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| <b>Subject:</b> Prevention of Sexual Exploitation, Abuse, and Harassment (PSEAH) Policy |                          |                                                 |                     |
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## 1. Policy Statement

The University of Global Health Equity (UGHE)'s core mission is to radically change the way health care is delivered around the world by training the next generations of global health professionals who strive to deliver more equitable and quality health services for all.

Considering the nature of its work, UGHE recognizes the inherent power imbalance this might create, and understands that such an imbalance of power can lead to sexual exploitation, abuse, and harassment (SEAH).

UGHE is committed to providing a safe environment for students, faculty, staff, and affiliates as well as patients and community members with whom UGHE interacts or who benefit from our work.

UGHE operates a zero-tolerance approach to sexual exploitation, abuse, and sexual harassment. This includes those who perpetrate sexual exploitation, abuse, and harassment, those who fail to report allegations, and those who retaliate against anyone who either reports a complaint or participates in an investigation.

This policy applies to all students, faculty, staff, and persons working for UGHE or on our behalf in any capacity, including outside of working hours, on or off campus, every day of the year.

All UGHE faculty, staff and students must read this policy and sign it to confirm that they have read and understand its contents and a record will be kept by the relevant human resources or student services department. All UGHE faculty, staff and students will attend training on our approach to preventing sexual exploitation, abuse and harassment, and records of will be kept by the relevant department.

## 2. Purpose

Our Prevention of Sexual Exploitation, Abuse and Sexual Harassment Policy describes our commitment to ensuring a safe learning and work environment for students, staff and Faculty, as well as protecting program participants and community members from sexual exploitation, abuse and harassment. We explain what we mean by sexual exploitation and abuse and sexual harassment and describe the standards of behavior we expect from everyone who represents our organization. We describe how we reinforce these standards, and the steps we take to address breaches of these standards.

## 3. Objectives

The objectives of this Policy are to:

- Outline principles upon which UGHE will base its decision in case of SEAH situations.
- Indicate procedures to ensure effective action is taken when SEAH cases occur.



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- Instill a clear, consistent, and integrated approach and framework to PSEAH across UGHE
- Ensure that UGHE faculty, staff, students, and affiliates know about their roles and responsibilities in relation to PSEAH.
- Outline UGHE's expectations of its faculty, staff, students, and affiliates when it comes to PSEAH.

#### **4. Scope**

This policy applies to students and all people employed by or working for UGHE, regardless of the type and duration of the contract. For the purpose of this policy, the term "**staff**" shall mean such persons including but not limited to:

- ◇ Administrative staff
- ◇ Support staff
- ◇ Seconded workers
- ◇ Volunteers
- ◇ Chaperons
- ◇ professional interns
- ◇ Fellows

For the purpose of this policy, the term "faculty" shall include all such persons, regardless of whether they are paid or volunteers:

- ◇ Chancellor, Vice Chancellor, Deans, Professors, Associate Professors and Assistant Professors
- ◇ Visiting faculty
- ◇ Adjunct faculty
- ◇ Part time faculty
- ◇ Lecturers
- ◇ Teaching Assistants
- ◇ Lab Assistants
- ◇ Academic support staff
- ◇ Any other person with an academic appointment

The term "**affiliate**" refers to any individual, institution or organization that has a working relationship with UGHE but is not considered a member of staff.

- ◇ For the purpose of this policy, it shall include, but not limited to all such persons: Suppliers
- ◇ Independent contractors
- ◇ Vendors/service providers
- ◇ Partners
- ◇ Consultants
- ◇ Visitors
- ◇ Teaching Assistants
- ◇ Lab Assistants



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- ◇ Any other affiliates as well as those people holding hourly contracts.

For the purpose of this policy, the term “student” shall include all such persons:

- ◇ All students (from undergraduate and post-graduate programs)
- ◇ Visiting students (nationals or internationals) on student internships,

All students are equally expected to comply with this policy, along with other student code of conduct policies/ manual or handbook.

This policy applies equally during UGHE programs that are implemented both on and off campus and outside or during work hours. This policy shall be subject to applicable laws and shall be amended at the discretion of UGHE.

All UGHE staff, faculty, students, and affiliates are bound and expected to abide by this policy. The policy will be regarded and interpreted inclusively to the extent it complies with other applicable laws of the Republic of Rwanda and may be subject to change at the discretion of UGHE management to ensure adaptation to any new or emerging challenges.

## **5. Policy Control**

### **a. Implementation**

HR department, hiring departments, faculty and staff members are responsible for the implementation of this policy.

### **b. Monitoring**

The Director of HR is responsible for establishing controls and mechanisms to monitor the policy.

