



**UGANDA MANAGEMENT
INSTITUTE**

**ANTI- SEXUAL
HARASSMENT POLICY**

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FOREWARD

The Sexual abuse prevention and response policy is part of Uganda Management Institute' (UMI) continued effort to achieve its vision of *“being a World Class Management Development Institute”* and its mission *“to excel in developing sustainable management capacity”*.

This policy was born out of the need to maintain an environment free from sexual harassment. The policy entails strategies to systematically eliminate all forms of sexual harassment at Uganda Management Institute.

It is our responsibility as leaders of UMI to maintain the integrity of the institution and call to account anyone who uses her or his office to harm or exploit another. Such a person should not be allowed to stay amidst UMI or to use her or his status to gain access to sexually harass and abuse others. Sexual abuse, exploitation, and misconduct are destructive to the professionalism, and I call upon the UMI community to resist injustice and protect the vulnerable and the weak.

This policy was as a result of consultative processes that involved; literature review, interviews with staff members at different levels and numerous meetings for the task force members.

All efforts were made to align this policy with other UMI policies, **BUT** this may not have covered all areas. All efforts have been made to align this policy with national policy and where this contradicts, the national policies will prevail.

Director General

Dr. James Nkata

ACKNOWLEDGEMENTS

The drawing of this Sexual abuse prevention and response policy has been coordinated by a staff committee, through a wide consultative process, which started in 2011. This therefore is to acknowledge the contributions from all staff, who were the first people to be consulted on the Sexual abuse prevention and response policy issues in the Institute.

Top Management Team is commended for the guidance given to enable fine tune this document. Acknowledged also is the Institutes Governing Council, together with other organs of the Institute for the contribution towards the process of coming up with this Sexual abuse prevention and response policy.

The NICHE Project Management Team and Steering Committee are commended for their contributions and funding activities aimed at putting in place a Sexual abuse prevention and response policy.

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ACRONYMS AND ABBREVIATIONS

HRM	-	Human Resource Manual
M&E	-	Monitoring and evaluation
MDG	-	Millennium Development Goal
NAPW	-	The National Action Plan on Women 2007
S.E.A	-	Sexual Exploitation and Abuse
UGP	-	Uganda Gender Policy 2007

DEFINITION OF KEY CONCEPTS

Sexual harassment means any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature which: unreasonably interferes with your work; is made a condition of your employment; or creates a work environment that you find intimidating, hostile or offensive.

Reasonable Person Standard: An objective test used to determine if behavior meets the legal test for sexual harassment. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances; if the behavior is offensive, then the test is met. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

Reprisal: Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation against a military member or civilian employee for participating in the sexual harassment or discrimination complaint process. Reprisal can come from any military member or civilian employee internal or external to the workplace of the complaint or offender.

Workplace: An expansive term for Uganda Management Institute Stakeholders that may include conduct on or off duty, 24 hours a day.

Work Environment: The workplace and the conditions or atmosphere under which people are required to work.

Complaint: A complaint is an accusation of sexual abuse made by the person who experienced the abuse or a person who has first-hand knowledge of the abuse (i.e., has observed or has evidence of same) and has reported it to the **HRM**.

Complainant: The complainant is the person who informs **HRM** that he or she has been abused or has first-hand knowledge of abuse by a person subject to the provisions of this policy.

Respondent: The respondent is the person against whom a complaint is made, and who is called upon to respond to the complaint.

What is Sexual Harassment

At Uganda Management Institute, **Sexual harassment** will mean any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature which: unreasonably interferes with your work; is made a condition of your employment; or creates a work environment that you find intimidating, hostile or offensive. Sexual harassment is sex-based behavior that is unwelcome and offensive to its recipient. For sexual harassment to exist, two conditions must be present: **Quid Pro Quo**: when a job benefit - such as a pay rise, promotion, or even continued employment - is made conditional on the victim acceding to demands to engage in some form of sexual behavior or hostile working **environment** in which the conduct creates conditions that are intimidating or humiliating for the victim. Two types:

1. **QUID PRO QUO sexual harassment** is the easiest kind of sexual harassment to understand. Quid pro quo is a Latin term that translates as "something for something," and quid pro quo sexual harassment is simply an employer or other person in a position of power demanding sexual favors in return for advancement or as the basis for some other employer decision. To establish a case of quid pro quo sexual harassment, individual employees must show that they were subjected to conduct of a sexual nature that was unwelcome, unsolicited, and not incited or instigated by the employee; that the conduct was based on their sex; and that the employees' reaction to the conduct was used as the basis for an employment decision involving compensation, privileges, or conditions of employment. An example of quid pro quo sexual harassment would be a boss demanding his employee to have sex with him/her in return for a promotion. Quid pro quo sexual harassment is the easiest kind of sexual harassment to prove, but it is also uncommon compared to the other type of sexual harassment.
2. **Hostile-environment sexual harassment** is created in situations in which an employee is subject to unwelcome verbal or physical sexual behavior that is either extreme or widespread. Also non sexual behavior; body-language, unwelcome / persistent interrogation or remarks/insinuations (e.g. on private life of someone). There is no threat

to employment in this kind of harassment, but the harassment causes the employee subject to it enough psychological strain as to alter the terms, conditions and privileges of employment. Hostile environment harassment includes such circumstances as hearing sexual jokes, seeing pornographic pictures, and receiving repeated invitations to go on dates. This type of sexual harassment litigation currently is most perceived as the most difficult to prove.

What is not Sexual Harassment?

- a) It is important to bear in mind that there is a wide range of ambiguous behaviour that might offend some people, but not necessarily others. Examples might include comments on clothing, compliments about improved appearance, and even unintentionally offensive jokes that most people might find reasonable. These types of behaviour would not normally be seen as harassment.
- b) But if it does (behaviour that might offend some people), and the person indicates to the other, the latter one should show respect and stop the behaviour (as a good and respectful colleague).
- c) It is also important to note that, in the course of their work, supervisors have a responsibility to take difficult decisions, e.g., about moving people or changing work assignments. These decisions do not, in themselves, constitute harassment.
- d) Also, a negative performance report, as such, is not harassment. Supervisors have a responsibility to give appropriate feedback and to take appropriate corrective action. However, such feedback should be made in a reasonable and constructive manner and should not be used as retaliation.

SECTION ONE: SITUATIONAL ANALYSIS AND POLICY CHALLENGE

1.1 INTRODUCTION TO SEXUAL ABUSE PREVENTION AND RESPONSE POLICY

Sexual harassment continues to be pervasive in the workplace. It is doubtful that organizations consciously encourage inappropriate social-sexual behavior, yet the prevalence of sexual harassment suggests that organizations may unofficially or informally sanction behaviors that facilitate or encourage sexual harassment. Unheard of until the 1970s, sexual harassment has become a dominant concern of employers, schools, and other organizations globally. In Uganda, before the enactment of the Employment (Sexual Harassment)

Regulations, 2012, (which we shall subsequently refer to as “the Sexual Harassment Regulations of 2012”) the sexual harassment laws were not clearly defined. However, there had emerged over the years a consensus of the basic outlines of what sexual harassment is and what needs to be done by organizations, schools and higher education institutions. With the enactment of the Sexual Harassment Regulations of 2012, sexual harassment was defined by the law and what organizations, schools and higher education institutions were obliged to do to prevent sexual harassment. One of the difficulties in understanding sexual harassment is that it involves a range of behavior, and is often difficult for the recipient to describe to themselves, and to others, exactly what they are experiencing. Although in many cases a man is the harasser and a woman the harassed, sexual harassment can also involve a woman harassing a man or individuals of the same sex. Employers therefore, are responsible for preventing sexual harassment in the workplace. A strong and clear policy prohibiting sexual harassment and other preventative measures are in the best interest of the Uganda Management Institute.

The Management of Uganda Management Institute, teaching and non-teaching, staff, participants support employees, and partners are responsible for ensuring that the Institute maintains an environment for work and study free from sexual harassment. Sexual harassment is unlawful and impedes the realization of the Institute’s mission of distinction in Management training, research and consultancy. Sexual harassment violates the dignity of individuals and will not be tolerated. The Institute community seeks to eliminate sexual harassment through education and by encouraging those in administration, teaching and non-teaching staff, administrative and secretarial staff, support staff, participants, suppliers and visitors to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs. Sexual harassment has important implications for men and women. Irrespective of the details of the law, all individuals desire and deserve a workplace where they are treated with appropriate respect in a comfortable environment conducive to effective teamwork and optimal productivity. Stakeholders must set the pace in affirmatively combating sexual harassment in Uganda Management Institute.

