

# KIGALI INDEPENDENT UNIVERSITY

## ULK



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# HARRASMENT POLICY FOR STUDENTS AND STAFF

May, 2022

# **CREATION, VISION, MISSION, PHILOSOPHY, MOTTO, VALUES, OBJECTIVES, RESPONSIBILITIES AND POWERS**

## **Article 1: CREATION**

Kigali Independent University ULK is a private Institution of higher learning founded on 15<sup>th</sup> March, 1996 and now governed by the new Law n° 010/2021 of 16/02/2021 determining the organization of education, Ministerial Order determining standards in education N° 003/MINEDUC/2021 of 20/10//2021, Ministerial Order determining Rwanda qualifications framework N° 003/MINEDUC/2021 of 20/10//2021, the ULK statutes, the present Internal Regulations and other academic regulations.

## **Article 2: VISION**

Kigali Independent University ULK has a Vision to stand out as a remarkable university for excellence at the heart of Africa with highly motivated students and highly qualified personnel endowed with elevated ethical values.

## **Article 3: MISSION**

The Mission of ULK is: to educate, teach, conduct research and serve the community. The fundamental mission of ULK is to provide the students with a training which will enable them to become actors and organizers of a complete development of the nation.

## **Article 4: PHILOSOPHY**

The philosophy of Kigali Independent University ULK is based on four fundamental principles:

- To have faith in God;
- To know one's mission on earth;
- To live ethical values;
- To have positive thoughts.

## **Article 5: MOTTO**

The motto of Kigali Independent University ULK is "Science and Conscience".

## **Article 6: OBJECTIVES**

Kigali Independent University ULK has the following objectives:

- Providing a solid scientific, intellectual and professional training to the students;

- Promoting research in order to meet the community needs;
- Providing services to the community;
- Creating a competent human resources potential and endowed with moral and civic values;
- Organizing conferences and seminars to reinforce its teachings and research;
- Etc...

### **Article 7. Responsibilities of ULK**

The main responsibilities of Kigali Independent University ULK are the following:

1. to develop a curriculum to be approved by the agency in charge of the institutions of higher learning;
2. to offer higher education courses leading to the award of certificates or degrees that it is authorized to award;
3. to carry out and promote research in all scientific and technological disciplines and on different issues at the national, regional and global level;
4. to publish and disseminate research findings;
5. to impart knowledge and skills through face-to-face learning, distance learning or both and promote technology for job creation purposes;
6. to promote education, Rwandan culture and values;
7. to contribute in solving other national development related issues.

### **Article 8: Powers of Kigali Independent University ULK**

Kigali Independent University ULK has the following powers:

1. to award degrees at cycles of education it offers in accordance with relevant laws;
2. to award certificates to candidates who successfully complete short-time training courses;
3. to conclude partnership and cooperation agreements with different organs in charge of education and with other national and foreign institutions of higher learning in accordance with relevant laws;
4. to award merit titles and awards that recognize exemplary achievements;
5. to promote their lecturers, researchers and staff in accordance with relevant laws and ULK Regulations;
6. to award an honorary degree in accordance with relevant laws and ULK Regulations.

### **Article 9: Founder and President's Office**

The Founder and President's Office comprises:

- Founder and President of the University;
- Advisors;
- The Committee of Auditors.

### **Article 10: Attributions**

The attributions of the Founder and President are:

- to represent legally the university;
- to designate the Chancellor to be approved by the Governing Body;
- to appoint and cancel the appointment of any member of the Governing Body;
- to designate members of Executive Organ to be approved by the Governing Body;
- to appoint and dismiss ULK authorities;
- to appoint and dismiss members of the auditors committee;
- to appoint and dismiss his advisers;
- to ratify activities programmes and the University budget;
- to decide about the University investments and extension;
- to decide about the strategic plan of the University.

### **Article 11: Committee of Auditors**

The Committee of financial Auditors carries out the financial control of financial statements, bank accounts, and the quality of services provided by the Kigali Independent University ULK establishments. Its members shall check all accounting documents without moving them from the place where they are kept.

The Committee of Academic Auditors carries out the academic control of the content of module syllabus and notes, the veracity of marking, students' marks, etc.

### **Article 12: Type of Institution**

ULK is a private education institution complies with education standards in Rwanda and is subject to regular inspection by the National agency in charge of the inspection of education institutions for the category to which such an education institution belongs.

### **Article 13. Cycles in each category of education**

The general education at ULK is comprised of the following cycles:

Kigali Independent University ULK has two cycles. The first cycle (Bachelor degree with honours) and the second cycle (Graduate studies)

### **Article 14. Establishment**

ULK is an established private education institution undertaking the education development with a focus on courses (Economic and Business studies, Computer Social sciences, and law. These courses are needed in the country and on the labour market in Rwanda

### **Article 15. Management**

ULK is managed by the owner through the established organs in accordance with education law, ministerial orders, education policies and other relevant laws in managing private organisations without prejudice to the interests of Education.

