



Fogarty International Center
Advancing Science for Global Health



HEPI-TUITAH

GRANT No: R25TW011210

SHarPResT



Sexual Harassment policy

Definition of Terms

Definition of Terms

Alleged perpetrator	A person alleged to have committed an act of sexual harassment
Anti-Sexual Harassment Committee (ASHC)	A committee charged with the duty to ensure the implementation of this Policy. The ASHC will be designated by the University Top Management.
Case facilitator	The person assigned by the ASHC to present the University's case informal internal disciplinary proceedings, who may also be the person assigned to investigate the case.

Definition of Terms cont'd

Complainant	A person who lodges a complaint. The victim; a person against whom an act of sexual harassment as defined in the policy has or have allegedly been perpetrated, can also be a complainant.
Confidentiality	The nondisclosure of certain information.
Code of Conduct	The rules on the conduct of the students and the employees adopted by the University council
Dean of Students	A person appointed by the University Council and is responsible for the welfare of the students. (UOTIA 2001)

Definition of Terms cont'd

Disciplinary Committee(s)	The sub-committee(s) of the University Council that is responsible for handling disciplinary matters among staff and students.
Employee	A person who has been appointed by the University as stipulated in the Human Resource Manual.
Misconduct	Conduct contrary to as defined by the code of conduct adopted by the University Council and the Code of Conduct and Ethics for Uganda Public Service.
Student	A person duly admitted or attached to an academic or research program at the University.

Definition of Terms cont'd

Third Parties

These are individuals or groups of people who visit the university or are affiliated to the university or who take part in the University's activities at any location. These include among others applicants for admission and employment, guests, visiting lecturers/students, contractors, hospital staff engaged in teaching/supervising students, field attachment partners (where students may go for internship or placement), security agencies within the university, vendors/suppliers of goods and services to the University.

University

Mbarara University of Science and Technology (MUST)

Definition of Terms cont'd

University Council	The governing body of the University appointed in accordance with the Universities and Other Tertiary Institutions Act, 2001.
University Secretary	A person appointed by the University Council and is responsible for the general administration of the University as specified in UOTIA 2001.
University Top Management	The top coordinating committee of the University chaired by the University Vice-Chancellor.



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Definition of Terms cont'd

Dating Violence

Dating violence is defined as violence or abusive behaviour against an intimate partner (romantic, dating, or sexual partner) that seeks to control the partner or has caused harm to the partner (the harm may be physical, verbal, emotional, economic, or sexual in nature). The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship



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Definition of Terms cont'd

Discrimination

Occurs when an individual suffers adverse and different employment or academic treatment attributed only or mainly to their respective descriptions (such as sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability) or any other decision based on an individual's protected interests.



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Definition of Terms cont'd

Discriminatory Harassment

Defined as unwanted verbal, visual, or physical conduct that denigrates or shows hostility or aversion against an individual protected by this policy (because of that person's race, skin colour, religion, gender, national origin, age, or disability),

Harassment can also occur if the conduct is directed toward a person's relatives, friends, or associates. Harassment does one or more of the following:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive work/ study environment
- b) Has the purpose or effect of unreasonably interfering with an individual's work/academic performance
- c) Otherwise adversely affects an individual's employment/academic opportunities



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Definition of Terms cont'd

Sexual Harassment

For purposes of this policy sexual harassment is defined as unwelcome and persistent sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature that violate the rights of a person. Such conduct would constitute sexual harassment when:

- a) Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment/promotion or academic achievement/advancement.
- b) Submission to or rejection of such conduct is used or threatened or insinuated to be used as a basis for decisions affecting the employment and/or academic standing of an individual.
- c) Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating a working/learning environment that is intimidating, threatening, hostile or offensive.



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Definition of Terms cont'd

Sexual Harassment

OR It can also mean any kind of behaviour with sexual connotations that are unacceptable a given society (MUST).

1. In determining where conduct constitutes sexual harassment the following factors are to be taken into account:

- a) The frequency, nature and severity of the sexual conduct;
- b) Whether the conduct was physically threatening;
- c) The effect of the conduct on the complainant's mental or emotional state;
- d) Whether the conduct arose in the context of other discriminatory conduct;
- e) Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs and activities;
- f) Whether the conduct implicates concerns related to academic freedom or protected speech.
- g) Whether the harassment is on grounds of sex and/or gender (regardless of the sexual orientation of either the complainant/victim or the alleged perpetrator); and
- h) The complainant feels that submission to the sexual advances is necessary in order to get or keep a job/admission/registration/academic performance in the university.



Definition of Terms cont'd

Sexual Harassment

2. Sexual harassment may take the form of special victimisation, *quid pro quo* harassment and creation of a hostile environment.

a. *Special victimisation* occurs when a person is victimised or intimidated for failing to submit to sexual advances

b. *Quid pro quo* harassment. *Quid pro quo* is Latin for "something for something" or "this for that." When an employee is asked, either *directly or indirectly*, to submit to a sexual advance in exchange for some benefit at work (such as a promotion or a pay advance), *quid pro quo* harassment has occurred. Only supervisors can engage in this type of harassment since it requires the authority to grant a job favour in return for the unwelcome advance or request.

c. In case of a student, *quid pro quo* harassment occurs when an alleged perpetrator *explicitly or implicitly* influences or attempts to influence admission to the university or university residences, access to training, organisation or funding opportunities or interferes in grading or evaluation, by coercing or attempting to coerce the student to engage in sexual activities



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Definition of Terms cont'd

Sexual Harassment

d. *Hostile work/study environment harassment* occurs when harassment makes the work/ study place intolerable because constant sexual or comment interferes with a person's ability to do his or her job/ academic activities. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, maybe sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.