Sexual harassment often takes three forms; (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably

interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

1.2 THE CHALLENGE OF THE ABUSE, PREVENTION AND RESPONSE POLICY

Cases of sexual harassment have been prevalent in higher education institutions. However, there have been challenges on how to deal with the harassers in order to protect the harassed because there have not been any guidelines to prevent sexual harassment or even to deal with the culprits (Boland, 2002). This policy therefore, will go a long way in putting Uganda Management on track to protect its glory. There has been so much confusion on how best to deal with cases or allegations of sexual harassment. A lot of retaliation and backlash against complainants have discouraged victims from speaking out against sexual harassment. This is because the victims are often labeled troublemakers by their harassers who are in most cases, in positions of power. Similar to cases of rape or sexual assault, the victims often become the accused, with their appearance, private life, and character likely to fall under intrusive scrutiny and attack. This confusion has been exacerbated by the definitional challenges that make it difficult for a comprehensive policy in many settings. Therefore, the existence of the policy on sexual harassment will clearly comprehend and articulate this complexity. One of the difficulties in understanding sexual harassment is that it involves a range of behavior, and is often difficult for the recipient to describe to themselves, and to others, exactly what they are experiencing. This policy therefore is to foster fair treatment and mutual respect to all employees, participants, clients and visitors of Uganda Management Institute. As the policy comes into existence, issues of sexual harassment need to be clearly comprehended and articulated because of its complexity.

The policy has been a result of some of UMI's strategies to proactively conduct informal inquiries into sexual harassment concerns. In Uganda management Institute, sexual harassment has manifested itself mainly through; recruitment and deployment; teaching and grading of students; supervision of students; in appropriate dressing of individuals and through sexually motivated comments and jokes.

Discussions with UMI staff show that, most staff members do not know what it is or even how to describe sexual harassment. It was noted that in UMI, some employees do not know their rights as workers. Those who might be harassed do not know where to report. Sexual harassment allegations have been prevalent but with no concrete evidence. The allegations are that sexual harassment cases are most prevalent among support staff and participants.

That some support staff have also been found to use this allegation to cover up unacceptable performance standards. And in the end ascertaining occurrences of sexual harassments is very complex because of lack of witnesses and hard evidence. There are also allegations sexual harassment exist among technical staff and participants i.e. exchange of sex with marks. Although there is no evidence to this effect, this same form of sexual harassment has been reported in institutions of higher education.

More so, discussion shows that there are no formal reporting channels in place for cases of sexual harassment. There is need for formal channels for participants to report sexual harassment cases. The counselling that appears in the HR manual is basically employee counselling not sexual harassment counselling. Both the perceived harassers and the harassed require counselling. More so, it was recognized that the skimpy dressing of some staff and students is considered to be a type of sexual harassment. Yet, in an institution of higher learning, it might be difficult to implement a policy on what is considered “proper” or “decent” dressing

Sexual harassments can occur in a variety of circumstances. Often, but not always, the harasser is in a position of power or authority over the victim (due to differences in age, or social, political, educational or employment relationships). In Uganda Management institute, the harassers range from supervisors, client, a co-worker, consultants/lecturers, students, friends, visitors, and strangers. The victims are of any gender as well as the harassers. The harasser sometimes is unaware that his or her behavior is offensive or constitutes sexual harassment or may be completely unaware that his or her actions could be unacceptable. Also some times the victim is not the person directly harassed but other persons who find the behavior offensive and are affected by it (Appendix 1, shows Indicators of sexual harassment and effects).

SECTION TWO: POLICY STATEMENT AND SCOPE OF APPLICATION

2.1 POLICY STATEMENT

UMI has pledged to preserve a working environment free from sexual harassment. Harassment is against the law and is a form of gender discrimination. The aim of this policy is to prevent harassment of any kind by anyone employed by or associated with Uganda Management Institute (UMI).

2.2 SCOPE OF POLICY APPLICATION

This sexual abuse prevention and response policy and procedures address sexual harassment and retaliation and applies to all employees at UMI, including supervisors and managers as well as students. It outlines the organizations objective in maintaining the policy and describes prohibited conduct in detail. The policy provides examples of conduct that would be considered sexual harassment in violation of the policy. It describes appropriate procedure for reporting sexual harassment as well as penalties for the accused. The policy describes the complaint resolution procedures, the disciplinary measures that may be administered and the assurances of confidentiality.

2.3 GUIDING PRINCIPLES OF THE ANTI-SEXUAL HARASSMENT POLICY

2.3.1 Principles of Natural Justice

- a) All the accused persons to be given a chance to defend themselves and to have witnesses;
- b) The investigator should be socially and organizationally distant from both the alleged victim and the alleged harasser (the investigator should not be friends with the alleged victim, nor directly report to the alleged harasser, or vice versa). This is will be done to maintain impartiality.