### **c. Review**

This policy will be reviewed annually. If there are any significant programs or contextual changes, the policy may need to be reviewed more frequently.

## **6. Key Definitions**

### **6.1. Key definitions**

**Child:** Any person below the age of eighteen (18) years old as stated by the UN Convention on the Rights of the Child (UN CRC) and the Rwanda Law. Please note that a UGHE student may be under the age of eighteen (18) and therefore will qualify as a child.

**Beneficiaries:** Those individuals who are direct or indirect recipients of UGHE’s work, including but not limited to students, in both undergraduate and post graduate programs, short course students, visiting students who are on internship, patients, and community members with whom UGHE



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interacts with respect to outreach programs, research or opportunities for employment.

**Academic staff (permanent and visiting):** also known as faculty, refers to staff engaged in teaching, research, and outreach community in line with the mission of the University.\_

**Administrative staff:** refers to those engaged to render administrative support to fulfil the mission of the University. These include Heads of administrative departments and all other non-teaching staff serving under senior terms of service.

**Support staff:** refers to those who are either senior or junior staff that render support services to both academic and administrative staff.

**Seconded workers:** refers to employee or a group of employees from another partner organization who are assigned on a temporary basis to work for UGHE, and on the expiry of their secondment term, will return to their original employer.

**Fellows:** means either an academic staff or administrative staff position the holder of which is usually required to have been a graduate and whose main employment duties involve administrative, academia and development with certain period of time.

**Professional Intern:** refer to those people to whom UGHE offers an opportunity to work for a fixed or limited period of time in the area related to their field of study for their smooth transition to the labour market.

**Academic interns:** refer to both national or international students wishing to acquire professional and practical learning experience related to their field of study with UGHE as part of their educational learning program.

**Visitors:** visitors subject to this policy include people visiting UGHE offices and campus, meeting with students or program participants. This includes sponsors, donors, and any other delegations such as journalists invited by UGHE.

**Volunteer:** refers to any persons who are authorized to render services to UGHE without pay.

**Consultant:** is a professional person or a firm that provides professional or expert advice in a particular field of science or business to UGHE.

**Partners:** for the purpose of this policy, a partner is a Non-governmental Organisation, Community-Based organization, for profit-making enterprise, or other entity that has a written agreement with UGHE to implement a



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programme or activity on UGHE’s behalf or in collaboration with UGHE. The partner may or not receive funding from UGHE.

**Suppliers/vendors:** refer to a company or an individual that provides a product or service to UGHE.

**Chaperones:** they refer to any adult paid or otherwise, charged by UGHE with the role of acting in the place of a parent to UGHE students who are under 18 years old to keeping them safe while away from the campus in clerkship programs.

**Community member:** for the purpose of this policy, community member is all the people who live in the areas where UGHE has a programming presence.

UGHE uses a broad working definition of this term to ensure that any individuals who may be subject to power imbalance with UGHE faculty, staff, students, affiliates are protected through this policy.

**UGHE premises:** These refer to official UGHE offices, the campus, hostels that are hired to accommodate students and staff while in clerkships and any other places where faculty, staff or students are accommodated by UGHE (such as PCG).

## **6.2. Key SEAH concepts**

### **Consent**

Consent refers to the voluntary agreement of all parties involved in a specific sexual activity or interaction. Consent is an ongoing process that must be freely given, informed, and mutually understood by all parties involved. For example, this includes being aware of any potential risk and consequences such as sexually transmitted infections among others.

#### **Key elements of consent include:**

**Voluntary:** Consent must be given willingly and without coercion. It should not be obtained through threats, pressure, or manipulation.

**Informed:** All parties involved should have a clear understanding of the nature and extent of the sexual activity. This includes being aware of any potential risks or consequences.

**Capacity to Consent:** Individuals must have the capacity to give consent, meaning they are of legal age, sober, and not under the influence of substances that impair decision-making.

**Specific to Each Activity:** Consent is specific to each sexual activity and does not imply consent for other activities. For example, consenting to kissing does not imply consent for sexual intercourse.



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**Subject of Complaint:** Is the person who is alleged to have committed an act of SEAH or related offence. Also, commonly called “perpetrator”.

**Individual affected:** is a person who is alleged to have been sexually exploited, abused, or harassed (victim).

**Sexual exploitation:** Any actual or attempted abuse, of a position of vulnerability, differential power, or trust for sexual purposes. This can include exchange of money, a promise of employment, marks, goods, or services, as well as the threat of other negative repercussions, such as the withholding of service, marks, and any other assistance/ service. This also can include a promise or threat (actual or implied) related to academic grades, letters of recommendation or other academic-related matters.

**Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

We recognize that the terms ‘sexual abuse’ and ‘sexual exploitation’ are broad and cover a broad range of behaviours that are not limited strictly to the act of sexual intercourse. Such behaviours also include, without limitation, other sexual acts, attempts to obtain a sexual act, and unwanted sexual comments or advances, among others.

**Sexual activity with minors** is considered both as sexual abuse and sexual exploitation and is prohibited regardless of the locally recognized age of majority in their respective country. Mistaken belief in the age of the child is not a defence.

**Sexual activity with sex workers** is considered both as sexual abuse and sexual exploitation and is prohibited.

**The term “non-contact and online sexual exploitation and abuse”** covers the consumption of social media or online platforms for sexual purposes, and the sending and soliciting of messages or images of a sexual nature. This can include virtual interactions that are sexually related.

**Sexual Harassment:** unwelcome behavior and practices of a sexual nature. Examples include, but are not limited to, unwelcome physical contact, sexual comments, inappropriate SMS messages or messages via platforms such as WhatsApp, social media postings, promises in return for sexual favours, and displaying sexually graphic pictures.

Even if unwanted conduct is not intended to cause distress, it can still have the effect of violating a person’s dignity or creating an offensive environment.



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Sexual harassment can take various forms. It can be obvious or indirect, physical, or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender.

Sexual harassment can be perpetrated against faculty, students, staff, affiliates, and community members.

Sexual harassment has widely been understood to relate to the workplace, but it is also included in the spectrum of behaviours that are not acceptable conduct by our faculty, staff, students, and affiliates, be it in the workplace, in or out of the classroom, or with patients or community members in general.

Examples of sexual harassment include, but are not limited to:

- Verbal, non-verbal, and physical sexual behaviors, i.e., Unwanted physical contact of intimate body parts such as; patting buttocks or stroking breasts, massaging any part, scratching the palm or deliberate brushing against the body.
- Unwanted and persistent explicit or implicit propositions to engage in sexual activity such as, sending sexually explicit telephone messages, Email messages, letters, or notes.
- Sexual jokes and innuendoes
- Sexual remarks about a person's body
- Turning discussions inappropriately to sexual topics
- Sexually stimulated whistling
- Looking a person up and down or staring in a sexually suggestive manner
- Invading someone's personal space or blocking her/his path to night or during the day.
- Unnecessary familiarity, such as unwelcome affection or touching a person's body or hugging.
- Insults or taunts of a sexual nature and making sexual comments about a person's body, appearances clothes and looks.
- Unwanted suggestions of sexual intimacy
- Repeated requests for dates or repeated unwanted requests to go out on dates.
- Unwanted letters, electronic mail or other computer communications of sexual nature
- Continuing unwelcome flirtation or propositions
- Obscene gestures or sounds and sexual pictures displays.
- Exposure of sexual body parts.





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UGHE reserves the right, in its sole discretion, to determine whether a particular behavior or incident rises to the level of behavior prohibited by this policy, regardless of whether it is listed above or not.

**Forms of harassment relationships include but not limited to:**

- The perpetrator can be anyone, such as a co-worker, a teacher or professor, a member of staff, a student, a friend, or an external person to the university.
- The affected person is not only the person who is directly harassed but also can be a witness of such behavior who finds the behavior offensive and is affected by it.
- The place of harassment occurrence may vary from UGHE premises, offices, apartments and in the communities, or other.
- There may or may not be other witnesses or attendees.
- The perpetrator may be completely unaware that his or her behavior is offensive or constitutes sexual harassment or may be completely unaware that his or her actions could be unlawful.
- The incident can take place in situations in which the harassed person may not be aware of or understand what is happening.
- The incident may be a one-time occurrence, or a repeated one.
- The affected person and perpetrator can be of any gender. The perpetrator does not necessarily have to be of the opposite sex.

**7. Core Principles Relating to Prevention of Sexual Exploitation and Abuse**

The following six core principles were adapted from the Inter-Agency standing Committee (IASC) which relate to sexual exploitation and abuse by or of UGHE faculty, staff, affiliates, or students. However, note that the standards set out are not intended to be an exhaustive list:

1. Sexual exploitation and abuse by UGHE faculty, staff, affiliates, and students constitute acts of gross misconduct and are therefore grounds for termination of employment contract or grounds for expulsion for students.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense. Such acts shall be immediately reported to the relevant national investigation authorities i.e., Rwanda Investigation Bureau.
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of services or assistance that is due to beneficiaries, community members or students.