### **Article 16: Management organs**

ULK management organs are the following:

1. The chancellery
2. The Governing Body
3. Executive organ
4. Academic Senate
5. Senior management committee

The chancellor of ULK is designated by the owner and approved by the Governing Body.

The chancellor of ULK is responsible for presiding over the academic year opening ceremonies, graduation ceremonies and awarding of other merit titles and may also attend other events or meetings if necessary.

### **Article 17: Harassment Policy for Students and Staff**

As an educational institution, Kigali Independent University ULK is committed to maintaining an environment in which its schools, students, administrators and staff members are safe, can be trusted and count on others to be trustworthy and receive and extend to others respect as

human beings. Indeed, mutual respect among school members, students, staff persons and administrators is an essential ingredient in the educational process and the greatest care must be taken that it not in any way be eroded. This policy sets forth ULK procedures for addressing discrimination and harassment complaints based on a protected characteristic as defined herein involving school, students, administrators, staff, and other stakeholders. Some conduct, which may not constitute such harassment, may still violate the standards of conduct set forth in the provisions of ULK Student Code of Conduct, HR policy, ULK Internal Regulations, or other ULK policies. To the extent the conduct in question does not constitute harassment as defined in this policy, the provisions of such other Handbooks, rules or policies are applicable. To the extent that the terms of a collective bargaining agreement contain procedures which differ from this policy, the collective bargaining agreement shall control.

#### **Article 18: Policy Scope**

This policy applies to all applicants, students, and employees and prohibits harassment whether engaged in by a fellow student or employee, a supervisor or manager, or persons conducting business with or visiting ULK, or any behavior that takes place at a ULK sponsored event. This policy is inclusive of all members of ULK community. In this policy, the term "ULK community" is used to refer to faculty, staff, administrators, students and others affiliated with ULK by reason of employment or education.

#### **Article 19: On-Campus and Off-Campus Behavior**

This policy applies to conduct that occurs on any part of ULK's campuses or property. It also applies to online speech, such as social networking sites, and when ULK community members travel off-campus as part of a ULK sponsored activity, team, organization or event. Additionally, ULK has the discretion to extend the reach of this policy to conduct prohibited behaviour under this policy that occurs off-campus, and/or during a time when ULK is not in session.

#### **Article 20: Some of the forms of Harassment**

An example of sexual harassment is well identified under this heading. However, sexual misconduct refers to all forms of irregular sexual advances made either towards ULK staff or students. The interpretation of sexual misconduct in the context of ULK therefore includes, but is not limited to activities such as:

- i) Inappropriate messaging of or amorous conversations of a sexual nature between staff, or between staff and students
- ii) staff exhibiting amorous behaviour with students or subordinates and exploiting relationships with subordinate staff or students for sexual ends
- iii) Staff using their position of power to elicit sexual or monetary gratification from students in order to confer marks or similar benefits to them
- iv) Staff conferring undue favours to influence subordinate staff or students to yield to sexual desires. Any such behaviour will be interpreted as sexual misconduct even in situations where the subordinate staff or student initiates the sexual advances.
- v) Sexual Assault of any form, whether in brick-and-mortar or digital/virtual spaces
- vi) Retaliatory and abusive behaviours directed towards either former relationship partners or individuals who have rejected the sexual advances of another
- vii) Sexual intimidation.

#### **Article 21: Prohibited behaviour**

Kigali Independent University ULK prohibits harassment and discrimination on the basis of race, creed, colour, religion, national origin, sex or gender identity, age, disability, sexual orientation, marital status, ethnicity, genetic predisposition or carrier status, pregnancy, veteran or military status, citizenship status or any other characteristic protected by law (collectively referred to hereafter as "harassment"). Harassment will not be sanctioned or tolerated by the University. As is described in more detail below, allegations of harassment should be brought to the attention of the Vice Chancellor for appropriate measures.

#### **Article 22: Harassment Policy provisions**

This policy is designed to provide a fair and reliable procedure to determine whether the policy has been violated. If a violation is found, ULK will implement prompt and effective remedies designed to end the harassment, prevent its recurrence and address its effects.

### **Article 23: Policy violations**

In cases of ULK employees' violations of this harassment policy, this act will be considered as misconduct on the part of the employees and will be subject to institutional sanctions, including possible termination of employment. The imposition of sanctions maybe governed by the procedures and provisions specified in ULK internal Regulations and ULK HR management policy. Additionally, this policy explains the ULK's approach to investigating, adjudicating and imposing discipline for acts of harassment.

### **Article 24: Timeframe for Making a Complaint.**

While there is no time limit for bringing forward a complaint under this policy, the passage of time may make an incident difficult or even impossible to investigate fairly or fully and to adjudicate. Therefore, complainants are encouraged to make a complaint as soon as possible after the incident has occurred.