2.3.2 Credibility of the Investigator

- a) Ensure that the person who will investigate the complaint has credibility with the workforce;
- b) The investigator should be knowledgeable about the legal dimensions of sexual harassments, experienced in handling employee issues, familiar with the organization's policies,

2.3.3. Knowledgeable and Emotional Intelligence

- a) The investigator should have a focused, carefully thought out investigation plan designed to settle the issue in as timely a fashion as possible;
- b) This should include a review of relevant organizational records, including complainant's personnel file, alleged harasser's personnel file, performance reviews, and promotional and salary records;
- c) Such reviews should be able to turn up everything from prior disciplinary warnings aimed at the accused to possibly relevant indications that the involved parties had previously competed against one another for promotions or other job opportunities;

- d) Such information may well be completely irrelevant to the legitimacy of the complaint, but it is the investigator's duty to check into all possible aspects of the complaint;
- e) Every claim should be treated seriously, no matter how unusual or seemingly frivolous it might first appear, until an informed decision can be made;
- f) An investigator should also suspend judgment on complaints that seem obviously legitimate until a thorough investigation has been completed;

2.3.4 Confidentiality and the right to privacy of the victim of harassment

The investigator, the harasser and the harassed have a right to privacy during and after investigation. The investigator is expected to keep confidentiality all materials availed to him/her for purpose of investigation. The investigation should be done in desired timelines to avoid contamination of the evidence.

2.3.5 Gender sensitivity

The investigator and all parties involved are expected to maintain objectivity and impartiality irrespective of the gender differences of the parties involved. The language used should be socially acceptable and should be gender sensitive

2.3.6 Discretion

After thorough investigation and evidence, the investigator has discretion to make judgment about the case.

2.4 OBJECTIVES OF THE SEXUAL ABUSE PREVENTION AND RESPONSE POLICY

2.4.1 General Objective

The overall goal of this policy is to systematically eliminate all forms of sexual harassment at Uganda Management Institute. As an employer Uganda Management Institute recognises the importance of a conducive work environment that is free from sexual harassment. As an institution of higher education, Uganda Management recognises an importance of learning environment, free from harassment. The policy on sexual harassment aims at addressing all acts that tantamount to sexual harassment.

2.4.2 Specific Objectives

- i) To guard against offensive environment, and one that is consistent with "hostile environment sexual harassment through awareness to all stakeholders by organizing educational seminars and workshops;
- ii) To establish a policy on dressing code for staff and participants

- iii) Establish procedures to address sexual harassment issues and to achieve problem and grievance resolution during selection and deployment of staff;
- iv) To provide a free environment where victims of sexual harassment will be enabled to speak out and be assured of protection;
- v) To put punitive measures in place against sexual harassers
- vi) To establish a counseling centre for both the harassed and harassers

2.5. ANTI- SEXUAL HARASSMENT POLICY

In order for the Institute to achieve the above goals and objectives, the following strategies will be put in place:

2.5.1 Creating Awareness

- i) Conduct educational seminars and workshops for managers and employees to raise awareness of sexual harassment problem in the institute;
- ii) Incorporate sections of the policy into the general guidelines of students in their admission letters;
- iii) Distribute sexual harassment pamphlets to all guests, clients, suppliers and contractors of Uganda Management Institute at the gates and front desk offices;
- iv) Create a sense of accountability and avoid discrimination through regular staff/student workshops on sexual harassment and creating a conducive working/ learning environment.
- v) Publicize sexual harassment policy through the media and billboards.
- vi) Induction training is very critical and issues of workers' rights including issues of sexual harassment should come out very clearly.
- vii) Avail a copy of the Sexual Harassment Policy to each new Staff and staff.
- viii) Post the Sexual Harassment Policy on the UMI website and any conspicuous area.

2.5.2 Dress Code at Uganda Management Institute

- i) Be vigilant on the way both staff, guests and participants dress through the provision of guideline manuals and posters;
- ii) Stress accountability and emphasize responsibility in dressing even to those in leadership positions so we can live by example;
- iii) Corporate dressing should be emphasized whether week days or weekends.

- iv) Students/participants (weekend, day and evening programmes) should be briefed during their orientation interaction about “corporate attire” whenever at UMI to minimize provocative dressing. That this should also apply to facilitators.
- v) Establish a human resource management committee to deal with unacceptable dressing through counseling and guidance to all those believed to be dressed in inappropriate manner;
- vi) Establish punitive measures or sanctions for staff and students/participants who do not abide by the dress code guidelines.

