



INFECTIOUS DISEASES INSTITUTE

ANTI-SEXUAL HARRASSMENT POLICY

Effective April 2021

Signed by:

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Table of contents

Table of contents	2
ACRONYMS	3
KEY DEFINITIONS	3
PREAMBLE.....	5
PURPOSE.....	5
COMMITMENT.....	6
SCOPE OF POLICY.....	6
DEFINITION OF SEXUAL HARASSMENT	6
PROHIBITED RELATIONSHIPS AT IDI.....	7
PROHIBITED CONDUCT UNDER THE ANTI-SEXUAL HARASSMENT POLICY.....	7
THE ANTI- SEXUAL HARASSMENT COMMITTEE.....	8
REPORTING PROCEDURES.....	9
Modes of Reporting	10
Reporting under Special Circumstances.....	11
Reporting Consensual, Romantic or Sexual Relationships.....	11
Alternative Remedies	13
RETALIATION AND DISCRIMINATION	14
FALSE CLAIMS	15
TRAINING	15
APPENDIX 1: ANTI-SEXUAL HARASSMENT CONFIDENTIALITY AGREEMENT	16

ACRONYMS

IDI: Infectious Disease Institute

HR: Human Resource

SH: Sexual Harassment

ASHC: Anti - Sexual Harassment Committee

SHRM: Senior Human Resource Manager

KEY DEFINITIONS

Consensual relationship – a relation, romantic, dating, and/or sexual relationship agreed and consented to by the two parties involved.

Direct supervision – The authority that an individual holds due to immediate position of power over another, such as: employer-employee; supervisor - supervised; Mentor – mentee; doctor-patient.

Indirect supervision – the authority derived from an informal or indirect relation that may be influential to the contractual status or terms of any employee or staff. Some examples include an employee in a particular field who is under the control or influence indirectly of a senior manager or line manager; an employee working in the same organizational unit under the indirect control of all more senior staff in the department; a graduate trainee and a non-supervising department staff.

Management Action plan – A documented plan to mitigate conflicts and is acknowledged and signed by both parties and the ASHC and HR.

Sexual Harassment is a type of harassment that includes unwelcome sexual advances, requests for sexual favors, or words, pictures, or gestures of a sexual nature that are offensive or create a hostile work environment. It is also considered sexual harassment for a supervisor or manager to subject an employee to a positive or negative personnel action or language in exchange for accepting or refusing sexual advances.

Supervisee – any individual or person reporting to, or whose employment/ contractual status, is directly or indirectly controlled or affected by a supervisor.

Supervisor – all individuals who happen to have direct or indirect supervisory, evaluation, teaching or advisory power over an employee, trainee, volunteer, support staff (runners, security and the maintenance teams).

Staff/employee – all employees, volunteers, interns and scholars employed by the organisation.

Relationship – the interaction between two parties that consent to engage in a consensual romantic and/or or sexual relationship, either informally (co-habiting) or formerly (marriage/wedding).

Rape is an intentional act of penetration of another person's vagina, anus or mouth with a penis, without his or her consent.

Assault by penetration can be defined as act of penetration of another person's anus or vagina using objects and/or any part of the body, including the penis.

Sexual or indecent assault is a violation or infliction which entails the non-consensual coercion to participate in sexual acts physically, psychologically and emotionally. This can also involve use of force or manipulation to witness or participate in any sexual activity.

PREAMBLE

Infectious Diseases Institute strives to create and maintain a safe working environment in which workers and all stakeholders are treated with dignity, decency, respect and care. IDI shall by all means create an environment that enables mutual trust and, is free of intimidation, oppression and exploitation. IDI will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of the Anti-sexual Harassment Policy as well as by the training of all employees, IDI will seek to prevent, correct and discipline any behavior that violates this policy.

All employees, consultants, clients, interns, partners, volunteers, suppliers and official visitors, regardless of their positions, are covered by, and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. All stakeholders are bound by this policy or their own policy if it is similar or more stringent. In either case, they must report any incidences of suspected sexual harassment to IDI. Appropriate disciplinary action will be taken against the above-mentioned categories that violate this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, and/or termination of engagement.

Managers and supervisors who knowingly allow or tolerate harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and are therefore subject to disciplinary action.