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4. Any sexual relationship between those providing services or assistance (including, but not limited to, any educational, clinical or health care services) and a person benefiting from such services or assistance that involves improper use of power or position is prohibited. Such relationships undermine the credibility and integrity of UGHE's work.
5. Where UGHE faculty, staff, affiliate, or student develops concerns or suspicions regarding sexual abuse, exploitation, or sexual harassment by another faculty, staff student or affiliate, he or she must report such concerns via established reporting mechanisms.
6. UGHE faculty, staff, students, and affiliates are obliged to create and maintain an environment which prevents sexual exploitation, abuse and harassment and promotes the implementation of this policy. Managers/supervisors at all levels have particular responsibilities to support and develop systems which maintain this environment.

## **8. Prohibitive behaviours**

UGHE faculty, staff, students, and affiliates are strictly forbidden from engaging in any form of sexual exploitation, abuse, and harassment whatsoever. This always applies whether UGHE faculty, staff, students, and affiliates are on or off duty.

Because sexual exploitation and abuse and sexual harassment includes a broad range of activities, the following activities are illustrative and not an exhaustive list of prohibited behavior:

- Unwanted touching or physical contact of a sexual nature.
- Forcing sex or sexual acts against someone's will.
- Using sex or sexual acts as a condition of receiving support, treatment, or assistance.
- Physical aggression, including rape, sexual battery, forcible fondling.
- Recording sexual acts or interactions without consent.
- Publishing, sharing, re-sharing sexual recordings, photos, etc
- The exchange of, or an offer to exchange money, goods, services, or assistance for sex, sexual favors, or other forms of degrading or exploitative behavior to program participants or community members by staff. This prohibition against the exchange of money for sex means that UGHE staff, faculty and students may not engage the services of sex workers.
- Any sexual activity or any attempt to engage in sexual activity, with a child regardless of local age of consent. Ignorance or misbelief of a child's age is not a defense.
- Sexual interactions or relationships with a beneficiary during the time they are receiving assistance from UGHE, regardless of whether the beneficiary consents to such interaction.



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- Behavior toward a child that is inappropriate or sexually provocative, including, without limitation, sexual abuse or exposing the child to sexual concepts or pornography.
- Use of language or behavior towards a student, a child or vulnerable adult or staff that is inappropriate, harassing, abusive, sexually provocative or that is intended to shame, humiliate, or emotionally abuse.
- Use of a computer, mobile phone, tablet, camera, social media, email, or other forms of technology, without limitation, to exploit or harass a faculty, staff, a student, a child, a community member, or affiliates or to access or distribute child pornography through any medium.
- Use of UGHE's or UGHE's affiliate's facilities, housing, vehicles, or any other property for the purposes of sexual exploitation, abuse, or harassment
- Doing things of a personal nature for an unsupervised child that the child can do for themselves (e.g. bathing, dressing, etc) or sharing a bedroom with them. "Unsupervised child" means a child who is not supervised by an adult who is an immediate family member.
- Sharing a bedroom with an unsupervised child
- Photographing a child or adult beneficiary who is not adequately clothed (dirty or tattered clothed) or who is in a pose that could be considered sexually suggestive.
- Failing to report a suspected, alleged, or known violation of this policy in a timely manner.
- Failing to disclose any convictions for, or investigations of sexual exploitation, sexual abuse, or sexual harassment.
- Exchanging money, employment, goods, or services/ assistance/ marks for sex, including sexual favors, or other forms of degrading exploitative behavior to children, students, and subordinates
- Engaging in any form of sexual exploitation, abuse, and harassment with a child, including child marriage
- Providing students with any alcohol or illegal drugs within or outside UGHE premises, during and outside work or school hours
- Faculty, staff and affiliates are prohibited from inviting students, children, or subordinates into private residences on or off the UGHE campus.
- The exchange of, or an offer to exchange, recommendation for employment, offer of employment, an employment reference or educational reference for sex, sexual favors, or other forms of degrading or exploitative behavior.
- Any actual or attempted sexual interactions, activity, or relationship by UGHE faculty or staff with a UGHE student is strictly prohibited during or immediately after the student's enrollment at UGHE, regardless of whether the student consents to such interaction.



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- Spending excessive or unnecessary time alone with a student away from others or behind closed doors or in a secluded area
- Unsupervised in-person and virtual interaction with child program participants outside of work duties
- Transporting a child alone in a vehicle for UGHE work, unless it is absolutely necessary, and only with parental/guardian and managerial consent.
- Staying silent, cover up, or enable any known or suspected SEAH incident or breach of this policy by a UGHE faculty, staff, student, or affiliate.
- Retaliation against a complainant or a witness
- Malicious complaints that intend to harm the alleged Subject of complaint.