2.5.3 Have appropriate procedure for reporting sexual harassment cases

- i) Set up a Sexual Harassment Committee to handle sexual harassment cases at the institute. The Committee shall be composed of 1 (one) representative of management selected annually by the Director General, 1(one) representative of the employees selected annually by the employees, 1(one) member and the chairperson appointed by the Director General. All the Committee members shall be individuals of high integrity and persons knowledgeable in and sensitive to gender and sexual harassment issues.
- ii) Establish internal/institutional procedures to handle sexual harassment complaints to curb occurrences of sexual harassment (appendix 2).
- iii) Encourage victims/survivors of sexual harassment not only to refrain from sexual harassment but also actively counter and report such actions immediately;
- iv) Ensure all UMI employees and students are aware of the avenues of filing complaints and of the actions that will be taken against personnel in substantiated cases.
- v) Be proactive and ensure that all complaints are thoroughly and effectively investigated,
- vi) Establish clear channels for grievance handling for those harassed;
- vii) Expedite the process of hearing and the sanctions must be within the jurisdiction of the Institute’s policy.
- viii) Inform the accused within two weeks after the case has been reported;

2.5.4 Establish a climate that precludes sexual harassment by maintaining

Confidentiality

- i) Conceal identities of the victims/ survivors who have reported harassers
- ii) Ensure that the sexual harassment policy is conformed to by all each level of the chain of command;

iii) Maintain confidentiality during and after investigation from the public.

2.5.5 Penalties for the accused

- i) Condemn sexual harassment by punishing those involved using the human resource manual guidelines
- ii) Establish distinctive penalties in accordance with the type of harassment

2.5.6 Counseling and Advising

- i) Counsel harassers when sexual harassment is viewed, even if a complaint is not filed;
- ii) Encourage those who have been traumatized due to sexual harassment to seek counseling and advice on how to overcome the situation
- iii) Establish a retainer arrangement for counseling services since some cases might be beyond the competency of UMI committee. There might be need for an independent adviser/counselor for obvious reasons.

2.5.7 Office Designs

In future, architectural designs should take into consideration the issue of open offices to allow evidence i.e. offices should be separated by half wood – half glass.

SECTION THREE: IMPLEMENTATION, ROLES AND RESPONSIBILITIES

3.1 (a) ROLES AND RESPONSIBILITIES

Every part of the Institute has a responsibility for ensuring compliance with the duties of the legislation. Working partners, contractors and service providers must also ensure compliance.

The Institute Council & Senate

The Institute Council and Senate, as the governing bodies, have ultimate responsibility for ensuring that the Institute complies with sexual abuse prevention and response policy, and related legislation.

Director General

The Director General (DG) is responsible for giving a consistent and high-profile lead on sexual abuse prevention and response policy, and related legislation, both inside and outside the institution. The DG is responsible for ensuring that the Institute's sexual abuse prevention and response policy, and related action plans are implemented effectively through UMI structures and that appropriate action is taken against individuals who do not act in accordance with the policy.

The Disciplinary Committee

The Institute' existing Disciplinary Committees often advise management and Director General in particular on issues related to indiscipline. The Disciplinary Committee will also handle the reports from the Sexual Harassment Committee recommending disciplinary action against any staff.

The Human Resource Manager

The individual designated to be in charge of the Sexual Harassment Policy is the Human Resource Manager. The Human Resource Manager is responsible for ensuring that procedures relating to staff human rights protection and discipline are in accordance with the sexual abuse prevention and response policy, and related legislation.

Deans, Heads of Departments and Sections

The Directors, Deans, Heads of Departments and Sections are responsible for the implementation of the sexual abuse prevention and response policy, and related legislation within their jurisdiction. This involves putting the policy and its strategies and procedures into practice; making sure all staff know their responsibilities, and receive support and training in carrying these out; and following the relevant procedures and taking action against staff or students who sexually harass and abuse.

All Staff

All staff have a role to play in creating and maintaining an environment where sexual abuse and harassment are considered to be unacceptable. All staff should promote respect and equality. All staff are responsible for dealing as far as they are able with incidents of harassment, bullying or breaches of the sexual abuse prevention and response policy, and related legislation and taking up relevant training and learning opportunities. Staff should report any incidents of concern in relation to sexual abuse to the HRM for onward transmission to the Sexual Harassment *Committee*, or their Head of Department or Section, or to their departmental human resource contact.

All Students

All students should promote sexual abuse prevention and response policy, and should report any incidents of concern including specific matters in relation to sexual abuse and harassment, to the dean of students or directors of programmes and students affairs.

Partners, Contractors and Service Providers

All partners, service providers, associates, contractors, professional, statutory and accredited bodies and those who provide services to the Institute are responsible for complying with sexual abuse prevention and response policy, requirements set out in contracts with the

Institute.

