

FOREWORD

The University for Development Studies (UDS) is committed to equal opportunities policy for all manner of persons within its community as outlined in its pro-poor mission statement. This means that all individuals working and studying at the University are treated fairly and impartially, regardless of sex, age, ethnicity, physical/mental abilities, religion or creed.

UDS, within this framework, therefore considers the incidence of sexual harassment a problem that requires utmost attention and resolution of the University community. It is noted that the act of sexual harassment poses challenges to the integrity of the society and the workplace because it focuses on the recipient's sexuality instead of one's talents, intellect and abilities.

The UDS is resolved to do all it can within the scope of the University Statutes to provide the necessary environment to address potential occurrences of sexual harassment and utilize all fair and appropriate procedures to resolve such incidences. It is envisaged that the actors of any sexual harassment event shall be given the necessary platform devoid of interference to enhance the amicable resolution of the problem.

This Sexual Harassment Policy is envisaged to govern the University's response in the event of a complaint of sexual harassment. The Policy document presented herewith, shall apply to all stakeholders of the University.

PROF. GABRIEL AYUM TEYE
(VICE CHANCELLOR)

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CHAPTER ONE – INTRODUCTION

1.1 Background of Policy

Sexual harassment is unlawful and distasteful. Sexual harassment violates the rights of self-determination and bodily integrity of the affected person(s). It creates fear and anxiety with immediate and lasting effects on the affected. The effects of sexual harassment could be personal and social. The University for Development Studies (UDS) as an institution committed to promoting equity and safety has embarked on the development of a Sexual Harassment Policy for the purposes of promoting the welfare and progression of all staff and students. It is committed to the creation of an environment that is conducive to work and study, where all members of the

CHAPTER TWO – DEFINITIONS

2.1 Sexual Harassment

At a workshop organized in Accra by the Commission on Human Rights and Administrative Justice (CHRAJ), for its personnel on the "Prevention and Responding to Sexual Harassment in Ghana", Prof. Attafuah (2008) stated that "there is no judicial definition of sexual harassment in our Constitution up to date, except for references to definitions in the United States Constitution and the Supreme Court of British Columbia". He further stated that, the general definition is, "any unwelcome conduct of sexual nature that detrimentally affects the working environment of the person".

Sexual harassment has been defined by Equal Employment Opportunity Community (EEOC, 1964) as: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, whether on a one-time basis or a series of incidents that might cause offence, humiliation, awkwardness or embarrassment, or that might reasonably be conceived as placing a condition of a sexual nature on employment, opportunity for promotion, grades, etc. AWLA (2003 and Sindhu (2017) observed these might include student admission, learning, research, practical training, examination and grading, placement, progression, classification and graduation as well as staff recruitment, promotion, training and development, roles, duties and functions, career advancement and welfare, etc.

Sexual harassment can be considered as a continuum from unwanted sexual advances to rape. Any non-consensual sexual conduct is an offence under the University for Dem

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- iii. A request for sexual favours when submission to, or rejection, of such a request might reasonably be viewed as a basis for evaluative decisions affecting an individual's future.
- iv. Sexual imposition, that is, non-consensual touching or any other behaviour that may be considered as sexual which is not consensual.
- v. Abuses of power relations such that individuals receive unfair treatment based on gender or sexuality.
- vi. Threat or coercion of sexual relations; sexual contact which is not freely agreed to by both parties.
- vii. Confining, sedating, luring, striping, posing and any pretentious or forceful means used to take advantage of anyone sexually.
- viii. Rape

It should be understood that many of the above terms are subject to interpretation. While overt forms of sexual harassment shall usually be obvious, more subtle forms may be difficult to recognize. Perpetrators may not realize that their behaviour is "unwelcome" or inappropriate. Conduct which leads to the harassment of another person is not acceptable and shall render the individual responsible liable to disciplinary action.

2.2 Consent

Consent is the act of agreeing to engage in specific sexual conduct. In order for consent to be valid, both parties must have unimpaired judgment and a shared understanding of the nature of the act to which they are consenting. Silence does not necessarily mean consent. If at any time consent is withdrawn, the conduct must stop immediately. Sexual relations between individuals in a context

(ii) Retaliation

a) The University for Development Studies prohibits retaliation against individuals who may have filed a complaint to the Sexual Harassment Committee, have provided statements, assisted, or participated in an investigation under the Policy.

b) Retaliation refers to any act of retribution taken against a person who has lodged a complaint with the Sexual Harassment Committee in connection with conduct prohibited under the Sexual Harassment Policy, to which he or she has been subjected.

c) Retaliation could be in the form of academic or employment decisions that are made as a result of an individual's complaint about conduct prohibited under the Policy or participation in enforcement of the Policy. It can also be in the form of verbal, physical or written acts, which are intimidating, threatening, coercive or discriminatory.

