

**UNIVERSITY OF SAINT JOSEPH  
MBARARA (USMJ)**



**POLICY ON SEXUAL HARASSMENT  
PREVENTION**

**JANUARY 2023**

## **1. FORWARD**

University of Saint Joseph Mbarara (USJM) recognizes the need to create a conducive work and study environment for employees and students respectively. The Sexual Harassment Policy aims at addressing acts and practices related to sexual harassment within structures of the University.

The Policy follows the Constitution of the Republic of Uganda 1995 (as amended), the Universities and Other Tertiary Institutions Act 20221 (as amended), the Employees Regulations in Uganda as well as the Human Resource Manual of USJM.

The Policy applies to all students and staff, administrative and support staff as well as any other people that participate in activities both at and off campus of USJM.

USJM is committed to providing a safe environment for all students and staff free from any forms of discrimination or harassment. Members are therefore encouraged to report any such forms of sexual harassment so that appropriate action can be taken in accordance with the policy.

**VICE CHANCELLOR**

**University of Saint Joseph Mbarara**

## **2. Contents**

1.	FORWARD.....	2
3.	POLICY STATEMENT.....	4
4.	DEFINITION OF SEXUAL HARASSMENT.....	8
5.	DETERMINATION OF SEXUAL HARASSMENT.....	12
6.	OBJECTIVES OF SEXUAL HARASSMENT POLICY .....	13
7.	COMMITMENTS AND RESPONSIBILITIES.....	14
8.	PROHIBITION OF RETALIATION .....	19
9.	APPLICATION OF THE POLICY .....	19
10.	ACADEMIC FREEDOM .....	21
11.	PROCEDURAL MATTERS .....	22
12.	COMPOSITION AND ROLES/RESPONSIBILITIES OF COMMITTEE.....	23
13.	CONDUCT OF MEMBERS OF SEXUAL HARASSMENT COMMITTEE.....	25
14.	REPORTING AND RESOLUTION PROCEDURE.....	26
15.	OUTCOME OF THE HEARING .....	33
16.	FALSE ACCUSATIONS .....	34
17.	APPEALS.....	35
18.	AMENDMENT OF THIS POLICY .....	35
19.	RELATIONSHIP WITH OTHER POLICIES AND LAWS.....	35
20.	AMENDMENT OF THE MANUAL.....	36

### **3. POLICY STATEMENT**

This policy on sexual harassment is aimed at fighting, prevention, and addressing acts of sexual harassment in all structures of the University of Saint Joseph Mbarara (USJM). The policy is informed by many cases being reported in other universities and the social political environment in which USJM is located. It is thus acknowledged that the University should be committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both national laws and Higher Education Institution (HEI) policy. It is also acknowledged that sexual harassment has physical and emotional consequences not only on the victims but on the institution as well. It is the commitment of this University to, thus, develop Sexual harassment policy to create a community free of sexual violence.

USJM recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

USJM recognizes that anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.

USJM does not tolerate sexual harassment of any kind. Indeed, the University regards sexual harassment as unacceptable behavior that is subject to a wide range of disciplinary measures, including but not limited to dismissal or expulsion from the University. This policy statement feeds into fulfilling the Vision and Mission of the University.

The Archdiocese of Mbarara (AoM) started a university as part of its mission and mandate to establish educational institutions of different levels to share in the salvific ministry of Christ by being the salt and light to the world. The founders coined the name: University of Saint Joseph Mbarara (USJM), for the university from St. Joseph, foster father to Jesus and the patron Saint of the pioneer St. Joseph Technical School, whose tradition of hard workmanship and community responsive education, USJM is to uphold.

The personal qualities and values of St. Joseph, the worker, such as integrity, hardworking, commitment, are behind this tradition, and the University will uphold them. USJM aims at total orientation and focus on tertiary education that meets community needs and engineers' socioeconomic transformation. It delivers relevant, affordable, high quality, inclusive and community-responsive university education. The University of Saint Joseph

Mbarara derives its vision and mission from the Christian understanding of the integral growth of a person.