3.1(b) POLICY IMPLEMENTATION AND COORDINATION

- i. The Human Resource Manager shall be responsible for coordinating the implementation of this policy;
- ii. A staff anti-sexual harassment committee will be constituted. The Committee will consist of five members representing both management and staff. The members are supposed to be persons knowledgeable and sensitive to gender and sexual harassment issues. The officer designated to be in charge of Sexual Harassment should be a member and, if possible, the Secretary of the Committee. One of the members should be a Counselor, and another a lawyer with gender knowledge and sensitivity. Then the supervisor of the person complained against should always be an ex-officio member. Appointment of the Chairperson and the other Committee members should be done by the Director General.
- iii. The Staff Anti-Sexual Harassment Committee shall discharge the statutory functions set out in the sexual harassment regulations. The functions of the committee as set out in the Sexual Harassment Regulations are:-
 - a) To receive and register complaints of sexual harassment;
 - b) Initiate internal investigations into complaints;
 - c) Keep a record of the nature of sexual harassment offences, proceedings, documents, information and action taken.
 - d) Respond to complaints within fourteen days from the date of lodging the complaint with recommendations to management for appropriate action;
 - e) Review the provisions of the policy to convey a responsive and supportive attitude that builds faith and trust;
 - f) Prepare and provide reports under the complaints procedure to the labour officer; and carryout any other duties as may arise for the prevention of sexual harassment.
- iv. The Staff Anti-Sexual Harassment Committee shall in conjunction with the HRM provide advice to individuals when requested; supervise the others ; encourage and assists prevention education for students, faculty and staff; keep records showing the disposition of complaints; and generally coordinate matters arising under this policy. Because education and awareness are the best ways to prevent sexual harassment,

developing awareness, education and training programs and publishing informational material are among the most important functions for preventing sexual harassment.

- v. There will also be established a separate committee to be known as the Students Anti-Sexual Harassment Committee to handle sexual harassment claims originating from students. Its membership will not exceed 5 members including the Chairperson. The members of the Students Anti-Sexual Harassment Committee will be appointed by the Director General and shall consist of the representatives of the office of the Director of Programmes and Students Affairs, the office of the Human Resource Manager, the Supervisor of the respondent (person accused of sexual harassment), a Guild representative and an independent and impartial Chairperson.

3.2 MONITORING REVIEW AND EVALUATION OF POLICY

Monitoring of progress

Annual monitoring of progress with this policy and associated action plans will be carried out by the Anti-Sexual Harassment Committee, and where appropriate, with the Human Resource Management Department, and the TMT. Individual overall responsibility will rest with the Chair of Anti-Sexual Harassment Committee, together with the human resource department will organise an annual agenda/work plan on creating and maintaining an environment free of sexual harassment and abuse. The Anti-Sexual Harassment Committee will have responsibility to review the policy whenever necessary but in consultation with students and staff members.

Developing and reviewing UMI policies and procedures

The Institute commits to set up a system to assess the impact of its policies and procedures on female and male staff/students. These will provide the relevant departments, sections or committees of the Institute with a systematic method of checking for any sexual abuse/harassment effect, and enable relevant groups to decide on appropriate work to reduce or eliminate sexual abuse. Therefore the institute will ensure that;

1. Major new policies or systems are reviewed for any adverse impact.
2. A system is put in place to consider sexual abuse prevention and response before major policy decisions are approved by UMI Council.
3. Stand-alone impact assessments of sexual abuse prevention will be carried out according to an agreed timetable detailed in the separate action plan.

Publishing the results of monitoring and assessments

This policy and annual reports on progress will be published on the Institute web site, with signposting from main staff and student news bulletins. It will be available electronically to the general public and in alternative formats.

In addition to formal publicity via committee discussions, outcomes and continuing work will be disseminated via

1. Presentation by Heads of Departments and Sections.
2. Meetings and e-contact with staff and students.
3. Staff and student electronic and hard copy newsletters.

3.3 FUNDING SOURCES

The institute should create a vote in the HRM's office for sexual abuse prevention and response interventions.

- a) The Anti-Sexual Harassment Committees together with the HRM's office will manage such a fund and related programmes and activities.

SECTION FOUR: BENEFITS OF NEW POLICY

1. Support national effort to eliminate sexual abuse at work.
2. Misconduct is exposed.
3. Support from administration in creating good learning environment
4. Assistance from law enforcement forces including investigation.
5. Perpetrator may be caught and prosecuted.
6. Medical care, counseling and victim advocacy services are provided.
7. Privacy protected.
8. Integrity and respect is upheld.
9. A safety and secure healthy environment at work and place of learning.
10. High level of professionalism attained.
11. Enhanced image of UMI.
12. Ethical behaviour is good for business

SECTION FIVE: DUE DILIGENCE

“Due diligence” includes:

- a) Publicizing the policy that prohibits discrimination and harassment (meaning dissemination of the policy,)
- b) An internal mechanism for recourse against discrimination and harassment (investigation and counseling); and
- c) Appropriate response by management to the wrongful acts, meaning discipline and corrective action and a commitment to no reprisal.
- d) Management must show that it made the policy known to employees and timely response to complaints.
- e) Any member of the UMI community may report sexual harassment to the disciplinary committee.