UGHE reserves the right, in its sole discretion, to determine whether a particular behaviour or incident rises to the level of prohibited behaviour by this policy, regardless of whether it is listed above.

## 9. PSEAH Roles and Responsibilities

### 9.1 The UGHE Senior Leadership Team is responsible for:

- Approving and adopting this policy,
- Supporting the Safeguarding Manager and Human Resources team to nurture a strong PSEAH culture at UGHE,
- Undertaking training and refresher trainings on PSEAH,
- Ensuring the UGHE PSEAH policy is regularly reviewed at the stipulated time.

### 9.2 The Human Resources department is responsible for:

- Ensuring that UGHE operates robust recruitment, induction and training related to this policy.
- Ensure robust recruitment screening processes for all UGHE faculty and staff, particularly those who will have any direct or indirect contact with students, patients, children, or vulnerable adults to prevent perpetrators of SEAH from being (re)hired or (re)deployed.
- Ensure “**Do Not Rehire**” is placed on the physical personal file of staff whose SEAH case was substantiated.
- Coordinating investigations and disciplinary hearings
- Monitor the implementation of this policy, identifying any trends and taking remedial action.

### 9.3 The UGHE Head of Departments and Deans are responsible for:



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- Ensuring members of their team (staff and students) attend PSEAH related trainings (initial and refresher), understand and comply with this policy.
- Reporting as soon as they become aware of any SEAH issue.
- Tracking compliance, identifying, and addressing any challenges in implementing this policy, and ensuring continuous learning of their team on PSEAH with the support of the safeguarding team
- Providing opportunities for faculty and staff to raise concerns.
- Ensuring that investigation report recommendations are acted upon.

#### **9.4 The PSEAH/Safeguarding Manager is responsible for:**

- Rolling-out this policy
- Coordinating, supporting, and advising on the review & implementation of this policy.
- Coordinating faculty, staff and students training in PSEAH.
- Monitoring compliance to this and related policies and report to the management.
- Receiving/managing complaints, reports, or incidents of SEAH or policy non-compliance.

#### **9.5 Other Faculty, Staff and students are responsible for:**

- Reading the policy, understanding, and complying with it and acknowledging in writing to abide by it.
- Availing themselves for the initial and regular refresher trainings
- Reporting any suspected or actual incident of SEAH or non-compliance with this policy
- Cooperating with the investigation team and the disciplinary committee when need arises.
- Refrain from retaliation against those who report concerns of SEAH.

#### **9.6 Affiliates**

UGHE expects the same high standards from all our affiliates including taking measures to prohibit their staff and representatives from engaging in any sexual exploitation, abuse, and harassment, thus:

- Reading the policy attached to their contracts/Memorandum of Understanding.
- Arranging for their personnel's training and ensuring continuous learning of their team on PSEAH during the partnership.
- Tracking compliance, identifying, and addressing any challenges in implementing this policy in their respective institutions
- Reporting to UGHE any suspected or actual incident of SEAH or non-compliance with this policy



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- Cooperating with the investigation team and the disciplinary committee when need arises.

### **10. Reporting a breach of this policy**

It is the duty of all faculty, staff, students, and affiliates not only to adhere to this policy but to report concerns regarding potential SEAH. UGHE faculty, staff, students, and affiliates must immediately report any suspicion or incident of SEAH. UGHE faculty, staff or students should not decide whether or not sexual exploitation, sexual abuse or sexual harassment has occurred or conduct any type of investigation into alleged behavior before reporting.

UGHE has safe, confidential, and accessible complaints mechanisms and procedures for staff, students, beneficiaries, and communities, including children, to report SEAH allegations. UGHE is also committed to ensuring that affiliates and beneficiaries are aware of these procedures and reporting mechanisms.

Suspected violation of this policy can be reported verbally to the Human Resource department / Safeguarding officer or in writing through the channels mentioned in Article 11 of this policy.

### **11. UGHE reporting Channels**

UGHE has put in place various reporting channels to give different options for safe and confidential reporting, including; a dedicated email [ughe-safeguarding@ughe.org](mailto:ughe-safeguarding@ughe.org) and mobile/ telephone +250 788383593 or a toll-free 1002 created and handled by safeguarding team. UGHE encourages all to file a complaint as soon as possible after the incident occurs.