- i. **Vision:** A leading center for integrated community responsive university education.
- ii. **Mission:** To provide holistic education for sustainable development.
- iii. **Motto:** Foster Excellence and Integrity (*Praestantia et Integritate Foveat*)
- iv. **Slogan:** For and With the Community
- v. **Philosophy:** Community-Responsive and Engaged university education
- vi. **Core Values**
  - a. God fearing,
  - b. Integrity,
  - c. Excellence,
  - d. Accountability,
  - e. Community responsiveness

vii. **Objectives:**

- a. To provide relevant university education.
- b. To promote research and innovation among stakeholders.
- c. To nurture citizens of integrity and sense of common good.
- d. To nurture students with demand-oriented skills.
- e. To promote best practices in institutional governance.
- f. To promote pastoral mission of the church

It is USJM commitment to encourage the development of each individual through education at all levels, stressing in particular the creation/promotion of an environment where intellectual and moral values are priorities. Since the person is at the center of all growth and development, both at individual and societal levels, all members of the community respect each other in an attempt to create an environment of openness and trust. The University is committed to promoting justice, respect, solidarity, human rights, equality, and environmental protection, both in its own community and society in general.

#### **4. DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is defined as unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition for accessing certain benefits, such as employment, right grades, promotion and other favors or be excused from being held accountable. An act constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly or a condition of an individual's employment or academic achievement or advancement; or
- Submission to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting the employment and/or the academic standing of an individual; or
- 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.

#### **Manifestations of Sexual Harassment**

Under this policy, we consider that sexual harassment is manifested but not limited to the following:

**a) Non-Consent to sexual conduct**

- i) Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity.
- ii) It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity.
- iii) Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.
- iv) The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

**b) Sexual Violence**

Sexual violence is any form of attack of sexual nature which is inflicted on a member of the University and may take the form of:

**i) Sexual Assault**

This refers to a wide range of forms of non-consensual sexual conduct, namely:

Penetration: Without the consent of the other person, no matter how shallow or deep the penetration may be; and

Contact: Without the consent of the other person, non-consensual kissing, touching an intimate body part (genitals, anus, groin, breast, or buttocks) unclothed or clothed.

ii) **Relationship Violence**

Date rape: a common form of rape, which refers to the un-consensual sexual intercourse between male and female persons who are often familiar to each other, such as campus students, workmates, team mates, and friends. It occurs in an encounter when sexual act is least expected.

iii) **Sexual Abuse**

This is the misuse of sex. Unlawful forceful sexual contact or intercourse.

It is abuse of a sexual nature, including acts, such as rape, incest, fondling, and indecent

exposure. Most of the manifestations listed in sexual assault are also considered under sexual abuse. But it is the specificity of sexual abuse that distinguishes it from sexual assault. Sexual assault is thus broader than sexual abuse.

**iv) Dating Violence**

Conduct by a person who is or has been in a romantic or intimate relationship with the complainant that intentionally, or recklessly, causes bodily injury to the complainant or places the complainant in reasonable fear of serious bodily injury.

**c) Invasions of Sexual Privacy**

- i) Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has an expectation of privacy;
- ii) Without a person's consent, making photographs (including videos) or audio

recordings, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or

- iii) Using depictions of nudity or sexual activity to extort something of value from a person.

**d) Having Sex with Minors**

Sexual intercourse with a person under the age of 18.

**e) Exposure**

Exposing one's genitals in a public place for the purpose of sexual gratification.

**5. DETERMINATION OF SEXUAL HARASSMENT**

- a) Determination of what constitutes sexual harassment shall be done on case-by-case basis, or facts on ground and the context.
- b) Some conducts may appear or may be interpreted as sexual harassment but may not be, such as a dress code or accidental contact.

- c) Action to be taken may depend on situation and conduct reported and may include but not limited to disciplinary action.

