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SEXUAL HARASSMENT AND MISCONDUCT POLICY

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1.0 Purpose of Policy

The University of Ghana is committed to creating and maintaining a community in which all persons who participate in the University's programmes and activities do so in an environment free from intimidation, exploitation and abuse. The University seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity. To achieve this objective, the University has adopted this policy on sexual harassment and misconduct which is intended to guide the University of Ghana community. The policy defines prohibited conduct, outlines the procedures for reporting violations, conduct of investigations, sanctions, non-retaliatory mechanisms and establishes the Anti-sexual harassment committee.

1.1 Definition of Sexual harassment and other forms of sexual misconduct

(A) Sexual Harassment:

This is defined as an unwelcome conduct of a sexual nature including unwelcome sexual advances, request for sexual favours and other verbal, non-verbal, written, electronic, graphic or physical conduct or behaviour of a sexual nature when:

- i. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic standing or participation in an educational programme or activity; or
- ii. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions or for academic evaluations, grades or advancement affecting that individual; or
- iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

Sexual relationships that occur in the student-teacher context or in the context of employment, supervision or evaluation present special problems. These types of sexual relationships are especially vulnerable to exploitation due to the difference in power and the respect that are often

present between a teacher and a student, a supervisor and a subordinate or a senior and junior colleague. As a result of this power differential, a student's "voluntary" participation in a sexual relationship with an individual in a position of power does not on its own demonstrate that the conduct was welcome. The University prohibits sexual relationships between individuals where there is an imbalance of power such that one individual is in a position to make decisions that affect the educational opportunities or career of the other.

(B) Other forms of sexual misconduct:

In addition to sexual harassment, other forms of sexual misconduct include the following:

- Sexual or amorous behaviour with students or subordinates,
- Staff exploiting relationships with subordinate staff or students for sexual ends,
- Staff conferring undue favours to influence subordinate staff or students to yield to sexual desires,
- Sexual abuse,
- Sexual assault,
- Sexually exploitative and degrading behaviour,
- Retaliatory and abusive behaviours directed towards either former relationship partners or individuals who have rejected the sexual advances of another
- Sexual intimidation.

For the purpose of this policy, sexual harassment shall be defined to include acts or behaviour constituting sexual abuse and sexual assault which occur within the definitional scope of this University's policy in relation to members of the University community.

1.2 Objectives of the Policy

The objectives of this policy are to:

1. Prevent sexual harassment and misconduct through education and awareness creation.
2. Prohibit and sanction sexual harassment and sexual misconduct offenses.
3. Investigate allegations and reports of incidents of sexual harassment and sexual misconduct in the University.

4. Administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy.
5. Ensure that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face retaliation or stigmatisation.

2.0 Definitions

Word/Term	Definition (with examples if required)
Sexual abuse	Forceful engagement of another person in sexual contact which includes sexual conduct that humiliates or degrades the other person or otherwise violates another person's sexual integrity or a sexual contact by a person aware of being infected with human immunodeficiency virus (HIV) or any other sexually transmitted disease with another person without that other person being given prior information of the infection.
Sexual assault	This refers to a situation where an individual has or attempts to have sexual intercourse or contact with another individual without the latter's consent. Consent achieved through the use or threat of force or coercion or as a result of incapacitation is not classified as consent. Additionally, sexual assault can occur between intimate partners or strangers.
Sexually exploitative or degrading behaviour	This refers to instances where an individual takes sexual advantage of another person without that person's consent for the individual's benefit or the benefit of a third party. This includes, but is not limited to the following: <ol style="list-style-type: none"> i) Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person such as drugging or tying the person. ii) Electronically recording, photographing or transmitting identifiable utterances, sounds or images of private sexual activity and/or intimate body parts without the knowledge and consent of the parties involved. iii) Making it possible for third parties to observe private sexual acts of a participant without the consent of that participant.