The Anti- Sexual Harassment Policy focuses on four pillars:

1. Awareness: all IDI staff and stakeholders are clearly informed of the problem of sexual harassment and are aware of IDI's definition of sexual harassment.
2. Prevention: all IDI staff and stakeholders implement best practices to minimize risks of sexual harassment.
3. Reporting: IDI staff and stakeholders take decisive and appropriate steps when concerns arise regarding sexual harassment.
4. Responding: when concerns of sexual harassment arise, IDI staff and stakeholders support and protect the individuals targeted, taking necessary measures to minimize and/or prevent retaliation and/or further harm, while a confidential investigation takes place.

PURPOSE

The Infectious Diseases Institute is committed to upholding both working and learning environments as free as possible from favouritism and any forms of conflicts of interest. The institute also recognizes that two consenting adults can freely engage in an intimate relationship as long as it does not interfere with IDI's policy and goals. This Policy addresses the prohibited relations at IDI.

COMMITMENT

The Infectious Diseases Institute's Anti-Sexual Harassment Policy prohibits sexual harassment at the institute and across all its operations. IDI is committed to providing an anti-sexual harassment secure working space to all its employees and those affiliated to the Institute and, shall enforce commensurate punishment for the perpetrators of sexual harassment. In the event that staff or stakeholders report cases of suspected infringement, IDI commits to investigate fairly and with the necessary confidentiality all reported cases of sexual harassment'

SCOPE OF POLICY

This Policy applies to all IDI Staff, affiliates regardless of the position and/or assignment, sex, age and ethnicity of the parties directly or indirectly supervised, taught, evaluated or mentored. It particularly addresses definitions of sexual harassment at IDI; categories of prohibited relationships at the Institute; prohibited conduct under the Anti-Sexual Harassment Policy; the Anti-Sexual Harassment Committee; reporting procedures; confidentiality; disciplinary measures and training.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, or words, pictures, or gestures of a sexual nature that are offensive or create a hostile work environment. It is also considered sexual harassment if a supervisor or manager subjects an employee to a positive or negative personnel action or language in exchange for accepting or refusing sexual advances.

There are two distinct categories of sexual harassment:

- Quid Pro Quo – When an individual's submission to or rejection of unwelcome sexual conduct is used as a basis for employment decisions affecting that individual, including granting of employment benefits; and
- Hostile Environment – When unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment, even if it does not lead to tangible or economic job consequences.

Sexual harassment includes harassment of women by men, of men by women, and same-sex harassment. Sexual harassment is unlawful whether it involves work colleagues (supervisors, managers, peers, field staff, volunteers, scholars); persons doing business with or for IDI or patients served by IDI. IDI prohibits any, and all, conduct that may reasonably be interpreted as sexual harassment, as defined above, whether or not such conduct is pervasive enough or severe enough to meet the technical legal requirements of harassment.

PROHIBITED RELATIONSHIPS AT IDI

The categories of prohibited consensual romantic/sexual relationships (both long term and one offs) while on and off IDI premises include but are not limited to:

- Supervisor and supervisee: where the supervisory relationship is direct.
- Staff/employees that report to the same line manager.
- Employees with interns, volunteers and student trainees.
- Scientist/ senior mentor with their assigned scholar/mentee.
- Board Member and Staff

PROHIBITED CONDUCT UNDER THE ANTI-SEXUAL HARASSMENT POLICY

- Use of vulgar language that may incite sexual harassment, among others. For example, unwelcome comments about someone's body type, use of obscene words in conversations etc.
- The inappropriate physical touch of any body parts, including patting, scratching, pinching, stroking, or brushing up against another person's body part.
- Unwanted and persistent explicit or implicit propositions and persuasion to engage in sexual activity
- Disrobing or exposure of any sexual body parts or underwear Intentionally
- Unwanted demands for sexual activity and relations in exchange for promotion, employment, or scholarship opportunities, among other favors.
- Sexual stares or glances such as leering and ogling with suggestive overtones.
- Lustful gestures such as facial, hand, body, or sign language to denote a desire for sexual activity.
- Stalking by following or spying on a person to lure them into sexual acts.
- Sexual harassment via online platforms in the form of trolling through tweets, text and WhatsApp messages as well as sharing of unwanted private messages and photos on social media platforms etc.
- Intentional/false accusation that might tarnish the image of another employee. For example, tricking or luring others into sexual acts to damage their reputation.
- Any other kind of sexual assault or rape acts that have not been listed above.