(iii) Hostile Environment

A hostile environment may be created when workers, students or lecturers, are regularly subjected to aspects of the above-mentioned attitudes or behaviours, which combine to create an overall unfriendly, negative working situation. Such an environment is not conducive to a productive, healthy and supportive work setting. A hostile environment is determined by looking at all of the circumstances, including, but not limited to, whether:

a) The alleged harassing conduct is frequent.

b) The alleged harassing conduct is more or less severe.

c) Such conduct interferes with an employee's work performance, a student's or lecturer's academic performance or the full participation in University programmes or services.

d) Such conduct has the effect of emphasizing one's sexuality in a manner offensive to a reasonable person.

e) Such conduct has the effect of creating an intimidating or offensive environment in the workplace or inside or outside the classroom.

f) Such conduct, after having been brought to the attention of the alleged perpetrator by the alleged victim as being unwelcome and offensive, has yielded no change.

2.3 Offence

The University for Development Studies takes with utmost seriousness, all of the above-named offences, or any discussed in this document. Due to the uniqueness and complexity of each sexual offence case, the Sanctions for all but the last two offences shall be determined by the committee, in consultation with all of the interested parties. The results of these deliberations and recommendations shall be made known to all interested parties and shall be finally referred, in a written report, to the Vice-Chancellor of the University. The Vice-Chancellor shall be the court of last resort for all cases and his or her decision judgment shall be final.

Any non-consensual sexual conduct is an offence. Examples of offences include, but are not limited to:

a) *Sexual Harassment*: Any unwanted sexual attention including, but not limited to, sexually threatening or offensive behaviour.

b) *Sexual Imposition*: Non-consensual sexual touching.

c) *Sexual Assault*: A non-consensual sexual act including, but not limited to unwelcome kissing of lips, mouth, breast or other body parts, touching of breasts or chest, buttocks, thighs, vagina, penis or other body parts other than under a medically necessary procedure, and vaginal penetration, anal penetration and oral sex. This category may be of a serious enough nature to be referred to the legal institutions of Ghana.

d) *Rape*: Forced, uninvited vaginal, oral or anal penetration by a male penis or any other object. This category is defined by Ghana Criminal Offences Act - 1960 (ACT 29), Section 97 and should

be reported to the police. By the Act, whoever commits rape shall be guilty of a first degree felony and shall be liable on conviction to imprisonment.

However, it is important to note that sexual harassment offences may be:

- a) *Verbal*: including unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter or songs based on sex, race, age, able-bodied status, sexual orientation or gender.
- b) *Non-Verbal*: offensive literature or pictures (hard-copy or digital), graffiti, text-messages or images on cell phones, offensive email, stalking, whistles or cat-calls.
- c) *Physical*: including unnecessary touching, gestures or assault.

2.3.1 Mode of Dress

Mode of dress has sometimes been cited as sexual harassment or enticement. Though certain dress styles may be considered inappropriate or unacceptable, mode of dress cannot alone be construed as an “unwelcome sexual advance”. “Unwelcome sexual advance”, as sexual harassment has been here defined, implies that the perpetrator deliberately and with aforethought, subjects another to demeaning, uncomfortable and/or uninvited sexually charged overtures, sometimes for transactional purposes.

Though certain dress styles may appear provocative to some, and although certain people feel that wearing such attire is done for purposes of harassment, we cannot assume that the wearer has harassment in mind. As, especially, young people are influenced by the styles of the day, it cannot be assumed, without verification, that the intention of the wearer is harassment, or is simply style, conformity, taste or culture.

The University for Development Studies believes in the freedom of expression and as such does not dictate the mode of dressing for staff and students. However, the University also respects the fact that the appropriate attire should be worn on all occasions.

2.4 Other Forms of Sexual Harassment

The following are examples of other forms of conduct that would be considered under this Policy to establish sexual harassment or misconduct in the U84 Tm2ivue U84 esc

CHAPTER THREE- IMPLEMENTATION AND COMPLIANCE INSTITUTIONS

3.1 Sexual Harassment Committees

There shall be a Central Committee, Campus Committees, and Adjudication Committee and Education Committee. The committees shall be responsible for the handling of all sexual harassment and misconduct cases.