## **6. OBJECTIVES OF SEXUAL HARASSMENT POLICY**

This policy aims at two broad objectives – Prevent and Protect – but shall have the following specific objectives:

- a) To create an environment free from sexual harassment with an aim of ensuring harmonious living between staff and students, promoting a culture of respect among staff and students and fostering ethical conduct of staff members and students;
- b) To sensitize the University community about the evils of sexual harassment, thereby engendering a sense of social responsibility and zero tolerance for such behavior;
- c) To establish an institutional framework that encourages victims of sexual harassment to exercise their rights, maintain their dignity, and

refuse to submit to the pressures of sexual harassment; and

- d) To take action in eliminating sexual harassment at the University and impose corrective action as is necessary, including disciplinary action where appropriate.

## **7. COMMITMENTS AND RESPONSIBILITIES**

The objectives of this policy will be achieved if certain commitments are made and met by the University, staff, students, and community members.

### **a) University**

- i) The University commits to providing a good working environment, an environment in which sexual harassment is minimized / avoided. Staff, students, and staff dependants have a right to protection against sexual harassment. Students and staff have a right to a supportive and safe learning and working environment in which sexual harassment is unacceptable and not tolerated.

- ii) The University shall provide advice related to sexual harassment and protect the privacy of the people who report or witness or testify against acts of sexual harassment.
- iii) The University is committed to act against all forms of violence by responding timely and quickly in handling sexual harassment complaints as soon as possible.
- iv) This policy asserts that the University handles and gives feedback to the complainant in at least fourteen (14) working days from the date of reporting the matter.
- v) The University has a responsibility and commits to punishing offenders according to legal procedures and according to University disciplinary procedures. For the benefit of doubt,

offenders include not only defendants but also those who falsely accuse others.

- vi) Awareness creation and prevention of sexual harassment: The University has a responsibility to inform its members about sexual harassment, its forms, and strategies to prevent it. The strategies to prevent sexual harassment from occurring include but are not limited to education and sensitization, encouraging responsible behavior, sponsoring public for a (discussions, debates and drama), acting against sexual harassment of women and girls, child abuse and other prohibited behaviors, such as indecent exposure.
  
- vii) The University has a responsibility to disseminate, inform and make it know to the public and the University community about the existence of the sexual harassment policy,

- viii) The University has a responsibility to investigate sexual harassment at the University even when there are no reports or no complainants.
- ix) The University has a responsibility to establish sexual harassment structures, such as boards, committees, and an appeal structure through which sexual harassment complaints can be handled.
- x) The University has a responsibility to commit resources – human, financial, and physical – to support the full implementation of this policy.
- xi) In case a complainant takes the matter to courts of law, the University has a responsibility to continue and conclude its investigations; and if necessary, provide to court their findings as evidence.

**b) Staff, Students and Community Responsibilities**

- i) Everyone has a responsibility to protect him/herself against sexual harassment. Students, staff, and the community have special obligation to ensure that they behave in such a way as to pose no threat to any other person.
  
- ii) Staff, students, and the community have a responsibility not to stigmatize any member of the University community who may have been sexually harassed.
  
- iii) Staff, students, and the community have a responsibility to respect zero tolerance to sexual harassment and the sexual harassment policy of the University.
  
- iv) Staff, students, and the community have a responsibility to report sexual harassment.

## **8. PROHIBITION OF RETALIATION**

- a) A student or member of staff shall not retaliate against or victimize a person who complains of sexual harassment.
- b) A student or member of staff shall not retaliate against or victimize a witness who provides evidence of sexual harassment.
- c) A respondent who retaliates or victimizes a complainant of sexual harassment commits a disciplinary offence, and shall, on conviction, be subjected to disciplinary action; and the disciplinary action shall reach out all the agents, colleagues, and accomplices of the respondent.