THE ANTI- SEXUAL HARASSMENT COMMITTEE

There shall be a sexual harassment committee composed of representatives of management and employees selected annually. The committee shall comprise a maximum of five (5) members, including the Chairperson appointed by the ASH committee members.

Appointment to the committee will be through nomination by the respective Heads of Departments.

The following will constitute the committee.

- Senior Management Team (SMT) member
- Senior Human Resources Manager (SHRM)
- Psychologist
- Legal advisor
- Department representatives (Co-opted basing on the department with the case)

The committee members shall have tenure for one year.

Members of the Anti- sexual harassment committee (ASHC) shall be persons knowledgeable in, and sensitive to gender and sexual harassment issues, who should have worked at IDI for at least two years.

Members of ASHC shall be trained on several issues of SH to equip them with knowledge and skills in handling diverse cases of SH.

A member of the committee may receive a written or verbal complaint and where a verbal complaint is made, the committee member receiving it, shall reduce it to writing. S/he will then read it to the complainant, who will confirm the written report by appending a signature, which will then be countersigned by the ASHC member.

Terms of Reference for Sexual Harassment Committee

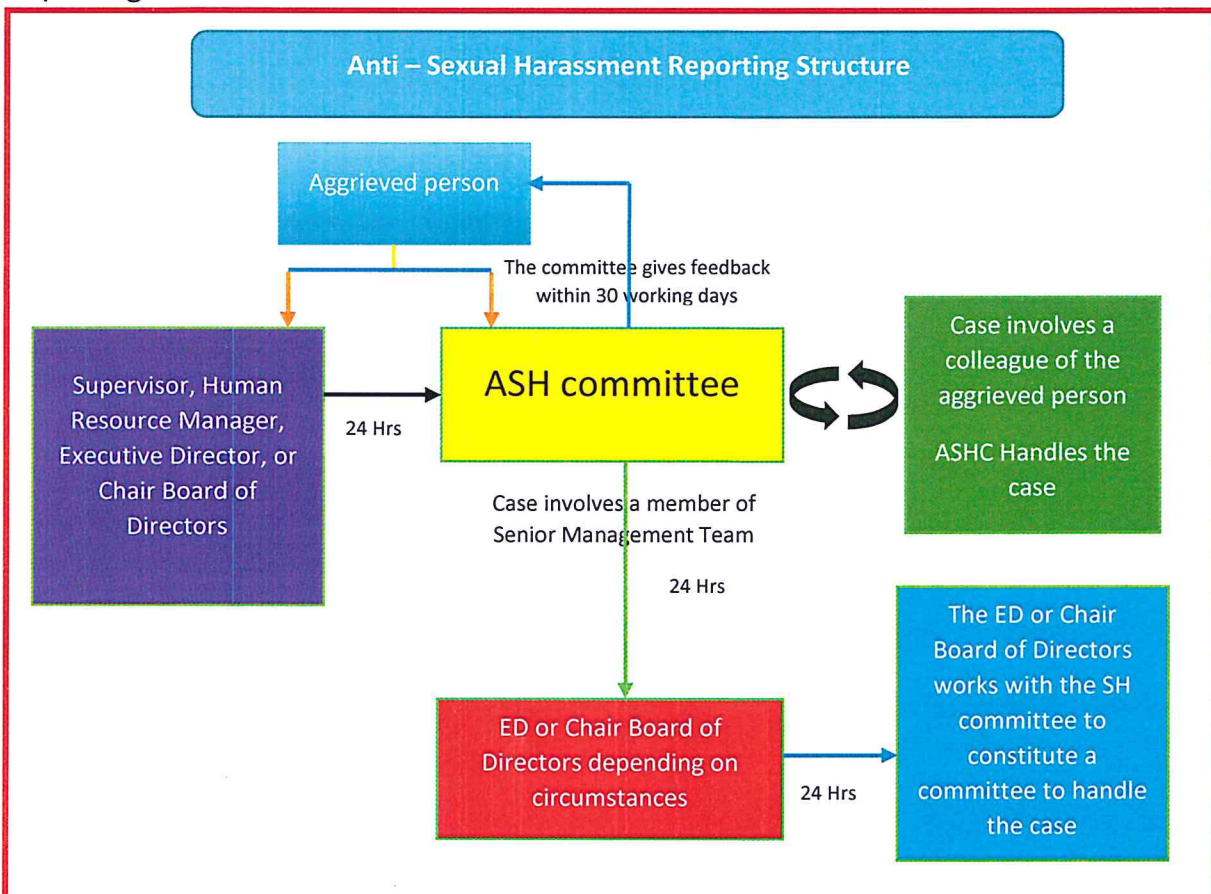
1. To receive and register complaints of sexual harassment using the prescribed template.
2. To respond to complaints and/or provide updates within 14 days from the date of lodging the complaint.
3. To initiate internal investigations into complaints and complete the investigations within 15 working days.
4. To keep a record of the nature of sexual harassment offences, proceedings, documents, information and actions taken.
5. To make recommendations to management for appropriate action.
6. To review and apply the provisions of the ASH Policy to ensure a responsive and supportive institutional attitude that builds faith and trust.
7. To review the ASH Policy for any required changes and ensure best practices.
8. To prepare and provide reports under the complaints' procedure to the Labor Commissioner or Labor Officer as required by the law.