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Definition of Terms cont'd

Sexual Violence

Sexual violence includes acts such as rape, dating and domestic violence, sexual assault, sexual exploitation, stalking, and other forms of non-consensual sexual activity; or violence or harassment based on sexual orientation.

CONSENT is defined as words or conduct indicating a freely given agreement to have sexual intercourse or to participate in sexual activities. Sexual contact will be considered “without consent” if no clear consent, verbal or nonverbal, is given; if inflicted through force, the threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent. Categories of sexual violence include, but are not limited to, the following:

DEFILEMENT. Defilement is defined as any sexual intercourse with a child under the age of 18 years old, whether the child consents and it is a crime according to the laws of Uganda.

RAPE. Rape is defined as any act of sexual intercourse or sexual penetration of any orifice of the body with a body part or other object that takes place against a person’s will or without consent, or that is accompanied by coercion or the threat of bodily harm.



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Definition of Terms cont'd

Sexual Violence

SEXUAL ACTIVITY is defined to include conduct and activities which are intended to arouse the sexual interest of another, such as strategies to find or attract partners, and personal interactions between people, such as flirting and foreplay.

SEXUAL ASSAULT. Sexual assault is defined as any intentional sexual touching with any object(s) or body part(s) that is against a person's will or without consent or that is perpetrated through coercion or threat of bodily harm.

SEXUAL EXPLOITATION. Sexual Exploitation is taking sexual advantage of another, for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include, but are not limited to recording, photographing or transmitting sexual photos, sounds, images or other information; voyeurism; indecent exposure; prostituting or soliciting another person; inducing incapacitation to commit acts of sexual misconduct; knowingly exposing another person to sexually transmitted infection (STI) or human immunodeficiency virus (HIV).

Definition of Terms cont'd

Sexual Violence

SEXUAL ORIENTATION. Sexual orientation is defined as a person's identity in relation to the gender or genders to which they are sexually attracted; the fact of being heterosexual, homosexual, etc.

STALKING. Stalking is defined as repeated, unwanted contact with any person, including contact by electronic means or by proxy, or the credible threat of repeated contact with the intent to place a reasonable person in fear for his or her safety or the safety of his or her family or close acquaintances or to inflict substantial emotion distress.

Note: Capital offenses (e.g. rape and sexual assault) shall be dealt with according to the laws of Uganda. Victims shall be assisted as deemed right.



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Definition of Terms cont'd

Unwelcome sexual conduct

Includes physical, verbal and non-verbal conduct or behaviour that is perceived by the complainant as demeaning, compromising, embarrassing, threatening and/or offensive:

- a)** The assessment of what is unwelcome should be defined by context including culture or language;
- b)** Previous consensual participation in sexual conduct does not mean that subsequent sexual conduct continues to be welcome or acceptable. The victim should indicate to the perpetrator that sexual conduct is unwelcome.
- c)** When a victim has difficulty indicating to the alleged perpetrator that the conduct is unwelcome, the victim may seek the assistance and intervention of another person in order to make it clear that the conduct is unwelcome;
- d)** Some forms of sexual harassment are such that the alleged perpetrator should have known that the behaviour would be unwelcome

Unwelcome sexual conduct may be direct or indirect and may include technological devices, images and weapons. A single isolated incident of unwelcome sexual conduct of such conduct, if sufficiently severe, can constitute sexual harassment



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Definition of Terms cont'd

Unwelcome
physical
conduct

Unwanted and intentional physical contact of any sort which is sexual in nature especially touching either directly or through the clothing, of anybody parts (the genitalia, anus, groin, breast, inner thigh, or buttocks), brushing against another's body, hair or clothes, kissing, pinching, patting, grabbing or cornering; with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of another person.



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Definition of Terms cont'd

Unwelcome
verbal
conduct

Includes innuendos, suggestions or hints of sexual nature, sexual advances, sexual threats, comments with sexual overtones, sex-related jokes, innuendos, lewd suggestions, foul language, or insults, graphic or belittling comments about a person's body, inappropriate inquiries or telling lies about a person's sex life with the purpose of assassinating his/her character, whistling of a sexual nature, persistent demands for dates/sex and the sending by electronic means or otherwise of sexually explicit text , audio or video



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Definition of Terms cont'd

Unwelcome
Non-verbal
conduct

Includes obscene gestures, indecent exposure and the display or sending/transmitting offensive telephone or electronic or other means of sexually explicit/ suggestive pictures, pornographic pictures or objects.

Note: Perpetrators of sexually harassing behaviour should not invoke the **dress code** of any member of the MUST community as a defence for explaining away their unwelcome conduct



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Definition of Terms cont'd

Other forms of sexual harassment

Requesting for sexual favors in return for rewards, favors, exclusions or inclusions; Sexual favoritism can give rise to complaints of sexual harassment. If one employee or student is granted a promotion in return for sexual favors, other male and female co-workers/students can allege sexual harassment by showing that they were denied an equal opportunity for promotion because of the improper sexual conduct.



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Definition of Terms cont'd

Whistle-blowing

When a concerned individual passes on information concerning wrongdoing in this case behaviour that may tantamount to sexual harassment as per the descriptions in this policy.

The University shall ensure that individuals shall raise concerns without fear of suffering retribution and provide a transparent and confidential process for dealing with the raised concerns.



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NOTE

When deciding whether the conduct unreasonably interferes with an individual's employment or academic performance, the institution shall consider the totality of circumstances including the context of the conduct, its severity, frequency, and whether it was physically threatening and humiliating, or a mere offensive utterance.



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*Please channel your questions to the
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