	iv) Spying on others who are in intimate or sexually suggestive situations/positions.
Sexual intimidation	<p>This includes the following situations:</p> <ul style="list-style-type: none"> i) Threatening to sexually assault an individual ii) Indecent exposure iii) Stalking in or outside of cyberspace. Stalking refers to the situation where an individual directs unwelcome attention of various sorts to another such that a reasonable person would begin to fear for his or her safety or well-being. Such unwelcome attention could include: following a person; leaving messages or items at locations that the person is known to frequent; making harassing phone calls; sending messages either by snail mail or electronically; vandalizing the property of another.
Hostile environment	Situations and/or influences created within the university community that are sufficiently severe or pervasive that it alters the conditions of education or employment in such a manner that a reasonable person would find it intimidating uncomfortable or offensive.
Complainant	A person who has filed a complaint under this policy.
Committee	The Anti-Sexual Harassment Committee established by the University to address and investigate sexual harassment and misconduct matters under this policy.
Members of the University Community	Members of the University Community refers to all employees and students of the University.
Policy	University of Ghana Policy on Sexual Harassment and Misconduct.
Respondent	A person whose alleged conduct is the subject of a complaint.

3.0 Application and Scope of the Policy

This Policy is applicable to all members of the University community. These include officers and employees of the University, students, and persons who serve the University as its agents and are under the control of the University in all its locations and facilities, including vehicles.

4.0 Implementation and Compliance Institutions

4.1 The University Council

The University Council will have the overall responsibility for ensuring that the University complies with the Sexual Harassment and Misconduct Policy. It includes ensuring that:

- (i) The Sexual Harassment and Misconduct Policy should not be the only document that indicates that the University seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity. The principles of the Sexual Harassment and Misconduct Policy should be referenced and put into specific action in other University documents such as the University Statutes, Strategic Plan, Student Handbooks, Conditions of Service, Code of Conduct and other policies and regulations (and in particular, the Gender Policy).
- (ii) The Sexual Harassment and Misconduct Policy should be made available to students and employees in various forms; as a handout at orientation programmes for these groups and on the University's website, among others.
- (iii) Measures are in place to guarantee the creation and maintenance of an environment that provides an atmosphere of work and study in which all employees and students of the University are treated with respect and dignity regardless of gender.
- (iv) An effective institutional framework on sexual harassment and misconduct is established.

- (v) All policies, statutes and regulations of the University are in compliance with the Sexual Harassment and Misconduct Policy.

4.2 The Vice-Chancellor

The Vice-Chancellor, as Chief Disciplinary Officer of the University, is responsible for ensuring compliance with the Sexual Harassment and Misconduct Policy and shall:

- (i) Constitute the Anti-Sexual Harassment committee established under this policy and appoint its chair.
- (ii) Receive reports of findings and recommendations of the Anti-Sexual harassment Committee and ensure that the recommendations are acted upon promptly.

4.3 Centre for Gender Studies and Advocacy (CEGENSA)

- (i) CEGENSA shall facilitate and support the Anti-Sexual Harassment Committee in the implementation of the Sexual Harassment and Misconduct Policy.
- (ii) Establish a well-equipped sexual harassment crisis and counselling unit to support University staff and students who have been victims of sexual harassment or assault cases.

4.4 Anti-Sexual Harassment Committee

- (i) *Membership*
The Committee shall be composed of fourteen (14) persons nominated from among members of the University community, comprising employees and students drawn from the list set out in Appendix II of the Policy. There shall be gender parity in the composition of the Committee. Competent external members from other institutions may also be nominated to serve on the Committee as *ex-officio* members, or to act as technical advisers.

(ii) Responsibilities

The Committee shall address sexual harassment and sexual misconduct issues relating to the University community by:

- (a) Planning and implementing the University's education and training programs on sexual harassment and misconduct. The programs should include wide dissemination of this policy to the University community; providing educational materials to promote compliance with the policy and familiarity with local reporting procedures; and training of other University personnel who may be responsible for responding to informal reports of sexual harassment.
- (b) Maintaining records of reports of sexual harassment and misconduct cases as well as actions taken in response to reports.
- (c) Preparing and submitting an annual report to the Vice-Chancellor and/or the University Council on its work.
- (d) Investigating specific complaints of sexual harassment and misconduct.
- (e) Delineating and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.

