

SUNYANI TECHNICAL UNIVERSITY



SEXUAL HARASSMENT AND MISCONDUCT POLICY

2021

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1. Introduction

The right to education and work are inalienable rights of all human beings. The right to safe learning, working and living conditions and equal treatment at the workplace are inseparable from the right to work. The right to learn or work can be seriously impaired when both students and employees alike are subjected to sexual and gender-based violence in the form of sexual harassment within their learning and working environments. Furthermore, the right to learn, work and live in dignity is a fundamental human right. This requires respect for one another and behaviour that is courteous and considerate.

Sunyani Technical University (STU) is committed to building and promoting quality teaching and learning environment for staff and students. The University believes in working and learning in an environment free from all forms of abuses. One of such abuses is sexual misconduct at the workplace. This policy outlines the University's response to sexual misconduct or abuse within the University environment.

Sexual misconduct or abuse is described as a hazard in workplaces across the globe and is said to impede the quality of work life and endangers the well-being of employees and students. Sexual misconduct or abuse is said to also impose some costs on organisations such as STU.

Sexual misconduct or abuse in this policy includes the most unpardonable behaviour prohibited by the criminal law of the Republic of Ghana; rape and sexual assault. This can be an offensive part of day-to-day interaction including unwarranted comments, jokes, gestures and physical contacts.

STU prohibits any form of sexual misconduct in the University environment and such acts shall not be tolerated. All manner of staff regardless of status, shall face the full penalties for violating this policy. It shall be the responsibility of all staff and students to stand against any form of sexual

harassment. The policy shall cover all employees of the University, appointing authority and students.

This document introduces the reader to the composition of sexual harassment, the implementation of the policy, compliance bodies, reporting procedure of matters relating to sexual abuse, investigation procedures and sanctions.

2. Objectives of the Policy

The main aim of the policy is to build a working and learning environment that is free from any form of intimidation, discrimination and abuse on the basis of sex in the University. Specifically, the policy seeks to:

- 1) promote a positive environment in which people are treated fairly and with respect;
- 2) ensure that harassment is unacceptable amongst all members of the University;
- 3) provide a framework of support for staff and students who feel they have been subjected to sexual harassment and misconduct;
- 4) provide a mechanism by which complaints could be addressed in a timely way;
- 5) respond promptly and effectively to reports of sexual harassment and sexual abuse in the University;
- 6) administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy;

- 7) create awareness that sexual harassment is a criminal offence and that instances of sexual harassment will be dealt with severely;
- 8) display rules and penalties against sexual harassment in the workplace and prominent places throughout the university community; and
- 9) establish workplace monitoring schemes for staff and students.

3. Definition of Sexual harassment

The Labour Act, 2003 (Act 651) Section 175 defines sexual harassment as ‘any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or woman’.

Sexual harassment is defined as all forms of violence perpetrated against males and females, which results in their sexual, physical or psychological harm. It is also an unwelcome conduct of a sexual nature including unwelcome sexual advances, request for sexual favors 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.

4. Forms of Harassment

Harassment is any behaviour or act that is unwelcome and affects the dignity of those subjected to it. Harassment can involve:

- i) women by men
- ii) men by women
- iii) Same sex
- iv) Peers
- v) subordinate/student by a supervisor/lecturer
- vi) Third party harassment by non-employees such as clients, parents, external service providers,
- vii) Staff and suppliers.

For the purposes of this policy, the University will use and apply the definition of Harassment as being unwanted conduct related to a protected individual, which may be physical, gestural, verbal, visual or sexual.

a) Physical Harassment

Physical sexual harassment includes unwelcome, unwanted physical contact including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, standing unnecessarily close, showing, brushing, or rubbing one's genitalia against someone, grabbing of parts of the body and forced sexual intercourse or assault.

b) Gestural Harassment

Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility towards an individual or group because of sex; suggestive or insulative sounds; leering; staring; whistling; obscene gestures; ogling, winking or watching, blowing kisses, wagging the tongue or licking lips, making sexual expressive hand/finger movement, imitating sexual suggestive acts, content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

c) Visual Harassment

- i. Sending or posting another person's intimate pictures/videos taken without their consent/knowledge online.
- ii. Displaying sexually explicit pictures, photos on desktop, wallpapers or pornographic sites.
- iii. Inappropriate displays of sexually suggestive objects or pictures, cartoons, calendars, books, magazines.
- iv. Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails and text messages).

d) Verbal Harassment

Verbal sexual harassment includes innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome request for dates); and verbal abuse or "kidding" that is oriented towards a prohibitive form of harassment, including that which is in sexual nature and unwelcome.

- i. Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender.
- ii. Comments of a sexual nature about an individual's body, clothing, or sexual experience.
- iii. Violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

e) Sexual Harassment

The Labour Act, 2003 (Act 651) Section 175 defines sexual harassment as 'any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or woman'. These include:

- i. Request for dates with a student or staff.
- ii. Preferential treatment or promise/insinuation of preferential treatment for submission to sexual conduct.
- iii. Comments or statements that are demeaning, humiliating and suggestive.
- iv. Continued expressions of sexual interests after being informed that the interest is unwelcome.
- v. Threats, demands, or pressure to submit to sexual requests in order to keep a job or job standing or to avoid other loss, or offers of benefits in return for sexual favours.

f) Bullying

This is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

g) Victimization

The University seeks to protect any member of the University community from victimization, which is a form of misconduct that may itself result in a disciplinary process. The University regards victimization as any instance where a person is subjected to detrimental treatment because they have in good faith:

- i. Made an allegation of harassment, or
- ii. Indicated an intention to make such an allegation, or
- iii. Assisted or supported another person in bringing forward such an allegation, or
- iv. Participated in an investigation of a complaint, or
- v. Participated in any disciplinary hearing arising from an investigation, or
- vi. Taken any other steps in connection with this policy and procedure, or is suspected of having done so.

h) Hostile Work Environment

This may occur when unwelcome sexual advances, requests for sexual favours, open displays of sexually suggestive materials in the workplace, unwelcome flirtations or sexual advances, or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

5. Other Forms of Harassment

In addition to sexual harassment, other forms of prohibited harassment are:

5.1 Written and Symbolic Harassment

This occurs when people stigmatize and denigrate individuals or groups on the basis of religion, creed, national origin, ethnicity, gender, disability, physical appearance or relationship.

5.2 Personal Harassment

Personal harassment includes inappropriate comments or activities in the teaching, learning, living or working environments concerning an individual's disability, age, socio-economic group, sexual orientation, gender orientation, religion or any other form of personal victimization including offensive comments or conduct pertaining to a person's sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), colour, gender, gender identity, gender expression, (including language use) physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by national or local law, ordinance or regulation. Such conduct may include, but is not limited to:

- a) Making gestures, threats, derogatory comments, or slurs that may be offensive to individuals in a particular group
- b) Bullying behaviour that is threatening, intimidating, verbally abusive or results in other disruptive actions in the workplace.
- c) Displaying derogatory objects, photographs, cartoons, calendars, or posters
- d) Sending messages by letters, notes, electronic mail, or telephone that may be offensive to individuals in a particular group.

5.3 Sexual assault

Sexual assault is any type of sexual contact or behaviour that occurs without the explicit consent of the recipient. Sexual assault is basically an umbrella term that includes sexual activities such as rape, fondling and attempted rape.

The University recognizes sexual assault as a serious problem and a criminal offence that occurs among students and staff as well as within other segments of our society. The University makes a strong commitment to work towards preventing sexual assault within the University, provides support and assistance to sexual assault victims and seeks to impose sanctions on those who have been found responsible for a sexual assault. The goal of the University is to foster and protect an environment of mutual respect, concern and a safe environment in which learning and growth can occur. For this purpose, the term “sexual assault” includes rape, attempted rape, acquaintance rape, and other misconduct, both forcible and nonforcible.

5.4 Rape

According to the Criminal Offence Act 1960, Sexual Offences (29) section 97 defines rape as “the carnal knowledge of a female of not less than sixteen years without her consent”. According to the law, a person who commits rape commits a first-degree felony and is liable on conviction to a term of imprisonment of not less than five years and not more than twenty-five years.

5.5 Indecent assault

An offensive sexual act or series of acts exclusive of rape committed against another person without consent. Any person who has indecent contact with another or takes indecent liberties with a person without his or her consent is guilty of indecent assault.

5.6 Seduction

The act of persuading someone to have sex with you especially in a subtle or manipulative manner. It often involves a subtle manipulation in which one’s motives are hidden from the victim, essentially, to lure him/her.

5.7 Defilement

Sex with a person aged sixteen (16) years and below. Sex with anyone in this age group is considered defilement since that person is regarded as a child under the law.

5.8 Unnatural Carnal Knowledge

This is where an accused person has sexual intercourse in an unnatural manner with another person of sixteen years or more with or without the person’s consent.

Courteous, mutually respectful, pleasant noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

6. Consensual Romantic or Sexual Relationships

Sunyani Technical University, strongly discourages romantic or sexual relationships between a manager or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member as having been given as a result of coercion.

7. Definition of Terms

S/No	Word/Term	Word/Term Definition (with examples if required)
1	Sexual Harassment	<p>It is defined as an interaction between individuals of the same or opposite sex that involves:</p> <ul style="list-style-type: none"> i. Unwelcoming sexual advances ii. Requests for sexual favours iii. Unequal treatment on the basis of sex iv. Other unwelcome verbal and physical conduct based on an employee's or student's sex. <p>An unwelcome interaction occurs when:</p>

		<p>i. Such interaction is made either explicitly or implicitly on the terms or conditions of a person's employment; or</p> <p>ii. The rejection or acceptance of such interaction is used as the basis for making employment and grading decisions about a person (for example hiring, firing, failing to honour promotion, reassignment of significantly different responsibilities and a decision causing a significant change in benefits, tempering with students' grades); or</p> <p>iii. Such interaction has the purpose or effect of substantially and unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or educational environment.</p>
2	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.
3	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.
4	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:

		<p>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.</p> <p>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.</p> <p>iii) Making it possible for third parties to observe private sexual acts of a participant without the consent of that participant.</p> <p>iv. Spying on others who are in intimate or sexually suggestive situations/positions.</p>
5	Sexual intimidation	<p>This includes the following situations:</p> <p>i) Threatening to sexually assault an individual</p> <p>ii) Indecent exposure</p> <p>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 email or electronically; vandalizing the property of another.</p>
6	Hostile environment	<p>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.</p>
7	Complaint	<p>A verbal complaint or written document prepared by a victim of alleged sexual harassment in violation of this policy with the consent of a witness.</p>

8	Complainant	An employee/student or other person who reports or files a complaint of alleged sexual harassment and misconduct.
9	Respondent	An employee/student or other person who is accused of improper conduct in a report or complaint of sexual harassment and misconduct.
10	Members of the University Community	Members of the University Community refers to all the University employees and students of the University.
11	Committee	The Anti-Sexual Harassment Committee established by the University to address and investigate sexual harassment and misconduct matters under this policy.
12	Policy	Sunyani Technical University Policy on Sexual Misconduct.

8. 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. Non members of the University shall be handed over to the Police through the University Security Personnel.

9. Implementation and Compliance Institutions

The Vice Chancellor shall see to the effective implementation and compliance of the Anti-sexual harassment policy. The Vice Chancellor shall ensure that:

- (i) The Anti-sexual harassment policy is reflected in all the other policies of the University. This shall ensure that the policy is given adequate consideration in all the deliberations in the University as a means of promoting a peaceful and

friendly working and learning environment for employees and students. The implementation and compliance to the Anti-sexual harassment policy shall be stressed in all the other policies of the University. These include the University Statutes, the Code of Conduct, the Quality Assurance Policy, the Students' Handbook and other regulations of the University.