### **Article 25: Informal Resolution**

An individual who feels that he or she has been the victim of harassment may choose to seek an informal resolution of the problem. However, certain allegations of harassment are not appropriately handled through informal mechanisms and ULK at all times retains the right to investigate any complaint in a formal manner or take whatever other action it deems appropriate, with or without the complainant's consent. More so, at any time during or following the conclusion of the informal resolution process, the complainant has the right to discontinue or bypass informal resolution and initiate a formal complaint. Similarly, at any time during or following the conclusion of the informal resolution process, ULK has the right to investigate and handle the complaint in a formal manner, with or without the complainant's consent.

### **Article 26: ULK Legal Representatives**

ULK legal representatives exist on the campus to assist anyone who believes they may have been a victim of harassment and wishes to seek an informal resolution. Complainants may contact any of the Campus Legal representative to initiate the informal complaint process."ULK legal Representatives" are universities employees who have been selected based



upon their skill in resolving issues, knowledge of harassment, training, and willingness to dedicate the time and resources necessary for completion of their responsibilities as assigned. Legal representatives are instructed on how to respond to allegations of harassment and are kept up-to-date on ULK current policies. They stand prepared to provide information on the avenues of recourse available to resolve the complaint. The individuals serving as Legal Representatives may change at any time.

#### **Article 27: Roles of ULK Legal Representatives in this policy**

Legal Representatives can assume the following roles: meet with individuals who allege that they have been victims of harassment; clarify the definitions of harassment and discuss how these definitions may or may not pertain in the circumstances described by the complainant; discuss with the complainant whether counselling should be considered based upon the circumstances; where appropriate, assist the complainant in filing a written complaint regarding the harassment; facilitate the filing of a complaint with the Assistant Vice Chancellor; participate in on-going education for the campus community regarding matters of harassment to include the creation and dissemination of appropriate educational materials about harassment, and to conduct or host seminars or training sessions for all members of ULK community.

#### **Article 28: Advisors**

Each party has the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness involved in the investigation. The choice of whether or not to invite an advisor is solely that of the complainant and respondent. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation of a complaint under this policy. Advisors cannot actively participate or speak on behalf of the complainant or respondent. If any advisor's conduct is not consistent with these guidelines, he or she may be excluded from the process.

#### **Article 29: Formal Reporting Procedures.**

Complainants have the right to, and can expect to have, incidents of harassment taken seriously and to have those incidents investigated and properly resolved through administrative procedures. Witnesses are expected to cooperate fully with an investigation and share their knowledge of any incident in a truthful and honest manner. Formal reporting means that only

people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the respondent.

### **Article 30: Retaliation**

Victims have the right to report harassment in good faith without fear of retaliation. Retaliation includes threats, intimidation, or reprisals. Retaliation occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this policy. For example, it would be retaliatory to intimidate a witness or to shun a person from a student organization in retribution for the person's having made a complaint of harassment. ULK strictly prohibits retaliation by anyone against a person who makes a report of harassment or assists someone with a report, or participates in any aspect of the investigation or resolution of a report. Acts of retaliation are subject to the disciplinary procedures.

### **Article 31: Sanction**

In assessing a disciplinary penalty, the seriousness of the harassment incident will be evaluated. Although relatively minor incidents usually result in lesser forms of disciplinary action, ULK reserves the right to impose discipline upon any school member, staff person or administrator who has been found to have violated this policy, including reprimand, suspension for a stated period with or without pay, termination of employment or such other responsive actions deemed appropriate for any act of discrimination or harassment, based on the facts and circumstances of the particular case. The sanction will depend on the position of school member as follows:

- ❖ Any employee who has been found to be in violation of this policy will be subject to disciplinary action. The appropriate line manager in relation to that person's position within ULK imposes sanctions on an employee found in violation of this Policy according to internal regulations.
- ❖ Any student who has been found to be in violation of this policy will be subject to disciplinary action as determined by the Head of Students services which may range from a warning to expulsion, depending upon the severity of the violation.

### **Article 32: Appeal**

All appeals will be conducted in a fair, impartial, and equitable manner. The disciplinary decision may be appealed by a written notice within ten (10) working days of receiving the written decision for a review of the judgment or the sanctions imposed.

The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.).
2. To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

Any party who files an appeal must do so in writing to the appropriate line manager in relation to that person's position within ULK, who will share the appeal with the non-appealing party. The non-appealing party is given an opportunity to review the appealing party's submissions and submit a written response.

All appeals and responses are then reviewed by a panel composed of three staff nominated by the Vice-chancellor (the "Appeal Panel") to determine if the appeal meets the grounds for appeal and is timely. The Appeal Panel shall not include any staff who was involved at the investigation or sanctioning phase described herein. The Appeal Panel will review the written appeal and evidence and will then determine if the original sanction either stands or if it is reduced or removed altogether. Except for appeals brought under (2) above, the Appeal Panel's entire review process will be based on the party's appeal, the non-appealing party's response to the appeal, if any, and the Appeal Panel's record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard. The Appeal Panel will make a final determination on the appeal and issue a final determination letter to the respondent and the complainant. The decision of the Appeal Panel is final.

**Done at Kigali, on 26<sup>th</sup> May, 2022**

**Prof. Dr. KARANGWA Chrysologue**

**Chairperson of ULK Governing Body**