(iii) Leadership

- (a) The Vice-Chancellor shall appoint a Chair, of the Committee. The Committee at its first meeting will appoint a Vice-Chair from among its members. The Vice-Chair shall act in the absence of the Chair.
- (b) The Secretary of the Committee shall be nominated by the Director of CEGENSA in consultation with the Committee. The Secretary shall ensure that all records of the Committee's meetings and proceedings are properly taken and documented.
- (c) The Chairperson shall be instrumental in

summoning meetings, initiating enquiry processes and ensuring the integrity of all proceedings relating to investigation of grievances.

(d) An adjudication committee, made up of any five members of the Anti-Sexual Harassment Committee, including a lawyer, will be selected by the Anti-Sexual Harassment Committee, to adjudicate cases on its behalf. There shall be gender parity in the composition of the adjudication committee.

(iv) *Qualities*

All members of the Committee shall have high credibility, gender sensitivity and technical competency to handle grievance procedures.

(v) *Term of Office*

Members of the Committee appointed in a representative capacity shall serve for a term of two years, after which they can be appointed to serve a further two-year term only.

(vi) *Review of Policy*

This Policy shall be reviewed periodically.

5.0 Formal reporting

5.1 Procedure

Reports of sexual harassment or sexual misconduct shall be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the Committee to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action.

5.2 Role of the Anti-Sexual Harassment Committee

The Anti-Sexual Harassment Committee will have the following responsibilities under complaints mechanism:

- (a) *Education and Training:* The Committee shall plan and manage the University's sexual harassment education and training programs. The programs should include wide dissemination of this policy to the University community; providing educational materials to promote compliance with the policy and familiarity with local reporting procedures; and training of other University personnel who may be responsible for responding to informal reports of sexual harassment.
- (b) *Documentation:* The Committee shall maintain records of reports of sexual harassment and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
- (c) *Reporting:* The Committee shall prepare and submit an annual report to the Vice-Chancellor and/or the University Council on its work.
- (d) *Investigation:* The Committee shall deal with specific complaints of sexual harassment as an investigative body in accordance with the grievance procedures outlined under this Policy.
- (e) *Sanctions/ Disciplinary actions:* The Committee shall delineate and design appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.

5.3 Rights of the complainant

Any member of the University Community who believes that he or she has been a victim of sexual harassment and/or misconduct in violation of this Policy is entitled to pursue the matter and utilize the procedures described under this Policy for redress. The complainant shall not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

5.4 Rights of the respondent

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final finding of culpability by the Committee or a stipulated admission to the charge by that person.

5.5 Right to representation

A complainant and a respondent in a sexual harassment or sexual misconduct matter have the right to representation by counsel.

5.6 Duty to Cooperate

Staff and students must cooperate with University investigations into sexual harassment or misconduct which are conducted by the Anti-Sexual Harassment Committee. Refusal to cooperate with an investigation or to impede an investigation may result in disciplinary action.

5.7 Malicious accusations or unfounded complaints.

The University recognises that false accusations could have a serious impact on the reputation and integrity of individuals. As such, malicious accusations will be treated very seriously. Anyone who is found to have made a deliberately malicious complaint or allegation against another person shall be subject to formal disciplinary action under the appropriate university procedure.

6.0 Promotion of Sexual Harassment and Misconduct Policy

6.1 Dissemination of information on Sexual Harassment Policy

This Policy document shall be published and disseminated without charge to all members of the University community. It shall be displayed at conspicuous places in all Colleges, Schools, Departments, Institutes, Centres, lecture halls and other public areas as far as possible. It shall also be made available to newly recruited staff of the University and newly admitted students.

6.2 Training and capacity development

All members of the Anti-Sexual Harassment Committee shall receive appropriate training about sexual harassment and sexual misconduct and how to apply this Policy and the grievance procedures in order to discharge their duties in an efficient and sensitive manner.

7.0 Version Control and Change History

Version Control	Date Released	Date Effective	Approved By	Amendment

8.0 ANNEXES

ANNEX I: EXAMPLES OF SEXUAL HARASSMENT OR MISCONDUCT

The following examples are illustrative of conduct or behaviour that, if proven, would be considered under this Policy to establish sexual harassment or misconduct in either an employment or an academic setting:

- Unwelcome, unsolicited advances, and/or propositions of a sexual nature;
- Unwelcome sexual advances whether they involve physical touching or not;
- Unwelcome and inappropriate affectionate gestures;
- Unwanted and persistent propositions for dates;
- Unnecessary and inappropriate touching, such as patting, pinching, hugging, or brushing against an individual's body; grabbing of parts of the body, kisses;
- Excessive and unwanted attention in the form of love letters, telephone calls or gifts, stalking;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess, sexual innuendos;
- Unwelcome leering, whistling, heckling, hooting at an individual, including name-calling;
- Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails, whatsApp and text messages);
- Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender;

- Unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- Unwelcome references to one's appearance or body where they cause psychological harassment – especially if such expressions are persistent;
- Inappropriate and/or degrading displays of sexually suggestive objects or pictures, cartoons, calendars, books, magazines;
- Using a position of power and authority to threaten or punish either directly or by implication, for refusing to tolerate harassment or misconduct or submit to sexual activity or for reporting harassment or misconduct or to promise rewards in return for sexual favours;
- Sexual assault, which is an unwanted sexual act done without the consent one party, and/or that occurs under threat or coercion. Sexual assault includes, but is not limited to, attempted rape, indecent assault, forcible anal sex, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault;
- Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation;
- Making a student's work or an employee's job more difficult because of that person's sex;
- Disciplining or firing a subordinate who ends a romantic relationship;
- Retaliation from a person in authority due to refusal of sexual favours which may include limiting opportunities for the

complainant and generating gossip against the employee or other acts that limit access or change performance expectations after a subordinate refuses repeated requests for a date.

ANNEX II

COMPOSITION OF ANTI-SEXUAL HARASSMENT COMMITTEE

1. Representative of the School of Law (with a human rights/administrative law bias).
2. Representative of the Careers and Counselling Centre
3. Director of the Centre for Gender Studies and Advocacy (CEGENSA)
4. Representative of the University Teachers Association of Ghana (UTAG)
5. Representative of the Psychology Department
6. Representative of Ghana Association of University Administrators (GAUA)
7. Representative of the Students' Representative Council (SRC)
8. Representative of the Graduate Students' Association of Ghana (GRASAG)
9. Representative of the Teachers and Educational Workers' Union (TEWU)
10. Representative of the Federation of the University Senior Staff Association of Ghana (FUSSAG)
11. The Legal Counsel of the University
12. Representative of the School of Public Health

13. Representative of the School of Information and Communication Studies (SICS)
14. Representative of the Centre for Social Policy Studies (CSPS)

ANNEX III

GRIEVANCE PROCEDURES

The following guidelines shall apply in handling Sexual Harassment and Misconduct complaints:

(I) Informal Approach to dealing with Sexual Harassment and Misconduct

- a) Where a member of the University Community feels that he or she has been a victim of sexual harassment or misconduct, such a member may attempt to resolve the matter directly with the alleged offender by advising that the behaviour is unwelcome, must be stopped, or must not occur again.
- b) A Complainant may choose to ask another person whom he or she trusts to intervene on their behalf. The person who is asked to intervene may provide advice or counselling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant.
- c) A Complainant may request through the Committee, that an attempt be made to resolve a sexual harassment or misconduct matter through mediation. If such a request is made, the Committee member receiving the complaint shall determine whether the Respondent is willing to engage in mediation, and, if so, a mediator shall be selected by mutual agreement of the Complainant and the Respondent. The role of the mediator is to facilitate discussion and to suggest alternative resolutions. The mediator does not investigate the complaint or assign blame. The mediator shall report the outcome of the process to the Committee member receiving the complaint. If the matter cannot

be resolved, the Committee member shall advise the Complainant to file a formal complaint before the Committee.

- d) In cases of sexual harassment or sexual misconduct that are considered severe or extreme, such as attempted rape, rape, sexual battery, sexual assault with a weapon and non-consensual anal copulation, a Complainant shall be counselled to report to the Police and launch a formal complaint before the Committee instead of utilizing the informal approach.
- e) If a complainant chooses not to use the informal approach to deal with sexual harassment or misconduct, this shall not be used against him or her or affect the merits of the case when a formal complaint is launched.

(ii) Formal Approach to dealing with Sexual Harassment and Misconduct

- a) A member of the University community who has been or is a victim of sexual harassment or misconduct, or is dissatisfied with the outcome of the informal approach shall make a formal complaint to the Committee for redress.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

- f) 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 days. In the case of the Respondent's inability to write, the process in sub-section (d) will apply.
- g) 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.
- h) 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.
- i) The Adjudication Committee may take testimonies of other relevant persons and witnesses where available and review the evidence.
- j) The Adjudication Committee may conduct its own investigations into the matter, apart from considering the written and verbal testimonies of the parties.
- k) When the complaint is made, the Committee shall take measures to pre-empt any possible retaliation.
- l) A decision will be taken after careful review of the circumstances, evidence adduced, statements and all other relevant information before the Adjudication Committee.
- m) Any dissenting opinion among the Adjudication Committee members shall be recorded together with the reasons for the dissent.
- n) Where a Respondent is found to have engaged in sexual harassment or misconduct, the appropriate sanctions shall be recommended.

(iii) Other relevant considerations for the work of the Adjudication

Committee

(a) 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.
- Expert technical advice may be sought if necessary
- Medical evidence, including DNA test results, if appropriate

(b) *Withdrawal of a filed complaint*

A Complainant may withdraw a case filed before the Anti-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.

(c) *Refusal of Respondent to respond to notice of filed complaint or to participate in enquiry*

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

(d) *Complaints against a member of the Committee*

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

(e) *Conflict of Interest*

Members of the Anti-Sexual Harassment Committee shall declare any interest they may have in a matter whenever a complaint is filed before the Committee.

(f) *Record of Proceedings*

The Adjudication Committee's record of proceedings on a particular matter shall give details of the enquiry. This includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the Adjudication Committee as to whether the University policy has been violated. The record shall also contain the sanctions recommended, where applicable. Other recommendations made to the parties for actions to restore or improve the relationship between the parties where no finding of guilt is made against the respondent may be included. The record may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

(g) *Decision-making*

The investigation procedure shall be completed as promptly as possible and within 60 working days of the date the request for formal investigation was filed. The Committee may seek an extension of time from the Vice-Chancellor with reasons where it is not possible to complete the investigation within the said days.

(h) *Sanctions*

The Adjudication Committee shall recommend the appropriate sanctions or punitive measures where a Respondent has been found to have engaged in behaviour that can be characterised as sexual harassment or misconduct. These sanctions include but are not limited to formal apology, leave without pay, suspension, denial of promotion, demotions, dismissals and transfers and shall be applied on a case-by-case basis. In serious and repeat cases, the Respondent shall be dismissed. These sanctions shall not operate to prejudice criminal action in the case of serious offences tantamount to crime under the Laws of Ghana.

(i) *Appeal*

If the Complainant or Respondent is dissatisfied with the outcome of the investigations and/or the decision of the Anti-Sexual Harassment Committee, he or she shall have a right of appeal to the University of Ghana Appeals Board. The University of Ghana Appeals Board shall hear and determine the appeal in accordance with the Statutes of the University.

(j) *Non-retaliation*

During the process of investigation of a matter, retaliation from either party or third parties shall be monitored by the Anti-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.

(k) *Confidentiality*

The Anti-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.

(l) *Referral for counselling or other psycho-social support*

In appropriate cases, the Committee may request that either party to the case seeks counselling or support from a designated institution or personnel. The Committee may, at the request of a party to the matter, refer that party to the appropriate institution or personnel for counselling or other psycho-social support.