## **9. APPLICATION OF THE POLICY**

This policy prohibits sexual harassment by any member of the University community. Any student or employee may make a complaint of sexual harassment against another student or employee. Students and employees include former students and employees raising allegations of sexual harassment which occurred while they were still members of the University community.

This policy applies to incidents of sexual harassment that occur in the course of work or study or participation in University-sponsored organizations, activities and programs on-campus or off-campus. Examples of off-campus settings include, but are not limited to, field trips, sports events, road trips, conferences, or training events, and University-sponsored social functions.

Persons who are not employees or students of the University, such as visitors and suppliers of services to the University may have concerns about sexual harassment and are encouraged to express their concerns to the Sexual Harassment Committee. The Committee will advise the person raising the concern and, where appropriate, refer the matter to the appropriate individual or unit within the University.

This policy will not be applied or interpreted in such a way as to detract from the right of those in supervisory roles to manage and discipline employees and students in accordance with normal University practices or from any existing rights or obligations contained within any existing code of staff/student conduct, collective agreement, or other approved employee agreement.

## **10. ACADEMIC FREEDOM**

This policy is to be interpreted and administered in a way that is consistent with the principles of academic freedom. Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of faculty, staff, and students to engage in the frank discussion of potentially controversial matters, such as age, race, politics, religion, sex, sexual orientation, and gender identity. These are legitimate topics and no University policy should have the effect of limiting discussion of them or of prohibiting instructional techniques, such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions, provided that such discussion and instructional techniques are conducted in a mutually respectful and non-coercive manner.

Notwithstanding the existence of this policy, every person continues to have the right to seek assistance or take legal proceedings against any person who has sexually harassed him or her. This policy does not stop any complainant from taking other proceedings outside the scope of this policy, such as reporting the matter to police, taking the matter to courts of law even when the matter is still being investigated by the University.

## **11. PROCEDURAL MATTERS**

As part of commitment, the University is required to set up sexual harassment committees at various levels of the University, where possible, but most importantly at the University level. Being a young university, USJM will start by having one committee at the University level to handle all sexual harassment-related matters. This will be revised to include committees at other levels as need arises. The Committee is charged with receiving and handling complaints of sexual harassment and recommend to the University Management appropriate action. Where the committee fails to handle the matter, proper guidance should be given to the complainant on the next course of action, such as where to appeal or even taking the matter to court.

The Committee is also charged with the responsibility of preparing and planning sensitization workshops and meetings so as to guard against sexual harassment.

It is the duty of the University Sexual Harassment Committee to plan its operational procedures; whether to form sub-committees with authorization of University Management or to work as one single unit.

**12. COMPOSITION AND ROLES/RESPONSIBILITIES OF COMMITTEE**

- a) The University shall set up a Sexual Harassment Committee at the University level. It shall be referred to as the University of Saint Joseph Mbarara Sexual Harassment Committee.
- b) After the University has expanded and new structures, such as schools, institutes, faculties, and other administrative units have been created, the University shall create committees at such levels.
- c) Each committee shall be composed of persons of high integrity of whom at least 50% shall be female.
- d) The composition of the Sexual Harassment Committee shall comprise of a pool of eleven (11) persons as follows:
  - i) Vice-Chancellor (as Chairperson),
  - ii) Deputy Vice-Chancellor,
  - iii) Academic Registrar,
  - iv) Dean of Students (as Secretary),
  - v) Chairperson, Disciplinary Committee,
  - vi) University Counsellor,
  - vii) One student representative (elected by students' assembly),

- viii) One academic staff representative (elected by academic staff assembly),
  - ix) One non-academic staff representatives (elected by non-teaching staff assembly),
  - x) University Chaplain, and
  - xi) Human Resource Manager.
- e) The University Management has appellat jurisdiction over decisions made by University Committee.
- f) The University Legal Officer shall be consulted and/or invited to attend proceedings of the Committee as the Committee shall deem necessary.
- g) To allow mediation, and resolving matters before they escalate, the University establishes contact persons for students and staff to be consulted before the matter is formerly made to the Sexual Harassment Committee. The Dean and University Counsellor shall be the contact persons for students and staff, respectively. The role of these two persons shall be to advise, mediate, and recommend any other course of action but not to investigate whether the act has been committed or not. Establishment of contact person does not stop

anyone from making formal complaint. Any person may make a formal complaint without reporting to the two persons named above.