If the complainant would like to report outside of UGHE, they may contact Sarah Mwebaze, PIH Regional PSEAH/Safeguarding Advisor at [smwebaze@pih.org](mailto:smwebaze@pih.org) or +256 772 428185 or PIH PSEAH Champion in Boston, Lori Silver, General Counsel at [lsilver@pih.org](mailto:lsilver@pih.org); + 1 857-880-5170 (US).

|   |                                                                                                                     |
|---|---------------------------------------------------------------------------------------------------------------------|
| 1 | <a href="mailto:ughe-safeguarding@ughe.org">ughe-safeguarding@ughe.org</a>                                          |
| 2 | +(250)788383593 (Call & WhatsApp)                                                                                   |
| 3 | Toll free line: 1002                                                                                                |
| 4 | PIH Regional PSEAH/Safeguarding Advisor: +256772428185 or at <a href="mailto:smwebaze@pih.org">smwebaze@pih.org</a> |
| 5 | PIH PSEAH in Boston- <a href="mailto:lsilver@pih.org">lsilver@pih.org</a><br>+ 1 857-880-5170 (US)                  |



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When the UGHE Safeguarding Manager receives a SEAH case, this has to be recorded in the case tracker by the Safeguarding Manager. When the allegation involving staff, student or affiliate suggests crime may have been committed (serious/ criminal offense), safeguarding team reports the case to Rwanda Investigation Bureau (RIB) after informing the Vice Chancellor.

The UGHE Safeguarding Manager is also required to promptly inform the PIH Regional Advisor, the PIH PSEAH Champion upon receiving any report.

A claim for policy breach shall include the following details of who (perpetrator), what (breach/ abuse / violation), where when and how at the minimum. Such information shall support the Safeguarding Officer including the investigation.

The Safeguarding Officer shall acknowledge receipt of the complaint in writing and communicate the next steps.

Reporting to the PIH Speak Up email may be done anonymously, although this may impede our ability to assess the complaint or conduct a full investigation locally. UGHE encourages non-anonymous reporting.

## **12. Protection against Retaliation**

UGHE will not tolerate any retaliation against UGHE faculty, staff, students, affiliates, beneficiaries, or others who report suspected prohibited conduct in good faith or who participate in investigations. UGHE will take appropriate actions to the best of its abilities to protect people, including complainants, individual affected, whistleblowers and witnesses, from retaliation when allegations of sexual exploitation, abuse, and harassment are reported. Any head of unit or senior leadership team member shall not knowingly obstruct investigations or aid any form of retaliation on people who report prohibited conduct.

If you believe that you have experienced or witnessed retaliation, you should immediately report your concern to one of the channels listed above. UGHE faculty, staff or students who engage in retaliation will be subject to disciplinary action, up to and including termination of employment or expulsion.

## **13. Confidentiality**

UGHE will protect the confidentiality of SEAH allegations to the greatest extent possible in order to protect the integrity of the investigation and prevent embarrassment, further discrimination or harassment, or retaliation. Confidential or sensitive information obtained by any faculty, staff or student during an investigation shall not be disclosed to others, unless required by the law of Rwanda. Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible, and information shall not unnecessarily be disclosed to others.



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UGHE staff who handle investigations and sensitive information are required to maintain the confidentiality of such information and will be subject to discipline in the event of any unauthorized disclosure.

However, effective, and fair investigations typically require confronting the subject of complaint or accused with allegations. In cases in which UGHE has concerns about the safety and well-being of its faculty, staff, students, or beneficiaries, UGHE may take appropriate actions, while still respecting, to the extent feasible, privacy and confidentiality.

In some circumstances, UGHE may be required by its donors, regulators or via legal action to disclose allegations and actions taken to address the allegations. When providing such information to donors, regulators, or law enforcement, UGHE will seek consent from the affected individual prior and will ensure that the distribution of this information is limited to the extent possible and allowed by law, and when possible and in accordance with laws, will seek assurances that the information remain confidential. It is important to mention that when sharing information about the incident with the donor, only a summary is provided without identifying anyone involved.

## **14. SEAH Investigation**

### **14.1 Investigation process**

Investigations should be initiated, conducted, and reported in accordance with all applicable rules, regulations, and guidelines including due respect for the rights and privacy of those involved. It is also important to operate within the remit of local legislation and what this requires of organisations for reporting criminal offences, information provided to e.g. the Subject of Complaint and processes such as gathering evidence outside the organisation's premises and when interviewing non--staff witnesses.

All complaints will be taken seriously and investigated fully, impartially and in confidence. UGHE faculty, staff and students are expected to cooperate fully in any investigation, and refusal to cooperate may result in disciplinary action.

Faculty, staff, or students should not investigate SEAH allegations themselves, because to do so might compromise confidentiality, put individual affected and witnesses at risk, disrupt due process and negatively impact the integrity of the investigation process.