9. To undertake any other duties as regards sexual harassment at IDI and/or affiliated persons and institutions.

REPORTING PROCEDURES

- A member of staff who is sexually harassed should immediately report to any of the following: Senior Human Resource Manager, Sexual Harassment Committee member, immediate supervisor, the Executive Director, or the Chair Board of Directors.
- If the member of staff reports to any member of staff in the reporting line other than the ASHC, recipient of the case of sexual harassment should report it to the ASHC within 24 hours.
- If the case involves a colleague other than a member of Senior Management Committee, the ASHC shall handle the case.
- If the case involves a member of Senior Management Team, the ASHC shall report to the ED or the Chair Board of Directors depending on the circumstances. The ED or Chair Board of Directors shall constitute a committee to handle the case.
- The ASHC shall spearhead the investigation within 15 working days. The SH committee shall provide feedback to the aggrieved person within 15 working days from the end of the investigation.
- The ASHC shall, in any case under investigation, have the power, for good reasons, to extend time for reporting, investigating, hearing, providing feedback and any other time bound activity'

Reporting Structure Illustrated



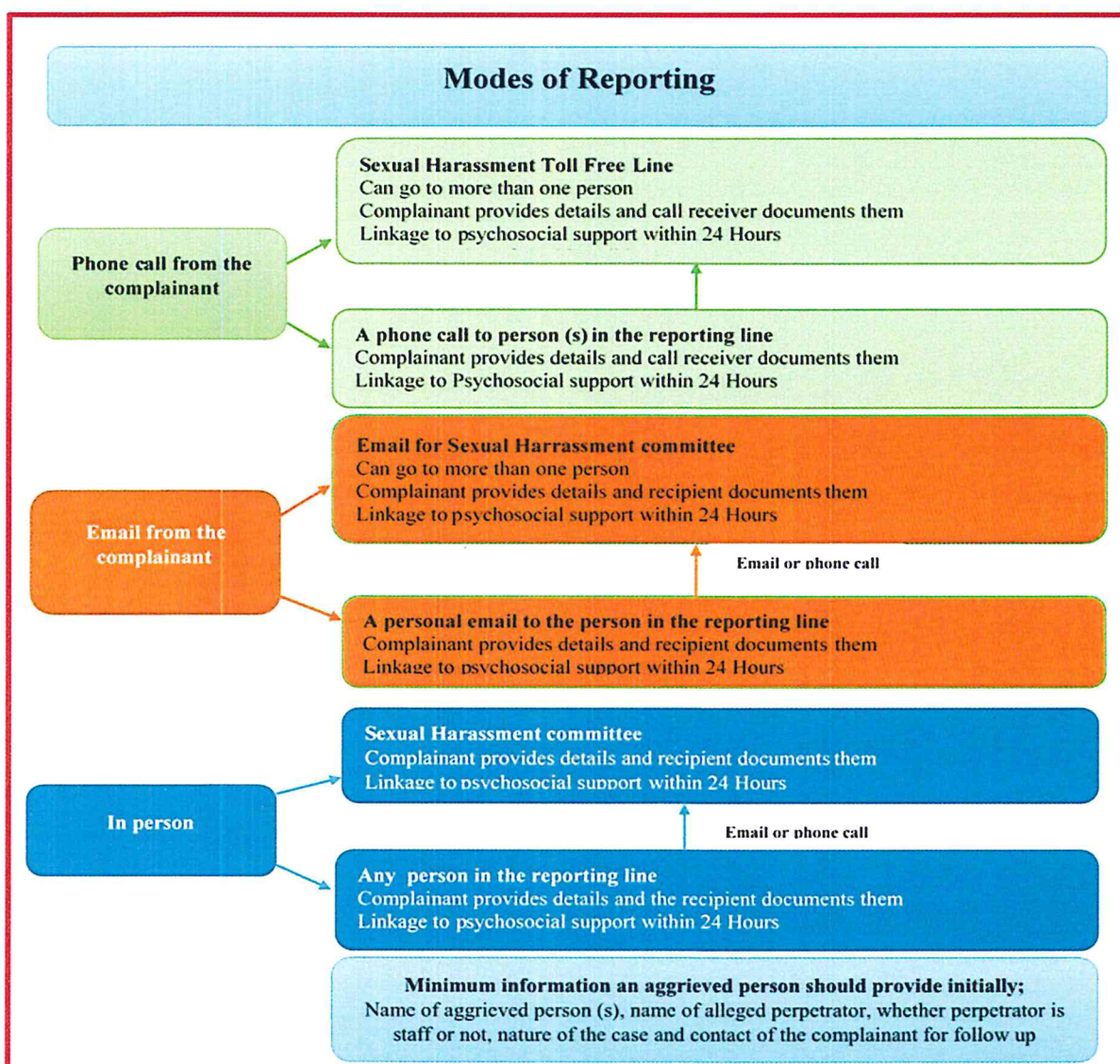
Modes of Reporting

Members of staff can use any modes of reporting, including phone call (toll free line or personal telephone), email, or in person/face to face.

The complainant should provide the following minimum information as they report:

1. The name of the aggrieved person
2. The name of the alleged perpetrator
3. Whether the perpetrator is staff or non- staff
4. Nature of the case
5. Contact of the complainant for follow up

Modes of Reporting Illustrated



