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Guidelines for the development of Anti Sexual Harassment Policy in Tertiary Education Institutions (TEIs) in Ghana.

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## Introduction

Sexual Harassment in Tertiary Education Institutions (TEIs) in Ghana is not a new issue, but has until recently been a hidden silent one. During the last few years, TEI personnel from administrators and faculty to employees and students have recognized the problem in terms of its lost productivity, time consumption, and legal implications (in addition to visible/invisible damage to the victim).

Ideally, higher education institutions should be recognized as places where administrators, faculty, employee/staff, and students (of all levels/categories) work and learn in an environment free from intimidating, offensive, and hostile behaviours. Sexual harassment vitiates such an environment. Therefore, TEIs must have mechanisms to provide their members with the opportunity to develop intellectually, professionally, personally, ethically, morally and socially in an environment free of intimidation, exploitation and harassment. It should recognize its legal and moral responsibility to protect all of its members from sexual harassment and to take action if such harassment does occur.

To this end, the National Accreditation Board has produced this guideline from which it expects tertiary education institutions, especially those who do not have a comprehensive policy against sexual harassment and exploitation, to develop a policy for same and outline procedures for dealing with complaints of sexual harassment, including a range of disciplinary measures.

The intention here, which all institutions should espouse, is to prevent sexual harassment and exploitation from taking place, and where necessary to act upon complaints of sexual harassment promptly, fairly, and with due regard to confidentiality for all parties concerned.

## Structure of Policy

The policy against sexual harassment and exploitation should cover but may not be limited to the following sections:

- 1. Policy statement:** TEIs are to make a policy statement on anti-sexual harassment and exploitation. The statement should show the dimensions of intent and application of the policy. The statements should among others, seek to advance harassment – free environment, professional ethics, freedom of movement, freedom of access to facilities and resources without fear of harassment and any form of discrimination, free enquiry and open discussion of all issues without intimidation, etc. The dimensions can be presented in bulleted points or paragraphs.
- 2. Principles:** Institutions should advance some underpinning principles that express the motive for developing the policy. For example, *'Sexual harassment is a breach of a trusting relationship that should be a sex-neutral and relaxed situation. It is an unprofessional conduct and undermines the integrity of the employment relationship'*. The principles can be presented in bulleted points.
- 3. Definition:** The policy should define sexual harassment and exploitation, and the contexts in which it occurs. It may also outline the scope – overt, subtle, visual signals, gestures, verbal, physical contact, or sign language, persistent and unwelcome flirting, electronic media, etc.

The statement under this section should also clarify the difference between sexually harassing conduct and personal relationships among consenting adults of the TEI community which do

not breach the social and cultural norms of the society and where such is allowed to take place.

It may be necessary that institutions, in order to avoid conflicts of interest, make statements or outline measures that it determines would not allow the institution to be implicated in intimate relationships between any two persons.

It must be noted that the definition of sexual harassment and exploitation has one key element: the behaviour is uninvited, unwanted, and unwelcomed.

4. **Examples:** The Policy should indicate some examples of sexual harassment and exploitation by teachers, students, employees (e.g. Administrative staff).
5. **Sexual harassment listing:** this is optional. Institutions could indicate empirical examples of reported cases of sexual harassment and exploitation in its reviewed policy to show efforts at how it seeks deter the act.
6. **Personnel coverage of jurisdiction:** The Policy document should indicate which groups of persons or individuals it covers. E.g. Students, teaching staff, non-teaching staff, researchers, interns, residents, contractors involved in business on campus, and other services. The statement may also indicate whether or not and how the policy affects terms and conditions of employment of faculty of the University/ College.
7. **Assurance for fair treatment:** The policy must assure complainant, the respondent, and any other parties to proceedings of fair treatment. The policy must state what constitute fair treatment among various type of parties – between lecturer and student, non-teaching staff and student, teaching staff and non-teaching staff, student and supervisor, complainant and the institution itself, etc. The assurances must also be offered to any witnesses in a case.
8. **Procedures:** The policy, under this section, must indicate the steps involved in reporting a complaint and how complaints are treated. For example, it must indicate who to report to and alternative persons or ways to contact/ complain, the responsibilities of persons whether designate or otherwise, who come to knowledge about a complaint or case of harassment, the key officer who engages the process and what he/she is expected to do, issues of confidentiality, options to seek redress in courts of law and their implications, and how to treat frivolous cases. It would be necessary that complaints determined to be frivolous, vexatious or entirely without factual basis, must be communicated to the complainant and the respondent (if previously informed of the complaint) in writing, and reasons for this conclusion must be provided.

The policy must ensure that all such complainants will have access to a common source of consistent and expert advice and that reliable data may be gathered on the incidence of discrimination and harassment in the institution. What the designated office must do if at anytime the health or safety of members of the institution is at risk, must be stated.

It is recommended that release time be given to Teaching, research and non-teaching staff who participate in the procedures.

- 9. The office in charge of engaging the procedures:** The primary purpose of setting up this type of specialized office is to facilitate the policy implementation in letter and spirit. Universities/Colleges are to set up Harassment Complaint Offices, where complaints of sexual harassment or any other forms of harassment could be lodged. This would require a team consisting of a full time trained professional designated for such (Gender sensitized, with strong professional and counseling skills), computer specialist, and assistant who could follow up the documentation through relevant offices. It is appropriate that one of the senior members at their office be female in order to facilitate confidential communication.

The harassment complaint office would involve the following:

- a. Sensitization of all university/college faculty, staff and students on sexual harassment through workshops and training. All personnel/staff/faculty that enter the university employment would require completing a session on sensitization and training programs. This should be an ongoing activity.
  - b. Complaint registration: Formal verbal or written complaint could be lodged in this office, as a first and preliminary step. Resolution through counseling can take place at this first step. However, if the complainant wishes to follow through the hearing and tribunal procedures, he/she would be required to fill a complaint form that would be available in the office.
  - c. Tracking system: Once the complaint has formally been lodged, it would be entered into a database to track the processing of the complaint. It is important that every complaint is treated with utmost confidence and is sent to the concerning authorities such as the vice chancellor/ president/ rector/ director for further orders/inquiries. It is proper that preliminary investigation is uploaded into the database against every reference filed case to facilitate the entire investigation procedure.
  - d. Implementation: Since the investigation of cases requires a constant liaison between the appointed authority/committee and the complainant therefore all the meetings and schedule arranged would be the responsibility of the key officer in charge of monitoring harassment cases.
- 10. Sexual Harassment Resolution:** Universities/ Colleges are to advance mechanisms for resolving cases that are consistent with the spirit of the institution's policy and its fundamental principles. There could be formal resolutions and informal resolutions either with written complaints or otherwise. And complainants should be free to choose freely any option. The institution shall state the procedure for each option.
- 11. Hearing panel for sexual harassment:** Universities / Colleges should form a hearing panel or committee with a Chair and Vice Chair and indicate the constituents. Preferably the members of the panel should cut across the ranks and file of the institution and should show some gender parity. It is necessary that members are appointed in staggered terms to provide for continuity of experience. Member of the hearing panel must receive training from appropriate personnel in the particular sensitivities which surround sexual harassment issues, in procedures which effect fair resolutions and in penalties and sanctions which are appropriate to the various breaches of policy and which act as deterrents to further breaches of policy, together with the principles of Academic Freedom. The institution may provide for the Chair to chair all tribunals or designate chairs of tribunals among the membership of the hearing panel.

A tribunal may be made up of the Chair/ Vice Chair and any designated number of members from the hearing panel. A Tribunal may co-opt a professional psychologist or gender specialist as needed or considered appropriate. The policy document must indicate how the tribunal is to operate, giving timelines for engaging various processes and also provision for complainant or respondent to object to the membership of tribunals in the cases of bias, conflict of interest or other reasons.

- 12. Punishment and False allegation:** TEIs are to state various punishments/sanctions and how they would treat false allegations and penalties thereof, to prevent such injustice to any member of the university/ college.

Sanctions and remedies: University/ College shall state the penalties involved either singly or in combination, for cases of sexual harassment. The tribunal of the Hearing Panel must recommend any appropriate sanction or remedies it deems necessary to guarantee that the behavior is not repeated.

Education: It is recommended that institutions design an entire education strategy to educate and counsel its staff, faculty and students as well as provide written material for reference. Further, notices should be placed by University authorities regarding its policies. The Student Advisor in each faculty/department may be tasked to disseminate information about these programmes, what constitutes sexual harassment, how to respond to it and what to do when someone asks for advice about sexual harassment.

- 13. Consensual relationship between TEI Community:** The Policy should define what consensual relationship are, just to make sure that members of the University community know their boundaries. Institutions are encouraged to deem it as inappropriate for any member of the community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance he or she will be required to make professional judgments.

- 14. Appeal mechanism:** The policy should have an appeal mechanism and should indicate the appellate body to be in charge.

- 15. Policy review:** this section of the policy should indicate the cyclical review of the policy and may indicate the process of review.