harassment, thereby nurturing a sense of social responsibility and zero tolerance for such behavior.
 - To establish an institutional framework that encourages survivors/victims of Sexual Harassment to seek redress.
 - To take action in eliminating sexual harassment at Makerere University and impose such sanctions and corrective action as may be deemed necessary.

Role of VC's Roster...

b) Investigation of reported cases

- Anyone who receives a formal complaint is required to forward it to the Director GMD for further handling as prescribed in the policy
- After the Director GMD receives the formal complaint, she/he forwards it to the VC to appoint an Ad hoc Committee composed of **minimum 3 & maximum 7** members from the Roster



Role of VC's Roster...

How is appointment of the Ad hoc Committee done?

➤ Refer to page 14 – 15, (c)-(j)

c) Writing a report to the VC with concrete & clear recommendations for action by the relevant organ.

The corrective/punitive measures as prescribed in the policy

If a person is found guilty of sexual harassment, depending on the gravity of the matter, he/she is liable to any or a combination of the following:

- Written warning;
- Counseling;
- Restraining Order;
- Apology to the aggrieved party;
- Compensation to the aggrieved party
- Fines of up to two years' salary
- Suspension;
- Demotion;
- Dismissal;
- Criminal investigation and prosecution



Internal processes & courts of law

Note

If any of the parties institutes criminal proceedings resulting from the criminal aspects of the allegations or civil proceedings for the civil elements, it shall not stop the University internal disciplinary mechanism from proceeding with the investigation, hearing and determination of the matter.



What happens to the Report of the Ad hoc Committee?

- a) It is submitted to the Vice Chancellor
- b) The Vice Chancellor submits it to the relevant organ for further handling.
 - **Staff** - Appointments Board
 - **Students** - Students Disciplinary Committee of the University
 - **Neither students nor staff:** appropriate national law enforcement agencies
- c) The final decision has to be communicated to both the complainant and the respondent.

Appeals

- a) The right of appeal is guaranteed by the policy
- b) If any of the parties is not satisfied with the decision of the university organs, within 14 days of the decision, they appeal as follows:
 - Staff: Staff Appeals Tribunal
 - Students: Student Affairs Committee of Council
 - Others: University Council
- c) If not satisfied with appellant organs, they appeal to the high court within 14 days of the decision



Policy enforcement Strategies

- a) Adopting and effectively implementing this Policy as prescribed.
- b) Launching regular sensitization programmes for all members of the University Community.
- c) Establishing an effective mentoring programme for staff and students.
- d) Providing counseling services for both victims and perpetrators of sexual harassment.

Strategies...

- e) Equipping members of the University community with skills and knowledge to resist and defend themselves against sexual harassment.
- f) Integrating advocacy against sexual harassment into the curriculum of the compulsory course unit on ethics for all students.
- g) Establishing a gender-responsive monitoring and evaluation framework for the prevention of sexual harassment.



Strategies...

- h) Promoting action-based research that highlights the root causes and complexities of sexual harassment and developing a culture that is responsive to diversities.
- i) Setting up telephone hotlines and other forms of communication for reporting sexual harassment complaints.



END

Thank you for listening