In order to promote and ensure fairness, a complainant shall ensure, regardless of the mode of reporting selected, that utmost confidentiality is maintained and the report is made only to those who are empowered to receive complaints under this Policy. Resort to sharing copies of the complaints with other persons not being those to whom a complaint will be made is prohibited, as is blackmail, threats of exposure and any other conduct that would unfairly condemn a person before an investigation is concluded.

Reporting under Special Circumstances

In case someone is unable to come forward to a member of the ASHC or any other person in the reporting line to lodge a complaint and instead shares the information of alleged harassment with someone else, then the one to whom it was reported has the obligation to support the complainant to forward the case to person (s) in the reporting line. This will enable investigation and relevant support for the complainant.

Further still, any bystander (a person who by visual or auditory means, witnesses incident of sexual harassment, but is not a participant), should get the victim's consent and lodge the case with the SH committee. This bystander however is bound to keep this information confidential (see confidentiality). Witnesses will be assured of non-retaliation as well as confidentiality as regards any information shared with the sexual harassment committee.

Reporting Consensual, Romantic or Sexual Relationships

- The supervisor should report any consensual relationship (brought to their attention) by an employee or intern to the SHRM. Parties intending to start a new relationship, or in an existing one must declare to their supervisors who will log/report to the SHRM.
- On receiving the report or declaration, the SHRM MUST immediately collaborate to manage the possible conflicts of interest. If the management of the conflict is not possible, the relationship will be prohibited or one of the parties switched to a different department if there is a job opportunity or asked to resign in the event that there is no possible solution to mitigate the conflict of interest.
- Should the consensual relationship end, it should be reported to SHRM to avoid future ambiguities that might be interpreted as sexual harassment.