- (ii) The Anti-sexual harassment policy is made available to all employees and students of the University. The policy shall be promoted at University organised functions, training workshops, orientations and induction programme.
- (iii) Adequate institutional structures are in place to ensure that the implementation and compliance with the policy become effective to help achieve the aim of the policy. The enabling environment shall be created to ensure that employees work in a dignified environment and students' study under academically friendly conditions.
- (iv) Preventive measures are put in place to prevent sexual harassment and its related abuses rather than waiting for it to occur.
- (v) Issues of sexual harassment are dealt with in the most appropriate professional manner in order not to jeopardise the University's aim of ensuring a friendly working environment.
- (vi) Adequate and appropriate sanctions are administered when this policy is violated.

10. Anti-Sexual Harassment Committee

There shall be a 7-9-member Committee from among the various Faculties/Unions of the University community, comprising employees and students to oversee all violations of the policy.

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

a. The composition is as follows:

- i. Chairman appointed by the Vice-Chancellor
- ii. A lawyer of at least 5 years good standing at the bar appointed by the Vice-Chancellor

- iii. A representative of the Association to which the culprit belongs.
- iv. External member knowledgeable in Gender relations appointed by the Vice-Chancellor.
- V. The Registrar or his representative shall be the Secretary.

The Committee may co-opt other knowledgeable external members to serve on the Committee when the need arises.

b. Responsibilities and Roles of the Committee

The Committee shall competently address cases of sexual harassment in the University community by:

- i. **Investigation:** The Committee shall receive and deal with specific complaints of sexual harassment and misconduct in the University community as an investigative body in accordance with the grievance procedures outlined in this policy.
- ii. **Education and Training:** The Committee shall design education and training programmes to create awareness on the policy. Such awareness creation programmes shall clearly state what constitutes sexual harassment, reporting procedures and the unit to report issues of sexual harassment and misconduct when the policy is violated.
- iii. **Documentation:** The Committee shall collect, keep and 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.
- iv. **Reporting:** The Committee shall prepare and submit an annual report to the Vice-Chancellor and the Academic Board on its work.
- v. **Sanctions/Disciplinary Actions:** The Committee shall formulate and recommend appropriate sanctions to be applied to persons who violate this policy.

c. Term of office

Members of the Committee shall serve for a term of two years and are eligible for re-appointment for another term only.

11. Reporting Procedure

Employees or students shall report allegations of sexual harassment to the Office of the Vice-Chancellor. This shall be reported promptly so that cases can be investigated adequately and effectively with dispatch.

A witness may also report a case with evidence to the Office of the Vice-Chancellor for investigations to be conducted.

12. Rights of the Complainant

Any employee or student who alleges to be suffering any form of sexual harassment shall immediately report such alleged harassment to the Office of the Vice-Chancellor. No one shall fear the possibility of reprimands, teasing, retaliation, or facing any hostile working environment as a result of reporting a case of sexual harassment or misconduct. The Committee shall professionally address alleged cases of sexual harassment or misconduct. Complainants shall have an opportunity to appeal when they are not satisfied with verdicts on cases they report to the Committee.

13. Rights of the Respondent

Any employee and student who shall respond to complaints made against them shall remain innocent until proven by evidence or self-admission. A respondent to a complaint shall not be intimidated by any person and shall have the opportunity for appeals when they are not satisfied with verdicts on complaints made against them.

14. Right to Representation

Both complainants and respondents shall have the right to be represented by counsel who is a lawyer of good standing.

15. False Representations

Anyone who makes reports that are later found to be false or willfully make malicious reports without due regard for the truth shall be subject to disciplinary action.

Deliberate, false and or malicious accusations under this policy as opposed to allegations which even if erroneous, are made in good faith, are a serious offence and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destructing evidence after being reported to preserve such evidence or deliberately misleading an official conducting and investigating can be subject to discipline under the University Policy.

16. Review of Policy

This policy shall be reviewed every five (5) years by the Anti-sexual harassment committee and other relevant stakeholders of the University community and approved by the Academic Board.