SECTION SIX: POLICY VIOLATION

Any violation of this policy the offender shall be subjected to appropriate disciplinary action and may result in suspension, interdiction, discharge, expulsion or dismissal. UMI disciplinary procedures are described in the UMI human resource manual.

SECTION SEVEN: APPENDICES

Appendix 1: Common Indicators of Sexual Harassment

Commonly documented indicators of sexual harassment are:

- a) Sexual jokes and provocative touching,
- b) Comments and remarks of a sexual nature, and;
- c) Inappropriate addressing of individuals
- d) Ambiguous and sexually motivated jokes
- e) Notes and comments with a sexual connotation
- f) Inappropriate physical touching
- g) Whistling and ambiguous gestures
- h) Reviewing and showing sexual magazines
- i) Posting nude pictures at the workplace
- j) Indecent telephone calls
- k) Forced sexual activity, sexual intimidation
- l) Attempted assault as a result of sexual harassment
- m) Unwelcome interrogations/insinuations of whatever nature(e.g. on private life)

Specific common indicators of Sexual Harassment in a work place

- a) Repeated dismissals of different employees by a particular supervisor,
- b) Frequent absenteeism,
- c) General symptoms of stress,
- d) Lowered productivity by usually productive employees and refusals to work with certain employees.

Common effects of Sexual Harassment on the victims

- a) Decreased work or performance; increased absenteeism.
- b) Loss of job or career, loss of income.
- c) Having to drop courses, change academic plans, or leave school (loss of tuition).

- d) Having one's personal life offered up for public scrutiny the victim becomes the "accused," and his or her dress, lifestyle, and private life will often come under attack.
- e) Being objectified and humiliated by scrutiny and gossip.
- f) Becoming publicly sexualized (i.e. groups of people "evaluate" the victim to establish if he or she is "worth" the sexual attention or the risk to the harasser's career).
- g) Defamation of character and reputation.
- h) Loss of trust in environments similar to where the harassment occurred.
- i) Loss of trust in the types of people that occupy similar positions as the harasser or his or her colleagues.
- j) Extreme stress upon relationships with significant others, sometimes resulting in divorce; extreme stress on peer relationships, or relationships with colleagues.
- k) Weakening of support network, or being ostracized from professional or academic circles (friends, colleagues, or family may distance themselves from the victim, or shun him or her altogether).
- l) Having to relocate to another job, or another institution.
- m) Loss of references/recommendations.

Effects on organizations

- a) Decreased productivity and increased team conflict.
- b) Decrease in success at meeting financial goals (because of team conflict).
- c) Decreased job satisfaction.
- d) Loss of staff and expertise from resignations to avoid harassment or resignations/firings of alleged harassers; loss of students who leave school to avoid harassment.
- e) Decreased productivity and/or increased absenteeism by staff or students/participants experiencing harassment.
- f) Increased health care costs and sick pay costs because of the health consequences of harassment.
- g) The knowledge that harassment is permitted can undermine ethical standards and discipline in the organization in general, as staff and/or students lose respect for, and trust in, their seniors who indulge in, or turn a blind eye to, sexual harassment.
- h) If the problem is ignored, a company's or institution's image can suffer.
- i) Legal costs if the problem is ignored and complainants take the issue to court.

- j) Subjective decision making.
- k) Decreased quality of services.

Appendix 2: Investigating Procedure of Sexual Harassment

- a) **Start with an in-depth interview of the complainant.** Areas that should be pursued during this interview include the cultural background of the complainant (if dramatically different from that of the accused), a detailed reconstruction of the incident(s) that prompted the complaint, the context and circumstances in which it occurred, the involved parties' prior relationship (if any), the nature of the allegations against each individual in instances where incidents involved the participation of more than one person (common in hostile workplace complaints), and the complainant's expectations regarding how the alleged offender should be disciplined.