3.1.1 Central Committee Membership

The Vice-Chancellor shall appoint the membership of the Central Committee. The membership of the Central Committee shall be the same as the membership of the University Disciplinary Board (for Senior Members) and Disciplinary Committee (for Senior and Junior Staff).

3.1.2 Campus Committee Membership

The Principal of the Campus shall appoint the Campus Committee. The Committee shall be headed by a Dean, with a member from each of the Faculties/Schools on the Campus. The Campus Officer shall be a member, and a Faculty Officer shall be member and secretary.

Quorum for the Campus Committee

The quorum for the Campus Committee meetings shall be two-thirds of membership and shall include the Chairman, at least one Faculty representative, and a Campus Officer, a case where a student is the petitioner or respondent, the quorum shall include the SRC or GRASAG representative.

The functions of the Campus Committee shall be as follows:

- i. To keep record of all complaints submitted by staff and students.
- ii. To refer all complaints to the Adjudication Committee for investigation.
- iii. To inform the Registrar of the referral of complaints to the Adjudication Committee.
- iv. To submit annual reports on all the issues of Sexual Harassment on the Campus to the Vice-Chancellor.
- v. To submit the Investigative Report of the Adjudication Committee to the Vice-Chancellor, if a Sexual Harassment and misconduct is established.

Sexual Harassment Education Committees

There shall be a Sexual Harassment Education Committee on each Campus. The Education Committee shall be responsible for educating staff and students on the issues of Sexual Harassment in the University. Each Campus Education Committee shall hold meetings/durbars with staff and

students, separately, once each year, on the Campus. The Education Committees shall also plan and implement training programmes on sexual harassment and misconduct on the Campuses.

Membership shall be as follows: a Vice-Dean of Students on the Campus as Chair, a Counsellor on the Campus, and two Senior Members (one male and one female).

Adjudication Committee

There shall be an Adjudication Committee. The Adjudication Committee shall conduct investigations on complaints submitted to it by the Campus Committee. The Report of the Adjudication Committee on any case submitted to it, shall be sent to the Campus Committee.

Membership of the Adjudication Committee shall be as follows: Chairman (to be nominated from the Campus Committee), two Senior Members (one male, one female), a Counselor from the Campus. One representative of the union/association to which the petitioner and respondent belong, shall be co-opted to serve as members for that particular case. A representative of the SRC or GRASAG shall also be co-opted to serve as members if the petitioner or respondent is a student.

Quorum for the Adjudication Committee

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3.2 Oversight Responsibilities

3.2.1 Guidance and Counselling Unit

- i. The Guidance and Counselling Unit shall facilitate the collation of information on Sexual harassment, and support the Campus Sexual Harassment Committees in the implementation of the Sexual Harassment Policy.
- ii. The Guidance and Counselling Unit should be well-equipped to rapidly respond to University staff and students who have become victims of sexual harassment or assault.

3.2.2 The Vice-Chancellor

The Vice-Chancellor, as Chief Disciplinary Officer of the University, through his/her Campus Principals, is responsible for ensuring compliance with the Sexual Harassment Policy and shall:

- i. Constitute the Sexual Harassment Committee established under the Policy and appoint its Chair;
- ii. Receive reports of findings and recommendations of the Sexual Harassment Committees and ensure that the

UDS Sexual Harassment Policy

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- iii. If the complaint of sexual harassment or misconduct involves a Principal Officer in the University (excluding the Vice-Chancellor), it should be reported to the Vice-Chancellor.
 - iv. If the complaint of sexual harassment or misconduct involves the Vice-Chancellor, it should be reported to the Registrar.
- b) Also, a formal complaint can be made where an informal complaint made by the victim of sexual harassment or misconduct, is not addressed to the satisfaction of the complainant. In such a case, the complainant shall make a formal complaint to the Dean of his/her Faculty/School or Director or Principal of the Campus for further action. Such a complaint will be handled by the Campus Committee and the Adjudication Committee.
 - c) The complainant shall present his/her grievance orally to a Committee member or a person designated by the Committee to receive such complaints. The said person shall listen to the complaint and explain the processes involved in the formal grievance procedure.
 - d) If a victim of sexual harassment and sexual misconduct is not satisfied with how his or her case has been handled at the Campus level, he/she can report the matter to the Registrar for further action.
 - e) The purpose of the discussion is to inform and educate the complainant. The Committee member at this stage shall not dissuade the Complainant from filing the written complaint.
 - f) The complainant shall put his/her complaint in writing and lodge it with the Committee. In the case of a complainant being unable to write, the Committee shall assist him or her to write the complaint. The written complaint shall be read out and explained in the language he/she understands after which he/she will sign or thumbprint.
 - g) The written statement shall give details of the alleged harassing behaviour, and if possible, give details of dates, places and names of those connected with the incidents.
 - h) The Committee shall notify the Respondent about the matter, and request that he or she files a written statement in response to the allegations within seven (7) days. In the case of the Respondent's inability to write, the process in sub-section (d) will apply.
 - i) The Adjudication Committee shall conduct verbal hearings with the Complainant and the Respondent. The parties may be present with their legal counsel. However, legal counsel shall not be permitted to speak on behalf of their clients during proceedings. All proceedings shall be recorded.