Management Action Plan for Consensual, Romantic or Sexual Relationships

- The SHRM will take the lead to engage the parties involved in a relationship and additionally notify their line supervisors, to discuss and agree upon the most appropriate/feasible management action plan and its implementation within seven working days of the report unless there are reasonable grounds for additional time.
- The management plan options include but may not be limited to the following actions:

- Change of reporting lines: provide an alternative or optional way for the supervision, teaching, advising, and evaluation of the supervisee to continue or instead mitigate the conflict if the parties were initially reporting to the same line manager.
- Clear performance goals and outcomes: parties engaging in consensual relationships should set very explicit clear goals for close follow-up and tracking by their supervisors and SHRM.
- Departmental switch: parties in consensual relationships will be transferred or switched to different departments if there is a job opportunity in line with the HR policy.
- Warning staff acting irresponsibly (taking corrective measure)
- Termination of employment: the couple will be allowed 22 working days to agree on who is to resign if the above options are not applicable.
- The management action plan must be documented using a reporting template which includes comprises the aspects below:
 - Names of the party in a consensual relationship and contact details
 - Date of Declaration
 - Details of the nature of the consensual relationship
 - Details of the management action plan taken
 - Any other relevant details concerning the relationship
 - Any other comment and/or questions about the relationship.
 - Signatures of the members present during the hearing, including witnesses.
- The report will be kept on record by the Office of Human Resources and included on file of both the parties involved in the relationship.

CONFIDENTIALITY

Confidentiality herein will refer to non-disclosure of *any* information (in part or full) on sexual harassment as received verbally, by email, or any other means of communication, before, during or after the case hearing, except to the ASHC members.

- The members of the ASHC are also bound by the non-disclosure and/or confidentiality, as are other persons involved in the case in questions, who might include the witnesses, supervisors, complainant, alleged perpetrator, and any other persons involved. These persons, privy to the case in question, will be required to sign a separate confidentiality agreement specific for the purpose of SH case(s) in question (see appendix). Any staff that breaches confidentiality will face disciplinary action.
- The files of SH cases shall be kept in a double locked room with limited access to the ASHC. The electronic files shall be shared only on the password protected ASHC group email. Each file shall be password protected, and the password shall be known only to ASHC.

DISCIPLINARY ACTION

Employees who violate the Anti-Sexual Harassment Policy will be subjected to an investigation and appropriate disciplinary action taken within a period of 28 working days.

The appropriate disciplinary action will depend on the following:

- a) The severity, frequency and pervasiveness of the conduct.
- b) Prior complaints made against the respondent.
- c) The quality of the evidence (e.g. first-hand knowledge, credible corroboration).

The mandatory minimum discipline is a written reprimand while repeat offenders will face termination of employment at IDI.

If the investigation by the ASHC is inconclusive or if it has determined that there was no violation of policy but potentially problematic conduct may have occurred, the HR manager may recommend appropriate preventative action and / or a disciplinary hearing by the ASHC for the misconduct.

The ASHC will review the investigative report and any statement submitted by the complainant or respondent, discuss results of the investigation with the HR manager and other relevant management staff, and decide what action will be taken with 5 working days

Once a final decision is made by ASHC, the HR manager will meet with the complainant and the respondent separately and notify them of the outcomes of the investigation.

If disciplinary action is to be taken, the complainant will be informed of the nature of discipline and how it will be executed.

Both parties will be given the opportunity to express any dissatisfaction with the outcome and to appeal the decision. An appeal process conveys additional fairness and impartiality and may encourage both sides to accept the final decision as the product of fair and complete process. All staff appeals will be directed to the Executive Director while Senior Management appeals will be directed to the Board of Directors.

Alternative Remedies

The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment according to the Ugandan laws.

IDI does not prevent the complainant or the respondent from pursuing formal legal remedies or resolution through labor offices, the equal opportunity commission and/or the courts of law.

Other remedies include psychosocial support and counseling for both parties by a counselor and / or clinical psychologist available at IDI.

RETALIATION AND DISCRIMINATION

All parties involved in SH disciplinary hearings must maintain confidentiality of proceedings as one of the measures to prevent retaliation and/ or discrimination.

Retaliation against persons who make sexual harassment complaints or who provide information about such behavior is strictly prohibited. Retaliation could take the form of physical violence, threats and insults or blackmail against a witness, bystander and/or an individual who has made a claim of sexual harassment. Retaliation amounts to gross misconduct and will be dealt with as per the disciplinary procedure.

An employee involved SH hearings / investigations should not be retaliated against for doing the following:

- a. Consulting on, reporting or filing a SH complaint
- b. Testifying as a witness in a claim of SH
- c. Cooperating during any investigation of SH
- d. Participating in a meeting constituted to discuss SH in the work place
- e. Carrying out any duties as a member of the SH committee.
- f. Discussing or filing a SH complaint through external legal avenues.