- h) It is the responsibility of this Committee to make their documents and other proceedings confidential to non-privileged person(s).

**13. CONDUCT OF MEMBERS OF SEXUAL HARASSMENT COMMITTEE**

- a) The Committee members shall observe the principals of secrecy, confidentiality, and collective responsibility.
- b) Any member of the Committee whose behavior is contrary to the principles of this policy and other rules and regulations shall be asked to voluntarily withdraw her/his membership from this Committee. When such a member refuses to voluntarily withdraw her/his membership, the Committee may terminate her/his membership after following a right procedure; and an appropriate replacement shall be made before the next sitting.

## 14. REPORTING AND RESOLUTION PROCEDURE

- a) Complaints of sexual harassment may be made by any member of the University community who believes she or he has been sexually harassed.
- b) Individual(s) should bring forward complaints as soon as possible after the incident or incidents giving rise to the complaint in order that the most thorough and fair consideration of the matter may occur.
- c) The policy encourages that any complainant complains within seven (7) days of the act of sexual harassment taking place. However, complainant(s) can report the matter any time they want to report.
- d) Reporting may take two forms:
  - i) Informal complaint:
    - The purpose of the informal resolution/complaint procedure is to resolve complaints between the parties.
    - The informal resolution procedure will not involve a finding that sexual harassment has or has not occurred.
    - Unless the parties agree otherwise, all discussions and resolutions reached through the informal procedure will be

strictly confidential and carried out without prejudice.

- No written complaint is required to commence the informal procedure.
- The options available under the informal procedures are numerous and will vary depending on the nature of the complaint.
- Examples of informal actions may include, but are not limited to:
  - Communicate concerns directly – advise the other party that his/her behavior is unwelcome and unwanted, and that the behavior must stop immediately;
  - Communicate concerns in writing to the other party – describe the offending behavior, the impact of the behavior, and request that the behavior stop immediately; or
  - Contact the head of department to address issues.

- ❖ The complainant may, at any time prior to the matter being concluded or closed, choose to pursue the formal complaint procedure under this policy.
- ❖ No informal action that adversely affects the academic, employment, or professional interests of the respondent shall proceed under the informal procedure without the knowledge and consent of the respondent.
- ❖ No record of an informal procedure shall be entered into the academic or employment file of the complainant or the respondent without the knowledge and consent of that person.
- ❖ If the contact person, after discussion with the complainant, concludes that, in the contact person's opinion, the concern raised by the complainant does not fall under this policy, the contact person shall advise the complainant accordingly. The contact person will also refer the complainant to other University policies or

procedures that may apply (for example, the Code of Student Conduct or the University Disciplinary Committee) and may, if the complainant wishes, refer the complainant to the appropriate person or office with responsibility for that policy or procedure.

- ❖ No person involved in the informal procedure shall give evidence or introduce documents from that process during any other subsequent University process under this policy where that evidence or those documents would disclose that any person agreed or refused to participate in the informal procedure, or if informal action occurred, the nature of that action, unless all parties involved in the informal procedure consent to that disclosure.

ii) Formal complaint:

- The complainant shall complain through the contact person.
- The contact person shall ensure that reasonable attempts at informal resolution have been explored prior to commencing the formal complaint procedure. The parties may also resolve the matter at any point during the formal complaint procedure.
- When the complainant makes a formal complaint, the contact person shall formally inform the respondent of the matter.
- To initiate the formal complaint procedure, the complainant shall provide a written statement of complaint to the contact person. The statement of complaint must include the names of the parties, a detailed description of the behavior or comment that forms the

basis of the complaint and a request to initiate the formal complaint procedure.