- j) The Adjudication Committee shall hear the Complainant first after which the Respondent shall also be heard. The parties may cross examine each other before the Adjudication Committee.
- k) The Adjudication Committee may take testimonies of other relevant persons and witnesses where available and review the evidence.
- l) The Adjudication Committee may conduct its own investigations into the matter, apart from considering the written and verbal testimonies of the parties.
- m) When the complaint is made, the Committee shall take measures to pre-empt any possible retaliation.
- n) A decision will be taken after careful review of the circumstances, evidence adduced, statements and all other relevant information before the Adjudication Committee.
- o) Any dissenting opinion among the Adjudication Committee members shall be recorded together with the reasons for the dissent.
- p) Where a Respondent is found to have engaged in sexual harassment, the appropriate sanctions shall be recommended.

4.1.3 Evidence

The following may be considered as evidence during the hearing of the matter:

Written detailed account of the Complainant and the Respondent.

Witness statements (if any).

Statements of persons with whom the Complainant might have discussed the incidents, or from whom advice may have been sought.

Any other documents, audio-visual recordings, electronic communication including but not limited to e-mails, phone texts and WhatsApp messages.

Expert technical advice may be sought if necessary.

Medical evidence, including Deoxyribonucleic acid (DNA) test results, if appropriate.

4.2 Obstruction of the Process

4.2.1 Withdrawal of a Filed Complaint

A Complainant may withdraw a case filed before the Sexual Harassment Committee any time after filing and during the process of the investigation. In such a case, the Complainant shall state in writing the reasons for withdrawal of the complaint and append his/her signature to the statement.

The Adjudication Committee may however, go ahead and investigate a complaint even where a Respondent refuses to respond to the allegations or participate in the enquiry process.

4.3 Conflict of Interest

Members of the Sexual Harassment Committee shall declare any interest they may have in a matter whenever a complaint is filed before the Committee. Where any interest declared may affect the outcome of the case, the member should step aside.

4.3.1 Complaints against a member of the Committee

If a complaint of sexual harassment is made against a member of the Sexual Harassment Committee, he or she shall not be part of any of the processes of the Committee relating to the investigation of the said complaint.

4.4 Actions to be taken

4.4.1 Record of Proceedings

The Adjudication Committee's record of proceedings on a partic5u03 612 hq0.0b8tak. g0 G1BT/F1 12 TfT009

These sanctions shall not operate to prejudice criminal action in the case of serious offences tantamount to crime under the Laws of Ghana.

4.4.4 Appeal

If the Complainant or Respondent is dissatisfied with the outcome of the investigations and/or the decision of the Campus Sexual Harassment Committee, he or she shall have a right of appeal to the Central Sexual Harassment Committee. The Central Sexual Harassment Committee shall hear and determine the appeal in accordance with the provisions of this Policy. In the event that the complainant is dissatisfied with the decisions of the Central Sexual Harassment Committee, he or she is at liberty to appeal to the Vice-Chancellor who is the final disciplinarian.

4.4.5 Non-retaliation

During the process of investigation of a matter, retaliation from either party or third parties shall be monitored by the Sexual Harassment Committee. An individual who is subjected to retaliation such as threats, intimidation, reprisals, or adverse employment or educational actions for having made a report of sexual harassment or misconduct in good faith, or who assisted someone with a report of sexual harassment or misconduct, or who participated in any manner in an investigation or resolution of a report of sexual harassment or misconduct, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and misconduct and will be subject to the same procedures.

4.4.6 Confidentiality

The Sexual Harassment Committee shall maintain confidentiality of all matters reported to it and of the proceedings. Parties in an investigation, including their representatives shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

4.4.7 Referral for Counselling

In appropriate cases, the Committee may request that either party to the case seeks counselling or support. The Committee may, at the request of a party to the matter, refer that party to the Guidance and Counselling Unit for counselling or support.

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