IDI shall ensure that no discriminatory / retaliatory actions are taken by staff against employees based on their involvement in a SH investigation. Discrimination/ retaliation may include but is not limited to the following actions:

- a) Denial of promotion
- b) Demotion in title or duties
- c) Transfer to a less favorable position or location
- d) Involuntary placement on leave
- e) Hostile or abusive treatment
- f) Decreasing remunerations or benefits
- g) Coercion
- h) Threats
- i) Intimidation
- j) Termination

IDI will determine whether an action is discriminatory/retaliatory: The proximity in time between the purported action and the SH complaint/proceeding shall be taken into account

but the fact that the allegedly retaliatory actions occurred after the complaint does not necessarily make them discriminatory/retaliatory.

When an act is determined to be discriminatory or retaliatory the perpetrators will be subjected to appropriate disciplinary procedures. The mandatory minimum discipline is a written reprimand while serious and/ or repeats offenses will face termination of employment.

FALSE CLAIMS

False claims occur when someone:

- (1) Knowingly presents (or causes) a false or fraudulent claim of sexual harassment.
- (2) Knowingly makes or uses a false record or statement to report a sexual harassment case.
- (3) Conspires with others to commit a violation of the sexual harassment policy

No IDI employee and/or stakeholder shall knowingly raise a false complaint against another party. If investigations provide evidence of a false claim, the mandatory minimum discipline will be a written reprimand. For repeat offenses, the claimant will face termination of employment and/or termination of contract.

TRAINING

All IDI staff, interns, volunteers and support staff will undergo mandatory training using online and as well as face-to-face modes.

Annually, the staff at IDI will be required to retrain using the online annual refresher training and to take an online test to certify that they have understood the content. Proof of retraining as well as results indicating success on the test, will be required by the supervisor/line manager as part of the end of year performance evaluation.

Training will be extended to service providers that IDI staff regularly interface with.

IDI will ensure that this policy is widely disseminated to all relevant persons and will be included in the HR manual.

Specific policies for third parties (patients, casual workers, suppliers, contractors) should be put in place to protect IDI employees who may be sexually harassed. The third parties will be required to sign the SH policy at the beginning of the contract.

APPENDIX 1: ANTI-SEXUAL HARASSMENT CONFIDENTIALITY AGREEMENT

Applies to all the Infectious Diseases Institute (IDI) “workforce members” including: employees, medical staff and other health care professionals, volunteers, temporary personnel, visiting fellows, students, contractors and consultants, trainees (regardless of whether they are IDI trainees or rotating through IDI from another institution), Sexual Harassment Committee members, and witnesses to an investigation.

It is the responsibility of all IDI workforce members, as defined above not to disclose any information that comes to their attention as either committee members, supervisors, witnesses or management except in accordance with this policy.

The laws of the Republic of Uganda and IDI policy shall govern this agreement. Unauthorized disclosure of sexual harassment information constitutes an unwarranted invasion of privacy, which would cause harm to the person involved and to IDI as an organization.

I understand and acknowledge that:

1. I shall respect and maintain the confidentiality of all discussions, deliberations, disciplinary records, before, during and after a sexual harassment case.
2. It is my legal and ethical responsibility to protect the privacy, confidentiality and security of all sexual harassment details/records at my disposal.
3. I shall only access or disseminate staff sexual harassment information in the performance of my assigned duties and where required by or permitted by law, and in a manner, which is consistent with officially adopted policies of IDI, or where no officially adopted policy exists, only with the express approval of the Sexual Harassment Committee or those designated for reporting purposes.
4. I shall make no voluntary disclosure of any discussion, deliberations, risk, sexual harassment information, except to persons authorized to receive it in the conduct of IDI affairs.
5. My obligation to safeguard the staff sexual harassment confidentiality continues after my termination of employment, consultancy, contract, or traineeship with the IDI.

I hereby acknowledge that I have read and understood the foregoing information and that my signature below signifies my agreement to comply with all the above terms. In the event of a breach or threatened breach of the Confidentiality Agreement, I acknowledge that IDI may, as applicable and as it deems appropriate, pursue disciplinary action up to, and including my termination from the IDI or barring access to its facility for further training or academic activity.

Name:Sign..... Date: