

Kwame Nkrumah University of Science and Technology, Kumasi

# Anti-Sexual Harassment POLICY



# ANTI-SEXUAL HARASSMENT POLICY



KWAME NKUMAH UNIVERSITY OF SCIENCE  
AND TECHNOLOGY, KUMASI-GHANA  
**QUALITY ASSURANCE AND  
PLANNING UNIT**

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# FOREWORD

The Kwame Nkrumah University of Science and Technology (KNUST) is committed to the principles of equal opportunities and respect for individuals in creating and maintaining an inclusive environment. The University seeks to maintain a working, learning and social environment in which the rights and dignity of all its staff and students are respected.

We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. The University recognises that equality should be embedded in all its activities and will seek to promote awareness of equality and foster good practice.

We recall that the right to work and learn with dignity is inalienable and a fundamental human rights. Any form of discrimination, harassment, victimization, intimidation and violence are a violation of the fundamental rights of individuals. Such actions have very high cost not only to victims, but also to the University and society as a whole as it impacts on efficiency and productive output. 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 environment.

KNUST re-echoes that, we as an institution that strives for excellence will not tolerate any form of sexual harassment, sexual assaults, intimidation and victimization of one member of the University community by another, or visitors to the campus, including guests, patrons, independent contractors or clients of the University. Also, the University will not tolerate any form of sexual assaults nor acts of harassment perpetrated by or against members participating in off-campus University programmes, such as study abroad programmes, internships, student teaching and experiential learning. The University aims to provide an environment where people know that we take such allegations seriously and we all have the confidence to report

any form of harassment including gender-based violence without fear of victimisation.

We demonstrate our commitment by adopting a zero tolerance to any form of harassment. Consequently any incident of harassment will not be tolerated. Such actions would be considered criminal and shall be grounds for disciplinary action including dismissal or expulsion. This policy applies to employees, students and anyone else directly working on our behalf.

We are confident that this anti-sexual harassment policy shall provide guidelines and code of conduct to prevent and address sexual harassment within the University.

**PROFESSOR KWASI OBIRI-DANSO**

VICE-CHANCELLOR

# EXECUTIVE SUMMARY

A person has the right and control over his/her sexual desires and preferences and therefore there are international and national laws primarily to protect individuals against sexual exploitation and gender-based violence in any form. In Ghana sexual assaults of any form including rape, defilement, unnatural carnal knowledge and harassment are regarded as serious offences (i.e. first degree felony), that are liable on conviction to a term of imprisonment not less than five years and not more than 25 years (Criminal Offences Act 1960, Act 29; Criminal and Other Offences (Procedure) Act 1960, Act 30).

The KNUST in its commitment towards the attainment of zero tolerance to any form of harassment and sexual assaults within its learning, working and living environment has set out this Anti-Sexual Harassment Policy as a framework in consonance with the national and international policies and statutes.

The University's Anti-Sexual Harassment Policy seeks to provide a safe and secure environment for all staff, students and employees free from discrimination, intimidation on any grounds and from harassment at work including sexual harassment. The objectives of this policy include promoting a positive environment in which people are treated fairly and with respect; ensuring that harassment and sexual assault are unacceptable amongst all members of the University; providing a framework of support for staff and students who feel they have been subjected to harassment; providing a mechanism by which complaints can, wherever possible, be addressed in a timely way and taking steps to prevent sexual harassment and sexual abuse in the University.

For an effective and efficient implementation of its objectives towards the attainment of a zero tolerance for all forms of harassment and sexual assaults, the University's Anti-Sexual Harassment Policy clearly sets out systematic strategies and procedures. These include: institutionalisation

of an Anti–sexual harassment unit as a sub-unit under the University’s Counselling Centre; Anti-sexual harassment Committee which will work in consonance with the university disciplinary committee; informal and formal procedures for addressing harassment which spells out clearly the compliant procedures, investigation processes, hearing, sanctions and disciplinary measures, appeals from decision and appeal procedures. This University policy also provides guidance and support mechanisms for victims, alleged perpetrators and witnesses; confidentiality clauses; roles and responsibility for all stakeholders including students, staff, corporate partners and visitors; preventive actions and tools that include education and awareness creation of this policy and monitoring and evaluation of the policy.

# TABLE OF CONTENTS

<b>Foreword</b>	<b>iii</b>
<b>Executive Summary</b>	<b>v</b>
<b>1. Introduction</b>	<b>1</b>
1.1 Background	2
1.2 Scope of the Policy	3
1.3 Policy Thrust	4
1.4 Policy Objectives	5
<b>2. Definition of Terms</b>	<b>6</b>
2.1 Harassment	6
2.2 Bullying	8
2.3 Victimization	8
2.4 Hostile Work Environment	9
2.5 Other Forms of Harassment	9
2.6 Sexual assault	10
2.7 Rape	11
2.8 Indecent assault	11
2.9 Unnatural Carnal Knowledge	11
<b>3. Strategies And Procedures For Addressing Sexual Harassment</b>	<b>12</b>
3.1 Procedure for Addressing Sexual Harassment	12
3.2 Informal Approach for Addressing Harassment for Both Staff and Students	13
3.3 Taking an Individual informal Action	14
3.4 Resorting to Informal Third Party Intervention	15
3.5 Mediation	15
3.6 Formal Procedure for Addressing Harassment	16
3.6.1 Formal Complaint Procedure for Staff	17
3.6.2 Submission of the complaint	18
3.6.3 Action by the Head of Department and Units on receipt of a complaint	19



3.6.4	Investigation	19
3.6.5	Time Frame for Investigation	20
3.6.6	Appeal from decision	22
3.6.7	Complaints of harassment against students - the Student Procedure	22
3.6.8	Formal Sexual Harassment complaint By Students	24
3.7	Guidance	24
3.7.1	Guidance for Persons Accused of Harassment (the Alleged Harasser)	24
3.7.2	Guidance for Persons Witnessing Harassment	25
3.7.3	Guidance for committees handling cases of sexual assault or sexual violence	26
3.7.4	Confidentiality	29
<b>4.</b>	<b>Implementation and Compliance Institutions</b>	<b>31</b>
4.1	The University Council	31
4.2	The Office of the Vice-Chancellor	32
4.3	Anti-Sexual Harassment Committee under the Counselling Unit	33
4.3.1	Membership	33
4.3.2	Role and Responsibilities of the Anti-Sexual Harassment Committee	33
4.4	Security Department	35
4.5	Counselling Unit	36
<b>5.</b>	<b>Monitoring and Evaluation</b>	<b>37</b>
5.1	Promotion of Anti-Sexual Harassment Policy	37
5.2	Composition of Anti-Sexual Harassment Committee	38
5.3	Sanctions and Disciplinary Measures under the University Disciplinary Committee	38
<b>6.</b>	<b>International and National Laws and Policies for Addressing Sexual Harassment in the Workplace</b>	<b>40</b>
6.1	Convention on Elimination of All Forms of Discrimination against Women (CEDAW)	40
6.2	Declaration on the Elimination of Violence against Women	40
6.3	United Nations Fourth World Conference on Women	41
6.4	The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	41

6.5	National framework	42
6.5.1	Criminal Offence Act 1960 (Act 29) Section 103	42
<b>7.</b>	<b>Prevention of Sexual Harassment</b>	<b>44</b>
7.1	Preventive Measures by the University	44
7.2	Preventive Measures by the staff and students	44
	<b>Appendix 1: Sources of Help and Advice – KNUST Counselling Centre</b>	<b>47</b>
	<b>Appendix 2: Harassment Advice Service under the Counselling Unit</b>	<b>48</b>
	<b>Appendix 3: Cost of Sexual Harassment</b>	<b>51</b>



# 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.

Sexual harassment is a violation of the fundamental rights of all persons irrespective of their sex, disability, class, ethnicity, religion etc. It is a form of sex-based discrimination that has varying consequences not only to the individual, but their family, organisation and society (International Labour Organisation [ILO], 2013). It is a developmental issue that borders on safety and health. It is also an issue that creates unacceptable learning and working conditions. Sexual harassment results from the unequal power relations between men and women in society (including the workplace) and is a form of sex and gender based violence often targeting women than men. It must be emphasised that men can also be targets of sexual harassment.

The costs of sexual harassment can be very high. Efficient and productive output cannot be delivered if people cannot work with dignity. Sexual and other forms of harassment can adversely affect organisational and work performance (ILO, 2013). Victims of sexual harassment may suffer from psychological and behavioural changes, and stress related physical and mental illness as presented in Appendix 3.

Ghana criminalises sexual harassment and assaults. International and national policies condemn sexual harassment. In line with international and national calls to end sexual harassment in the

work place, the University will not accede to any form of harassment within the University community and its work setting. The University seeks to demonstrate this through the implementation of this Anti-Sexual Harassment Policy and the institutionalisation of Anti-Sexual harassment Advisory Services.

## **1.1 BACKGROUND**

Sexual harassment is a complex phenomenon affecting women, their perceptions and behaviour, and the social norms of the society. Over the last decade, the pervasiveness and the cost of sexual harassment, a manifestation of sex-based discrimination, has become a growing concern at the national and international level. Of all the forms that violence against women can assume, sexual harassment is the most ubiquitous and insidious; all the more so because it is deemed 'normal' behaviour and not an assault on the female.

More often than not it expresses itself in the garb of power or desire or both. We cannot understand the issue of sexual harassment at work place unless we pay attention to prevalent socio-cultural issues, of gender and sexuality, and how it impacts upon the status of women. Although there is no specific prohibition on sexual harassment for the Committee on the Elimination of Discrimination Against Women (CEDAW) and the International Labour Organisation (ILO) Conventions, both the CEDAW and the ILO's CEACR (Committee of Experts on the Application of Conventions and Recommendations) affirmed that sexual harassment as a serious manifestation of sex discrimination and a violation of human rights, is to be addressed within the context of the Convention and should be an integral part of a legislation or other policy, independently of policies on discrimination on the basis of sex. It is evident that sexual harassment undermines equality at the workplace and calls into question the integrity, dignity and wellbeing of workers. It damages an enterprise by weakening the bases upon which work relationships are built and impairs productivity (ILO, 2012).

Over the years, the ILO Committee of Experts has consistently expressed the view that sexual harassment—as a serious manifestation of sex

discrimination and a violation of human rights—is to be addressed within the context of the Convention. Given the gravity and serious repercussions of sexual harassment, the Committee recalls its general observation highlighting the importance of taking effective measures to prevent and prohibit sexual harassment at work. Such measures should address both “quid pro quo” and the hostile environment of sexual harassment, and the Committee’s general observation provides further guidance in this regard (ILO, 2012).

Since Sexual Harassment in the workplace has been recognized as a form of sex discrimination, an increasing number of countries in the world have enacted legislative provisions on sexual harassment. Whether provided for or regulated by laws, including anti sexual harassment, equality and non-discrimination, labour, criminal or tort, sexual harassment is considered a crime and prohibited.

The University does not tolerate any form of sexual harassment. Given the devastating effects that sexual harassment can have on individuals, the University and society as a whole, emphasis on the adaptation of a zero tolerance to Sexual harassment. The University is committed to fostering an educational environment that promotes equality, diversity of values and maintains a working, learning and social environment in which the rights and dignity of all members (staff and students) of the University are highly respected. In its quest to promote excellence in diversity, while upholding the rights, dignity and respect for all, the University seeks to use this Anti–Sexual Harassment Policy to establish an academic environment where both staff and students feel safe, secure and can flourish. This policy provides guidelines to addressing sexual harassment within the University community.

## **1.2 SCOPE OF THE POLICY**

This policy applies to all associates of the University including those employed on contract basis. The policy will also extend to those who are not associates of the University such as visitors, customers etc. but are subject to sexual harassment at the premises of the University.

This policy will be restricted to the following for all associates

- i) All campuses of the University/business locations.
- ii) External locations visited by associates.

### **1.3 POLICY THRUST**

The University is committed to providing a safe and secure environment for all its students and employees free from discrimination and intimidation on any grounds and from harassment at work including sexual harassment. The University will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint. As an institution of excellence we state that:

- 1) The University, in its pursuit of equal opportunities for all, shall regard sexual harassment as a discriminatory and unacceptable behaviour.
- 2) The University will treat any act of sexual harassment as a serious matter which may lead to disciplinary action and perpetrators within the University environment could face up to dismissal from the University.
- 3) All members of staff and students will be responsible for ensuring that no one (including both staff and students) suffers from sexual harassment in the University.
- 4) The University seeks to provide a stimulating and supportive working and studying environment to enable staff and students to fulfil their personal potentials.
- 5) Sexual Harassment is misconduct in employment law and in addition to any disciplinary measure imposed by the University, those responsible for sexually harassing others will be subject to criminal and/or civil proceedings. Nothing in this policy and its procedures shall prevent members of staff and students from exercising their legal rights.

## 1.4 POLICY OBJECTIVES

The objectives of this Anti-Sexual harassment Policy are as follows:

- 1) To promote a positive environment in which people are treated fairly and with respect;
- 2) To ensure that harassment is unacceptable amongst all members of the University;
- 3) To provide a framework of support for staff and students who feel they have been subject to harassment;
- 4) To provide a mechanism by which complaints could be addressed in a timely way;
- 5) To respond promptly and effectively to reports of sexual harassment and sexual abuse in the University;
- 6) To administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy;
- 7) To create awareness that sexual harassment is a criminal offence and that instances of sexual harassment will be dealt with severely;
- 8) To display rules and penalties against sexual harassment in the workplace and prominent places throughout the university community; and
- 9) To establish workplace monitoring schemes for staff and students.



## **2. DEFINITION OF TERMS**

### **2.1 HARASSMENT**

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

- i) Harassment of women by men
- ii) Harassment of men by women
- iii) Same sex harassment
- iv) Peer harassment
- v) Harassment of 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**

- i. Making unnecessary or physical contact
- ii. Standing unnecessarily close
- iii. Touching, patting, stroking, squeezing, hugging or pinching
- iv. Brushing or rubbing one's genitalia against someone
- v. Grabbing of parts of the body
- vi. Kisses

## **b) Gestural Harassment**

- i. Staring, leering, ogling, winking or watching.
- ii. Blowing kisses, waggling the tongue or licking lips.
- iii. Making sexual expressive hand/finger movement
- iv. Imitating sexual suggestive acts.

## **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**

- 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**

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’.

- 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, and/or offers of benefits in return for sexual favours.

## **2.2 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.

## **2.3 VICTIMISATION**

The University seeks to protect any member of the University community from victimisation, which is a form of misconduct that may itself result in a disciplinary process. The University regards victimisation 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.

## **2.4 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.

## **2.5 OTHER FORMS OF HARASSMENT**

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

### **a. 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.

### **b. 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 victimisation 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 federal, state or local law or 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.

## **2.6 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 toward 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 and 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 non-forcible.

## **2.7 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”. 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.

## **2.8 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.

## **2.9 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 persons consent.

### **3. STRATEGIES AND PROCEDURES FOR ADDRESSING SEXUAL HARASSMENT**

To ensure prohibit discrimination and harassment of any type or form amongst students and staff, the guiding principles for our Anti-Sexual Harassment Policy are as follow:

- i. The University will appoint and train a network of Counsellors who will offer confidential sign posting service for staff, students and visitors who may be experiencing any form of discrimination, harassment, bullying and hate crime.
- ii. The university will ensure reasonable steps are taken to prevent sexual harassment by circulating relevant information to all stakeholders including students, staff, co-operate partners and visitors.
- iii. The University shall establish a multidisciplinary committee that will specifically address any complaint on harassment.
- iv. The University will provide clear processes of enquiry, procedures for dealing with complaints and disciplinary actions against staff, students and visitors.
- v. The University shall offer support mechanisms for survivors of discrimination, harassment and gender-based violence.

#### **3.1 PROCEDURE FOR ADDRESSING SEXUAL HARASSMENT**

- i. Harassment is a serious offence under the criminal Offences Act No. 29 and the 1960 Labour Act of Ghana. Any member of the University community who feels he/she has been subject to harassment should make a complaint via the appropriate procedure.

- ii. When a person is being subjected to Sexual Harassment it is recommended that, if possible and appropriate those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the Complainant to decide how they wish to proceed.
- iii. Either formal or informal, the University will advise that a written record of any incident of Sexual Harassment should be made as early as possible after such incident has occurred. The written record should be signed, dated and kept for future reference with details of the incident in the document that include:
  - When and where the Harassment took place, including dates and times;
  - Details of the behaviour; and
  - Details of any witnesses to the behaviour.

The University Anti-Sexual Harassment Advisor will work in conjunction with the Counselling Centre to provide support and advice for staff and students who will be affected by Sexual Harassment. The advisors will provide guidance on the informal and formal options available and assist individuals in thinking those options through. All Advisors will be trained as staff volunteers and the service they provide will be completely confidential. The Harassment Advice Service will offer support at any stage of the procedure, from initial concerns to formal complaints/allegations. Appendices 1 and 2 provide further information about harassment advice and other support services.

### **3.2 INFORMAL APPROACH FOR ADDRESSING HARASSMENT FOR BOTH STAFF AND STUDENTS**

Once a person is being subjected to Harassment there will be several ways of dealing with the matter quickly and effectively. An 'informal approach' will effectively address the sexual act without getting to formal procedures. Informal approaches will have the advantage of resolving the situation on a quicker pace and with less destruction to



relationships. It is advised that informal procedures will be used in the first instance, as this will be sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach will be appropriate to their situation. There are a number of 'informal approaches' that will be adopted, as outlined in this section below.

### **3.3 TAKING AN INDIVIDUAL INFORMAL ACTION**

- a) It is recommended that anyone who believes they are being harassed sexually or in any way inappropriately should speak directly to those involved or, if more suitably, put their concerns in writing to the party involved. For efficient resolve of the situation, the harasser should be approached at the earliest opportunity. It is also recommended that a third party be brought on board to help resolve the situation, if approaching the person directly does not resolve the issue or makes it inappropriate.
- b) The complainant or a person acting on their behalf should try to pick a time and a place where they could speak privately but safe without interruption. Clearly identify the behaviour that is causing concern, giving examples and instances of when it occurred. It must be made clear that the behaviour is unwelcome and should stop immediately.
- c) As stipulated in section 2.5.3, it is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.
- d) All persons involved in an allegation of Harassment should seek support and advice from the people/groups listed in Appendix 1.

### **3.4 RESORTING TO INFORMAL THIRD PARTY INTERVENTION**

- a) If approaching the Alleged Harasser directly will not resolve the situation, or is considered inappropriate, seeking third party intervention to resolve the situation is advised. Asking an appropriate person who is not directly involved in the situation to speak with the Alleged Harasser will be the appropriate procedure in dealing with the situation. For staff, an appropriate third party will be their line manager in accordance with the relevant staff grievance procedure or, where this is not possible, the next senior level of management. For students, it may be a Teaching Assistant or lecturer in the Department. It will not normally be appropriate to engage the support from fellow students.
- b) Options for third party in resolving the situation with minimal disruption will include meeting with the Alleged Harasser to discuss the allegation and making it clear that any behaviour that will be considered Harassment under this Policy should stop immediately. Alternatively, the third party will facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes will include a recommendation of on-going mediation to help rebuild the relationship. In the case of staff, both the Complainant and Alleged Harasser have the right to be accompanied by a work colleague or union representative to any meetings at any stage in the process. Students may invite their friends to accompany them to the meetings.
- c) Despite the effectiveness of a third party, the introduction of many third parties could be counter-productive.

### **3.5 MEDIATION**

- a) Where relationships have been damaged or where both the individual and the third party intervention could not resolve the situation, the University will provide a Mediation Service

from the Counselling Centre or the Sexual Harassment Advisory Unit to help both parties to rebuild their relationship. This service is a voluntary and confidential process, which should enable the parties to resolve issues with the assistance of a professionally qualified mediator. The process will encourage an open communication of feelings and incidents and empower parties to deal directly with the conflict and determine the resolution.

- b) In the case of a complaint involving two members of staff, the Vice-Chancellor or his representative will nominate an experienced mediator or conciliator acceptable to both parties to handle the issues. The mediator or conciliator will meet with the parties separately and as soon as practicable begin to seek a resolution. The expectation is that an amicable resolution should be arrived at within 20 working days of the initial meetings with the parties. This time limit may be extended by agreement. Any agreed outcome will normally be recorded in writing and communicated to the appointing authority.
- c) Staff referrals for mediation will be made to the Counselling Unit who will first meet with the parties to determine whether the case can be mediated. The possibility of mediation will be determined according to the nature of the alleged Harassment, risk to individuals involved, the individual situation and the nature of Harassment.
- d) Students who may wish to consider mediation as a way forward should contact the address indicated in **Appendix 1**

### **3.6 FORMAL PROCEDURE FOR ADDRESSING HARASSMENT**

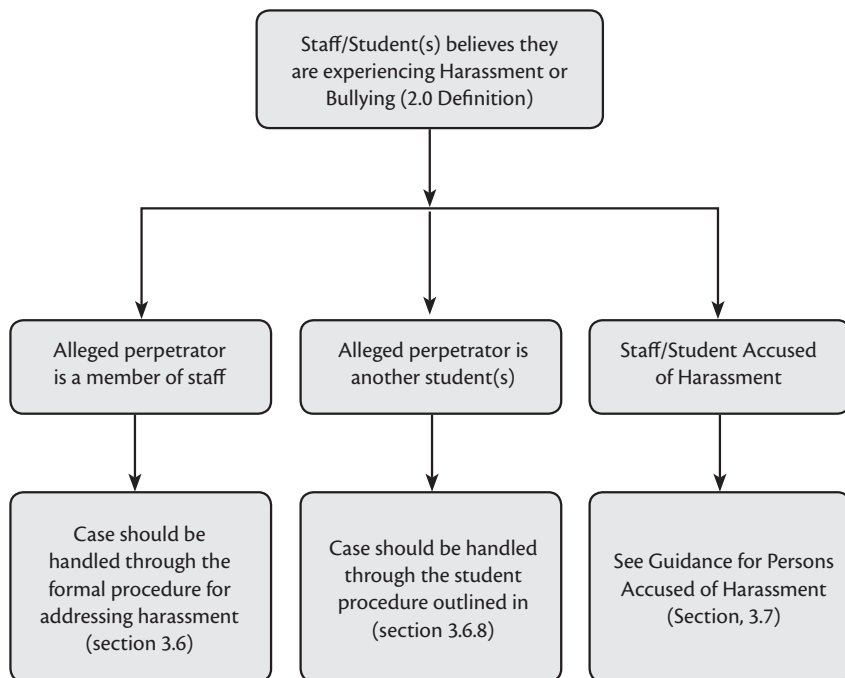
If informal methods do not resolve the situation, or would not be appropriate given the nature of harassment, a formal allegation of Harassment should be submitted.

### **3.6.1 Formal Complaint Procedure for Staff**

- a) The complainant should make a written complaint to his or her head of department. If the complainant feels it is not appropriate to approach that person, he/she could report to the relevant superior i.e. the Head of Department, the Dean, Director, Provost, etc.
- b) In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the superior of the head of department or wishes to make a complaint against a superior of the head of department (i.e. the Dean, Director, Provost or any Senior University Officer), the complainant should seek advice from the Registrar and the Registrar is obliged to support the complainant throughout the complaint process.

Staff may seek support from a harassment advisor, if the staff member does not feel comfortable contacting a local advisor in their college or department.

**Figure 1: Flowchart outlining the procedures for staff/students to report cases of harassment or bullying in KNUST**



### **3.6.2 Submission of the complaint**

In the submission to the head of department, the complainant should set out as clearly and succinctly as possible the following:

- a) The nature of the behaviour that he/she is concerned about;
- b) The effect of this behaviour on her/him; and
- c) The resolution he/she is seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the issues and the outcome thereof.

### **3.6.3 Action by the Head of Department and Units on receipt of a complaint**

On receipt of a complaint, the head of department/unit (or his or her nominee), in consultation with the registrar and, in the event of a student complainant, the Dean of students, shall take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome being sought including:

1. Informing the person against whom a complaint has been made of the allegations against him or her;
2. Meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
3. Speaking to other relevant people on a confidential basis; and
4. Obtaining further relevant information.

The Head of Department will then decide how to proceed and will inform the parties in writing. He/She may make such enquiries as necessary to determine the complaint, or may commission an investigation, where circumstances preclude her or him from concluding the matter in a timely fashion.

The Head of Department should also determine the need for interim action pending the outcome of the formal process.

### **3.6.4 Investigation**

The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.

As a general rule, the investigator must not have previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The investigator shall prepare a report, which should include recommendations on possible courses of action.

The heads of various units will inform the complainant and the person who is the subject of the complaint in writing.

### **3.6.5 Time Frame for Investigation**

The investigation process should be completed as promptly as possible and in most cases within 60 working days after the date the request for formal investigation was made.

#### **a) Investigations procedures**

The procedure for an investigation, unless otherwise adapted by the investigator to meet the needs of the case, should be as follows: –

- i. The investigator will meet the complainant to confirm the details of the complaint.
- ii. The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the investigator has.
- iii. The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- iv. The investigator will meet the person complained against to hear his/her response to the complaint and any further evidence that has come to light.
- v. The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- vi. Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of the findings, and cross check the draft with the parties before finalizing.
- vii. The report should be forwarded to the head of department, or the appointing authority. If the complainant is a student, a copy should be sent to the Dean of Students. In cases involving

students, consent will be sought from the complainant to inform his or her College if appropriate. The registrar and dean of students will ensure that appropriate support is available to students following an investigation.

## **b) Possible outcomes of a complaint**

Depending on the nature of the complaint and the evidence found, including the findings of any investigation, the Head of Department, in consultation with the Registrar and, in the case of a student complainant, the Dean of Students, shall: –

1. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties. This approach is appropriate where the claim(s) of harassment are considered to be unfounded and where there is the need for a continuing professional relationship between the parties.
2. Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training or implementing practical arrangements to improve professional relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within a department that require management attention.
3. Institute disciplinary proceedings where the head of department is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the head of department will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant College, or



4. In rare cases disciplinary action may be instituted against the complainant if the head of department is satisfied that the complaint of harassment is unfounded and not made in good faith.

### **3.6.6 Appeal from decision**

If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), he/she may invoke the relevant grievance or complaint procedure within the time lines specified in that procedure save that where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

### **3.6.7 Complaints of harassment against students—the Student Procedure**

This procedure is designed to deal with student complaints of harassment by other students within the University.

1. Complaints of harassment against students, which arise purely within the College environment, should be dealt with under the appropriate college procedures.
2. If a member of staff wishes to make a complaint of harassment against a student, this will normally be dealt with through the Department. In the first instance, a member of staff will seek support and guidance from his/her head of department or line manager.
3. If a staff is harassing a student, the student shall seek support and guidance from the head of department, dean or provost or any senior member of the University.
4. All references within this procedure should be referred to the Dean of Students or his/her nominee. The Dean of Students and the Counselling Centre shall provide support to students, and to staff requiring advice on student cases. The Dean

of students shall have oversight responsibilities of all cases referred to his/her office under this procedure, and shall take the lead as appropriate in liaising with other constituents of the College. The Dean of students shall act as a source of information and advice for the student cases of harassment, and shall make referrals as appropriate. The Dean of Students shall also be responsible for recording and reporting cases referred to his/her office.

5. Oversight in this context refers to the Dean of Students being aware of all cases so as to ensure the provision of appropriate support to students.
6. This procedure will not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, serious assault or threat of serious assault. This procedure therefore shall focus on complaints of harassment that would be dealt with within the University environment. However, it also includes the procedure for informing and receiving support from the University in cases where there is police involvement.
7. A student who feels that he/she is being harassed by another student should feel free to approach the person in question to explain what conduct he/she finds upsetting, offensive or unacceptable and to ask the person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the University does not wish to suggest that a student who feels that s/he has been harassed is responsible for rectifying the situation.
8. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Dean of Students' office is available for support and advice to any student who feels that s/he is being harassed. Students can contact the Dean of Students.

### **3.6.8 Formal Sexual Harassment complaint By Students**

Students should make formal written complaints to the Dean of Students if they feel harassed. In some cases, it will be appropriate to proceed directly to this stage.

#### **a) Referrals**

Complaints of harassment under this procedure may be made to staff other than the Dean of Students' office. In this situation, staff should explain the procedure, and ask the complainant if they would like the case referred to the Dean of Students' office, so that they can receive support from a trained staff member, or whether they would like it to be referred to other relevant officials of the University.

If a student does not wish to seek support and advice, or to make a complaint, under the procedure, or if there are queries about the procedure to be followed, the staff should contact the Dean of Students' office for advice on a confidential basis.

## **3.7 GUIDANCE**

### **3.7.1 Guidance for Persons Accused of Harassment (the Alleged Harasser)**

Persons who are accused of Harassment, either under the formal procedure or who are approached informally about their behaviour could seek support and advice from the Counselling Centre (**Appendix 1**).

Persons who are approached about their behaviour are advised to consider what is being said carefully. They should be quick to dismiss the claims. Even if it was not the intention of the accused to cause offence, the actions could still constitute Harassment if they are reasonably considered to have that effect. If this is the case, then that behaviour needs to change. If a person believes the accusation against them is

unfounded, they should still participate willingly in any proceedings so that the situation could be resolved.

In many cases people may feel that their actions have been misunderstood, and that they did not intend to cause Harassment. In that case the alleged Harasser should explain their intentions and clearly indicate that the behaviour will not be repeated so that the parties could come to an agreement regarding what is/isn't acceptable. Behaviours that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

Persons who are subjects of formal complaints of Harassment should not contact the Complainant or any named witnesses, as this is unlikely to solve the problem, and may even aggravate the situation.

Staff and students, who are or who have been the subject of a complaint, should be aware of the provisions in this Policy.

### **3.7.2 Guidance for Persons Witnessing Harassment**

1. In the case of staff, when Harassment occurs in a group situation the person in authority in that group has the responsibility to recognize this behaviour and to take action to stop it. This may mean reporting the behaviour to a more senior colleague or, if they are the line manager of the person, by speaking with the Alleged Harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which Harassment is deemed to be 'acceptable'.
2. If the person in authority is the Alleged Harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the Harassment to take one of the courses of action outlined in this Policy.

3. Students who believe they may have been a witness to Harassment may want to consider;
  - a) Speaking to the 'victim' of the Harassment to ask how they felt about the behaviour and to offer support in pursuing the matter as outlined in this Policy. Speaking to the alleged Harasser to see if they understood that their actions were potentially hurtful.
  - b) Any person who thinks they may have witnessed Harassment could seek help and advice from the persons/groups listed in **Appendix 1**.

### **3.7.3 Guidance for committees handling cases of sexual assault or sexual violence**

1. The University Policy and Procedures on Harassment will not be applicable where the allegations are of behaviours that may attract criminal sanctions. In such cases, complainants may seek advice from the registrar's office and/or approach the Police directly.
2. The sexual harassment procedure states that in the first instance such allegations would under normal circumstances be a matter for police investigation and action, but support for any student affected by such incidents may be sought from the office of the Dean of Students. This guidance gives further information to affected persons about the support and how to handle cases of sexual assault/harassment.
3. If you are approached by an individual for advice and support in relation to any behaviour which was unwanted and which might have amounted to sexual assault or sexual violence, you should lead them to a staff or student advisor with particular welfare responsibilities.

The Committee's work shall include but not limited to the following:

## **a) Evidence Based Investigation**

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

1. Written detailed account of the complainant and the respondent's witness statements (if any);
2. Statements of persons with whom the complainant might have discussed the incident, or from whom advice may have been sought;
3. Any other documentary, audio, video, e-mails, text messages, etc. Expert technical advice may be sought concerning such submissions;
4. In some cases, the determination of a sexual harassment case may be based solely on the credibility of the complainant's allegation, if it is sufficiently detailed and internally consistent; and
5. Medical evidence, including DNA, if appropriate.

## **b) Withdrawal of a Filed Complaint**

A complainant may withdraw a case filed before the 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**

In the case of a serious offence, which shall be determined by the committee of investigation, the 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) Record of Proceedings**

The Committee's record of proceedings on a particular matter shall give details of the enquiry. This includes a statement of the allegations, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the Committee as to whether the University policy has been violated. The record shall also contain the sanctions recommended and applied, 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.

#### **e) Appropriate Sanctions**

The Committee will apply the appropriate sanctions or punitive measures where a respondent has been found to have engaged in an act considered as sexual harassment. These sanctions include but are not limited to formal apology, leave without pay, suspension, demotions, dismissals and transfers and shall be applied on a case-by-case basis. In serious and repeat cases, the respondent should 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.

#### **f) Request of Appeal**

If the Complainant or Respondent is not satisfied with the outcome of the investigations and/or the decision of the Committee, he or she shall have a right of appeal to the KNUST Appeals Board if the appeal is lodged within seven days after the determination of the matter. The University Appeals Board shall hear and determine the appeal in accordance with the Statutes of the University.

### **g) Non-Reprisal**

Upon the investigation of an alleged abused case, the Committee shall strictly monitor reprisal from either party. 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 in good faith, or who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of harassment and will be subject to the same procedures.

### **h) Referral of complainant 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 psychosocial support.

### **3.7.4 Confidentiality**

Information concerning allegations of sexual harassment must be held, as far as reasonably possible, in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information shall be shared on a need-to-know basis, including as appropriate, the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the University, within certain colleges, or to external bodies.

Those to whom disclosure may be made outside the University include the security and police and the civil and criminal courts. The University will not normally report a matter to the police without the



complainant's consent, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

## **4. IMPLEMENTATION AND COMPLIANCE INSTITUTIONS**

To ensure that the policy is implemented to make a meaningful impact, rules and regulations shall be enacted for the implementation of the Anti-Sexual Harassment Policy. The University community, all individuals in the University, and all those associated with the University have a responsibility to adhere to the policy and apply it in their day-to-day activities and in all communications with, or on behalf of the institution.

### **4.1 THE UNIVERSITY COUNCIL**

The University Council shall have the overall responsibility for ensuring that the University complies with the Anti-Sexual Harassment Policy, which includes ensuring that:

1. The Anti-Sexual harassment Policy is not 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 Anti-Sexual Harassment Policy should be referenced and put into specific action in other relevant University policies/regulations/plans such as the University Statutes, Strategic Plan, Student Handbooks, Conditions of Service, Code of Conduct etc. and in particular, the Gender Policy.
2. The Anti-Sexual Harassment Policy is made available to students and employees in various forms, as a hand-out at orientation programmes for these groups and on the University's Website, among others.
3. Measures are in place to ensure the creation and maintenance of an environment that seeks to provide an atmosphere of

work and study in which all employees and students of the University are treated with respect and dignity regardless of gender.

4. An Organisational Framework is established to integrate the objectives of the Anti-Sexual Harassment Policy into the University's Strategic Plan.
5. Steps are taken to prevent sexual harassment and sexual abuse in the University.
6. Steps are taken to respond promptly and effectively to reports of sexual harassment and sexual abuse in the University.
7. Steps are taken to administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy.
8. All policies, statutes and regulations of the University are in compliance with the Anti-Sexual Harassment Policy.

## **4.2 THE OFFICE OF THE VICE-CHANCELLOR**

As the Chief Disciplinary Officer, the Vice-Chancellor shall take the lead role in ensuring compliance with the Sexual Harassment Policy and will be responsible for.

- a) Constituting an appropriate body such as an Anti-Sexual Harassment Committee to be established under this policy.
- b) Receiving reports of findings and recommendations of the Anti-Sexual Harassment Committee and following up on recommended actions.

## **4.3 ANTI-SEXUAL HARASSMENT COMMITTEE UNDER THE COUNSELLING UNIT**

### **4.3.1 Membership**

The Committee shall be composed of nine (9) 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 be co-opted to serve on the Committee as ex-officio members, or to act as technical advisers.

### **4.3.2 Role and Responsibilities 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 will plan and manage the University's sexual harassment education and training programmes. These programmes shall include wide dissemination of the 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 annual reports 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.

## **i) Leadership**

- a) The Vice-Chancellor will appoint a Chair of the Committee. The Committee at its first meeting will appoint a Vice-Chair and Secretary from among its members. The Vice-Chair will then act in the absence of the Chair and the Secretary will ensure that all records of the Committee's meetings and proceedings are properly taken and documented.
- b) The Chairperson will be instrumental in summoning meetings, initiating enquiry processes and ensuring the integrity of all proceedings relating to investigation of grievances.
- c) 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.

## **ii) Qualities**

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

## **iii) Term of office**

Members of the Committee will serve for a term of two years, after which they can be nominated to serve for a further two-year term.

#### **iv) Review of Policy**

The Anti-Sexual Harassment Committee and other relevant stakeholders of the University community will review this policy periodically.

#### **v) Rights of the Complainant**

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

#### **vi) Rights of the Respondent**

A person against whom a complaint is lodged will 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.

#### **vii) Right to Representation**

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

#### **viii) False Representations**

Individuals, who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action.

### **4.4 SECURITY DEPARTMENT**

The Security Department of the University will promote the Anti-Sexual Harassment Policy by monitoring and supervising adherence to the rules and regulations developed in this policy. The security department will also safeguard the operationalization of the policy.

## **4.5 COUNSELLING UNIT**

The Counselling Unit of the University will be equipped to implement this policy by exercising consultative functions and by providing support and advice to victims. The Unit shall be committed to provide an emotionally safe and respectful environment that will foster development and greater subjective wellbeing of staff and students.

## **5. MONITORING AND EVALUATION**

Every workplace including the University must have a Sexual Harassment Monitoring and Evaluation System in place to maintain and enhance a work culture of mutual respect and understanding. The University recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. Advisors, supervisors, and those responsible for dealing with sexual harassment cases shall report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made.

It must be emphasized that all complaints or grievances shall be documented thoroughly, and be handled with strict confidentiality by all concerned, so that action taken to address complaints or grievances are effectively addressed. This will be done on a yearly basis. As a result of this report, the University shall evaluate the effectiveness of this policy and make any changes needed as these records could then be used as a tool in evaluating the success of the internal strategy, as well as the University Policy, and ensuring that a harassment claim is handled properly and promptly. Should there be questions later as to whether a harassment claim was properly handled or not, the records will provide the required information. Records will also enable recurring patterns of behaviour, or ongoing problems, in a particular area to be detected and corrective action taken.

### **5.1 PROMOTION OF ANTI-SEXUAL HARASSMENT POLICY**

Dissemination of Information on Sexual Harassment Policy: This Policy document will be published and disseminated without charge to all members of the University community. It will be displayed at conspicuous places in all faculties, departments, 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.

## **5.2 COMPOSITION OF ANTI-SEXUAL HARASSMENT COMMITTEE**

1. Representative of the Law Faculty (with a Human Rights/ Administrative Law bias).
2. Representative of the Counseling Centre
3. Representative of the Sociology and Social Work Department
4. Representative of UTAG
5. Representative of the SRC
6. Representative of the Graduate Students Association
7. Representative of TEWU
8. The Legal Counsel of the University
9. Representative of the School of Public Health

## **5.3 SANCTIONS AND DISCIPLINARY MEASURES UNDER THE UNIVERSITY DISCIPLINARY COMMITTEE**

Any breach of the Policy shall be handled in accordance with the University rules and regulations set up by the University's Disciplinary Committee. The University's misconduct proceedings may be instituted against staff and students charged with misconduct that potentially violates both the criminal laws of Ghana and the University's code of conduct. Thus any person who is found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- i. Verbal or written warning
- ii. Adverse performance evaluation

- iii. Reduction in wages
- iv. Demotion
- v. Suspension/Rustication
- vi. Dismissal/Expulsion

The nature of the sanctions will depend on the gravity and extent of the harassment. Sufficient deterrent sanctions shall be applied to ensure that incidents of sexual harassment are not treated as trivial. Serious cases, including sexual assaults and physical violence, could result in the immediate dismissal of the perpetrator. As and a first-degree felony, sexual assaults are non-arbitral, and therefore cannot be settled out of court. Any person who engages in any form of settlement commits a criminal offence (Court Act 1993, Act 459).