UGHE has a process for investigating SEAH allegations, which ensures that all allegations are investigated in a professional and timely manner or are referred to the appropriate investigative body if the alleged perpetrator is affiliated with another entity.





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Investigations must ensure the use of appropriate interviewing practices, particularly with children. If need be, external professional investigators might be hired and external expertise such as interpreters for the interviewees (i.e. the SoC, victim, witnesses, etc.) when appropriate. UGHE will provide full support and protection to the individual affected and provide necessary medical, psychological and rehabilitation support.

The investigation team shall carry out investigations of a complaint of SEAH with independence, objectivity and with due diligence and respect for rights of both the complainant and the subject of complaint.

The investigations shall always maintain professional standards, including but not limited to impartiality, right to be heard and maintain confidentiality to the extent practicable under the circumstances,

UGHE will use reasonable efforts to investigate a complaint within three months after notification, except in special circumstances.

#### **14.2. Investigation team**

The investigation team generally comprises managers and investigators and, in some cases, observers, interpreters and outside experts giving consideration to the size of the team, their qualifications, and Terms of Reference and the budget for the investigation.

The investigation team generally will consist of the UGHE Safeguarding Manager and a representative from HR appointed by the HR Director. The Legal Counsel shall be engaged in such investigations from time to time. A member of the Committee investigating the alleged SEAH complaint shall not be connected with the allegation in any way. For objectivity, in some cases, any of the above investigation team members may be excused from being involved in an investigation if the case under investigation is deemed to bring bias to them, for example if the person under investigation is from the same departments as the investigators.

In some circumstances, a qualified outside investigator may be appointed. The members of the investigation team or the outside investigator will select from recognised team of trained SEAH investigations.

The investigation team shall adopt a full and detailed investigation procedure to follow during the investigation of conduct and incidents covered by this policy. The Investigation report shall include, the background of the claim, the key findings, statements of witnesses (if any / if authorized), recommendations and next steps.



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The Committee shall present the final investigation report to the VC for approval of the next steps upon conclusion. A disciplinary committee shall be held in line with the disciplinary process if deemed necessary by the VC and the Committee.

If the incident or conduct which is the subject of the investigation involves a person in or from the Vice Chancellor's or Human Resource's office, the PIH Safeguarding Regional Advisor shall take over the duties of carrying out or leading the investigation. In addition, upon adoption of this PSEAH policy, an Investigation Policy and Procedure document which explains our approach to conducting investigations, providing procedural guidance and practical advice will be developed.

## **15. Disciplinary Action**

Where this policy has been breached, UGHE will act promptly to eliminate the offending conduct, impose disciplinary action up to and including dismissal or expulsion, and take any other appropriate remedial action. This will be without prejudice to criminal proceedings. The disciplinary proceeding will follow the appropriate procedures outlined in the Human Resources Manual for faculty and staff or the Student Handbook for students.

Given UGHE's commitment to education, UGHE may decide to impose lesser sanctions for a student who is a first-time offender, has engaged in a single instance of verbal, non-physical or non-physically threatening sexual harassment, and demonstrates appropriate recognition of his or her actions. Potential lesser sanctions may include: a written warning with additional training or suspension.

Disciplinary action may also be imposed on individuals who fail to report allegations of sexual exploitation, sexual abuse, or harassment, who fail to cooperate with an investigation.

Individuals who provide false or misleading information during the investigation or those who maliciously submit a false report will face disciplinary action. The purpose of disciplinary actions is to safeguard staff, students and affiliates from untrue allegations of inappropriate behaviour or abuse.

However, those who raise a complaint which is not upheld, but who did so with a reasonable belief that the matter required investigation, will not be penalized for raising a legitimate concern.

This Policy is not designed or intended to limit UGHE's authority to discipline or take remedial action for conduct it deems unacceptable, regardless of whether that conduct satisfies the definitions provided above.

The disciplinary sanctions imposed by UGHE shall not preclude the individual affected from seeking remedy/remedies provided by the Rwandan judicial framework.



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## **16. Assistance to individual affected**

UGHE will ensure that individuals affected by SEAH are promptly referred to available services, based on their needs and consent. This may include medical treatment, legal assistance, and psychosocial support, whilst also taking into account the confidentiality, cultural sensitivities, and the safety of an individual.

Basically, UGHE will provide non-financial assistance and support to complainant of, and individual affected by SEAH as deemed necessary and appropriate on a case-by-case basis.

A preliminary assessment of the individual affected or complainant's needs arising directly from SEAH or alleged SEAH should be conducted immediately as soon as possible. The assistance provided to complainants shall aim at fulfilling needs that cannot await the substantiation of a claim.

If assistance is deemed necessary and appropriate, UGHE will rely on existing local services, such as those already available to the individual affected by sexual and gender-based violence in the country in reference to the referral directory services mapping. The nature and duration of assistance may vary.

## **17. PSEAH related trainings and awareness raising**

Formal induction upon recruitment/ enrolment and refresher trainings to faculty, staff, and students on the UGHE approach to PSEAH are mandatory for all faculty, staff and students.

The training shall include at the minimum:

- A definition of SEAH
- The prohibition of SEAH and its repercussions; and
- Actions that faculty, staff, affiliates, and students are required to take (i.e., prompt reporting of concerns, suspicions, and allegations as well as referral processes of individual affected)

To further raise awareness, UGHE is committed to integrating PSEAH messaging within its ongoing internal and external communications, such as posters....

All UGHE faculty, staff and students will also be asked to read this policy and sign the acknowledgment form as part of their induction. Records will be kept by the Human Resources department.

This policy shall be rolled out to partners, contractors, and affiliates prior to implementing their contractual obligations.

## **18. Safe recruitment**

UGHE is committed to screening all prospective employees with their former employers following UGHE Human Resources policy, in accordance with established screening procedures, and providing other members of the scheme with appropriate



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information when requested. UGHE collaborates with other institutions to improve employment practice, including background checking, to minimize opportunities for perpetrators’ access to our institutions and to reduce their ability to move between institutions.

Throughout the recruitment processes, the following measures shall be applied to all candidates/ positions for employment, volunteers, interns, and individual contractors/ partners:

PSEAH clauses are included in all job advertisements. Information regarding sexual exploitation, abuse, and harassment (SEAH) will be collected from both the applicant in the interview as well as to the referees to ensure the applicant has never behaved in such a way or has no criminal record on that. Therefore, candidates shall be required to formally disclose if they have previously been subject of a substantiated misconduct investigation concerning SEAH.

In reference checks, questions regarding previous substantiated safeguarding and SEAH misconduct shall be asked, as follow:

- To your knowledge, has the candidate ever been criminally convicted or subject to any criminal or administrative penalty by any competent authority? If yes, please provide details.
- Do you have any information as to whether the candidate has ever been terminated or separated (e.g. contract termination, dismissal, non-renewal) or subjected to any disciplinary measure or sanction by an employer for fraud, harassment, abuse, exploitation including, sexual abuse, sexual exploitation, or sexual harassment? If yes, please provide details.
- Do you have any suspicions that the candidate violated the organization’s code of conduct, including sexual exploitation, abuse, and harassment policy? If yes, please provide details.
- Is the candidate currently under any investigation related to fraud, harassment, abuse, exploitation including sexual abuse, sexual exploitation, or sexual harassment? If yes, please provide details.
- Did the candidate resign while under investigation or during disciplinary proceedings? If yes, please provide details.
- What are the reasons of leaving your organization and if possible, would you re-employ him/her in case of similar opportunities?

People with a prior conviction for any crime against children or SEAH are not hired or engaged by UGHE.

Note that major grant donors may have specific screening requirements for work they fund, so relevant grant terms and regulations should be checked and taken into consideration.

## **19. Partners and cooperative arrangements**



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UGHE ensures that, when engaging in partnerships, consortium, sub-grant or sub-recipient agreements, contracts, sub-contracts, the agreements or contracts shall include the standard PSEAH clause, which includes the obligations of the contractor to take measures to prevent and prohibit SEAH, to timely report to UGHE any allegations, concerns or suspicions involving UGHE staff and students about SEAH, to investigate allegations relating to their employees or other personnel of the contractors, to take corrective action when SEAH has occurred, and to ensure that SEAH provisions are included in all subcontracts.

The contractor's or partner's MoU must include appropriate SEAH requirements. Failure of a UGHE contractor to comply with such contractual obligations shall constitute grounds for UGHE to terminate the contract and a **"do not re-engage"** or **"do not re-contract"** shall be placed on their files.

## **20. Repealing provisions**

All policies or provisions that are in contradiction with this policy are repealed. This entails but not limited to the sexual harassment policy.

## **21. Policy review**

This policy will be reviewed annually. If there are any significant program or contextual changes, the policy may need to be reviewed more frequently and all concerned parties informed about the changes.

### **Approved by**

**Dr. Joel M. Mubiligi**

Interim Vice Chancellor

University of Global Health Equity

Signature:

Date: February, 13, 2024