- The contact person shall ensure the respondent has a copy of the statement of complaint.

The formal complaint procedure will be initiated following a determination by the contact person in consultation with the chairperson of the University committee, that the allegations:

- Fall within the Sexual Harassment Policy;
- Could result in a finding of harassment if proven true; and,
- Are not being heard, or have not already been heard through another University process.

Within four (4) working days following a determination to proceed, the Secretariat shall deliver a copy of the statement of complaint and a copy of this policy to the respondent. The respondent shall have seven (7) working days within which to respond in writing to the statement of complaint.

In consultation with the contact person, the Chairperson shall constitute the Committee to look into the matter and a decision or the outcome shall be reported to the complainant

within fourteen (14) working days from the time of reporting. In the event that the matter cannot be resolved within fourteen (14) days especially if it requires more investigations to provide more information, this should be communicated to the complainant in writing giving a time frame within which the matter shall be investigated and resolved. The time for this to be done shall not exceed thirty (30) working days.

In case an investigation is made, the investigator(s) appointed from the members of the Committee shall submit a report to the Chairperson of the University Sexual Harassment Committee providing an opinion on the facts of the case and whether there has been a violation of the Sexual Harassment Policy. A copy of the report will also be provided to the contact person.

The Chairperson shall determine which portions of the report are appropriate to provide to the complainant and the respondent in accordance with the confidentiality clause contained in this policy.

Upon reviewing the report, the Committee shall set a date of hearing the matter. The date shall be communicated to the respondent in writing in time not less than forty-eight (48) hours before the hearing.

## **15. OUTCOME OF THE HEARING**

A student, staff, or community member who is found guilty of committing a sexual harassment offense shall be held liable and penalized accordingly in any or all of these ways:

- a) Written warning,
- b) Ordered to give a public apology to the aggrieved party,
- c) Ordered to compensate the aggrieved party,
- d) Suspension,
- e) Dismissal,
- f) Demotion,
- g) Transfer, and/or
- h) Any other appropriate way as may be determined by the Committee.

Disciplinary proceedings taken against any person under this policy shall be taken in accordance with applicable disciplinary processes for students, staff, and community members, as appropriate.

## **16. FALSE ACCUSATIONS**

A student, staff, or community member who makes a false accusation of sexual harassment against another person commits a disciplinary offence.

A person convicted of such a disciplinary offence under this policy shall be liable to any or a combination of the following:

- a) Written warning,
- b) Ordered to give a public apology to the aggrieved party,
- c) Ordered to compensate the aggrieved party,
- d) Suspension,
- e) Dismissal,
- f) Demotion,
- g) Transfer, and/or
- h) Any other appropriate way as may be determined by the Committee.

A convicted person may be dealt with in accordance with the disciplinary provisions of USJM.

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

## **17. APPEALS**

A person aggrieved by the decision of the Committee may, within fourteen (14) days of the decision, appeal against the decision to the University Management.

Management of USJM shall dispose of all appeal cases within three (3) months of lodging the appeal except in special circumstances.

## **18. AMENDMENT OF THIS POLICY**

This policy shall be amended, as a whole or in part, as the need arises. In whatever form the amendment is made, it shall be approved by competent authority in the University

## **19. RELATIONSHIP WITH OTHER POLICIES AND LAWS**

- a) This policy shall be read and interpreted in line with the existing University rules, regulations, and policies. Where contradictions exist, legal interpretation shall be sought from the University Legal Officer or University Council
- b) This policy is subordinate to the laws of the land.


**20. AMENDMENT OF THE MANUAL**

The Manual, subject to amendment from time to time by relevant authority, was approved by the University of Saint Joseph Mbarara Governing Council on this .....day of .....

Signed by:



**Rev Fr Gervase Nsekanimanya Diido**  
**CHAIRMAN**



**Rev Fr Dr Deus M Karemiri (PhD)**  
**VICE CAHANCELLOR**