- b) **Get the accused's account of events.** This step has different nuances, depending on whether the alleged **harasser** is a supervisor, a coworker, or a third party such as a customer, but basically this part of the investigation aims to secure the accused's perspective. In some instances, the accused may appear angry or shocked when confronted with a sexual harassment charge, so the investigator needs to allow time for the return of some measure of emotional equilibrium. When the initial reaction has subsided, the investigator should ask the worker to relate "what he believed happened during the incidents the complainant has cited. Allow him to relate his understanding of the situation through once, then return to it for specific, step-by-step review. As with the complainant, make sure the discussion is specific and detailed enough to provide the information you need to make an informed judgment later on. Note dates, times, places, circumstances, dress, words exchanged, as well as the specifics of the alleged acts." Again, issues such as prevailing work environment, prior relationships, etc. should be discussed.

- c) **Turn to possible witnesses.** These could range from coworkers who were present when the alleged incident took place to those who have relevant information on either or both of the parties involved. The investigator should not be concerned with unsubstantiated rumors at this juncture; rather, he or she should concentrate on gathering factual data. This can be a very important part of the investigation, for accusations that turn into basic "he said, she said" disputes can be profoundly difficult for employers to resolve. "Immediate action may be difficult when an employer is faced with unsubstantiated accusation on one side and a categorical denial on the other," wrote Gray and Weiss. But

experts point out that workplace behavior often can be corroborated by other staffers. Employers need to interview these witnesses carefully, however. "You must assess the credibility and believability of all persons corroborating some aspect of the complainant's or accused's contention," confirmed Wagner. "Consider the issue of witness motivation and the relationship between each witness and the individual whose word is being corroborated. Make sure you understand what each witness might stand to gain from the situation, as well as what genuine feelings are at work here." Witnesses also need to understand that the subject should not be discussed with coworkers or other individuals; sexual harassment charges are both serious and sensitive, and they should be regarded as such. Human resources experts also recommend that investigators not rely wholly on interviews. Ideally, the investigator should also secure written statements from all parties' complainant, accused, and witnesses as part of this information-gathering process.

- e) **Corrective action (if any) needs to be implemented.** When corrective action is warranted, it can range from counseling to transfer to dismissal. The key factors that usually determine the severity of the corrective action are: 1) the nature of the offense, 2) the desires of the complainant, and 3) the impact that the incident had on the workplace as a whole.
- f) **Freedom from reprisal:** Anyone who feels harassed, particularly by a supervisor, is likely to fear reprisal **should** he or she bring the matter to the attention of those in authority. However, reprisal against anyone who files a complaint in good faith is unacceptable and in itself constitutes misconduct subject to disciplinary action. A person who brings a complaint in good faith should not be subjected to retaliation, and adverse action taken against a complainant that appears to stem from the registering of a complaint will be thoroughly investigated. Moreover, as part of their follow-up measures, officials responsible for conflict resolution will check from time to time with complainants to ensure that no such adverse actions have been taken.
- g) **What to do if accused of harassment:** An accusation of harassment should be taken seriously regardless of whether it immediately appears to be reasonable. The person concerned should take into account how the offended person may have perceived the behaviour in question. If faced with an accusation of harassment, the person concerned may wish to discuss the matter with an objective third party. In this connection, it is important to bear in mind that the officials responsible for conflict resolution are equally available to those who are accused of harassment as they are to those who feel harassed.
- d) **What to do if you observe harassment as a third party?**

- 1) There may be situations where a staff member or student observes or is aware that one employee/student is harassing another employee/student. In such situations, it is highly desirable for the observer or witness to contribute to stopping the harassment for several reasons: first, helping a colleague in need is good practice; second, the person who is harassing a colleague could, in time, also harass other employees, and the observer might become a target of the harassment; and, third, the harassment may create an environment of hostility and interfere with work.
- 2) The observer may act in several ways. One action the observer could take is to talk to the person who is being harassed and encourage him or her to seek advice or take action as recommended above. If the observer actually witnessed the offensive behavior e.g., abusive language in a group meeting the observer could, in a bilateral meeting, tell the person responsible for the offence that the behaviour made the observer uncomfortable as it interfered with a productive work environment.
- 3) It would not be appropriate for the observer to take action that would involve disclosing the name of the person who is the subject of harassment without the consent of that person. In cases where the person who is being harassed does not wish to lodge a formal or informal complaint, the observer could seek advice from one of the channels for conflict resolution listed above, without disclosing the names of the person who is being harassed and the person who is responsible for the harassment.

e) Immediate measures:

1. The rights of both parties should be considered and due process afforded.
2. Risk management requires communication of clear definitions of acceptable standards of behavior, treatment of all complaints as serious matters, discipline for offenders, and steps to prevent subsequent offenses.

Uganda Management Institute recognizes that its constituents are from a broad spectrum. The nature of harassment is important in determining the degree of formality required to address complaints and cases of that nature.

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