## **6. INTERNATIONAL AND NATIONAL LAWS AND POLICIES FOR ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE**

### **6.1 CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

It was adopted in 1979 when awareness of sexual harassment at workplace was only beginning to emerge. Therefore it did not contain any specific prohibition. However, in its General Recommendation No. 19 (11th session, 1992), the CEDAW characterized gender-based violence, which impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms, as discrimination and therefore a breach of CEDAW. The recommendation notes that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace. The Recommendation also states that all parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, sexual assault and sexual harassment in the workplace.

### **6.2 DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN**

The 1993 General Assembly Declaration on the Elimination of Violence against Women affirmed that violence against women constitutes a violation of women's rights and fundamental freedoms and calls on States to condemn it and pursue a policy to eliminate it.

### **6.3 UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN**

The United Nations Fourth World Conference on Women, held in Beijing in 1995, adopted a Platform for Action, including provisions on sexual harassment in the workplace. It calls on governments, trade unions, employers, community and youth organizations, and NGOs to eliminate sexual harassment. More specifically, governments are urged to enact and enforce laws and administrative measures on sexual and other forms of harassment in the workplace. Parties at the enterprise level are called upon to develop workplace policies. In addition, the Platform calls for the generation and dissemination of gender – disaggregated and sex-specific data and information on all forms of violence against women, including sexual harassment.

### **6.4 THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (NO. 111)**

It addresses discrimination in employment on a number of grounds, including sex, and requires that ILO member States declare and pursue a national policy designed to promote equality of opportunity and treatment with a view to eliminating discrimination. Like CEDAW, the Convention was adopted before widespread awareness of the issue of sexual harassment was achieved. However, in its General survey on the fundamental Convention concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008, CEACR affirmed that the Committee has consistently expressed the view that sexual harassment—as a serious manifestation of sex discrimination and a violation of human rights—is to be addressed within the context of the Convention. Moreover, the Committee stated that the elimination of sexual harassment should be an integral part of a legislative or other policy, independently of policies on discrimination on the basis of sex.

## **6.5 NATIONAL FRAMEWORK**

### **6.5.1 Criminal Offence Act 1960 (Act 29) Section 103**

This Act seeks to address issues of sexual harassment as provided in section 103 of the Criminal Offences Act, 1960.

#### **a. Indecent Assault**

- 1) A person who indecently assaults another person commits a misdemeanour and is liable on conviction to a term of imprisonment of not less than six months.
- 2) A person commits the criminal offence of indecent assault if, without the consent of the other person that person;
  - a. Forcibly makes a sexual bodily contact with the other person, or
  - b. Sexually violates the body of the other person, in a manner not amounting to carnal knowledge or unnatural carnal knowledge.

#### **b. Rape**

Section 98 defines rape as “the carnal knowledge of a female of not less than sixteen years without her consent.”

- 1) 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.

#### **c. 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. Generally, sexual assault falls into one of three categories:

- a. Penetration crimes
  - i. Of a body part by another body part (penal penetration of mouth, anus, vagina)
  - ii. Of a body part by an object
- b. Contact with genitalia, breast, buttocks or other intimate body parts
- c. Exposure of genitalia, breast, buttocks or other intimate body parts.

## **7. PREVENTION OF SEXUAL HARASSMENT**

### **7.1 PREVENTIVE MEASURES BY THE UNIVERSITY**

- 1) The University shall provide education and information about harassment to all staff and students on a regular basis. The circulation of information, open communication and guidance is of particular importance in removing the culture of silence, which often surrounds cases of sexual harassment. Information sessions, personnel meetings, office meetings, group discussion and problem-solving groups can prove very effective in this respect. Staff and students should also be informed of the best way of coping with aggression by means of guidelines on sexual harassment at the University.
- 2) Develop and promote an anti-sexual harassment policy together with the University management, staff and students representatives.
- 3) Ensure that all staff and students understand the policy and procedures for dealing with sexual harassment.

### **7.2 PREVENTIVE MEASURES BY THE STAFF AND STUDENTS**

In addition to the University's responsibility to provide a non-discriminatory, a non-violent and a sexual harassment free environment within the University, staff and students must also assume an active role in the prevention of sexual harassment. They should commit to do the following:

## 1. Understand

- i. Obtain and become familiar with the University's policy on sexual harassment;
- ii. Examine one's feelings, attitudes, and behaviours in relation to sexual harassment; and
- iii. Ensure that behaviour corresponds with the expectations and behavioural requirements of the University's sexual harassment policy.

## 2. Observe

- i. Be aware and conscious of engaging in potential sexual-harassment behaviours or incidents at the University;
- ii. Be sensitive to individuals who may be offended by the verbal and non-verbal behaviour of others;
- iii. Be aware of subtle forms of sexual harassment; and
- iv. Watch for and discourage sexual behaviours that negatively affect the University.

## 3. Examine

- i. Pay attention to the response of others in order to avoid unintentional offense;
- ii. Ask yourself if your verbal or non-verbal behaviours might have a negative impact on others; and
- iii. Examine your behaviours, gestures, and comments.

## 4. Confront

- i. If possible, confront the sexual harasser immediately. She/he should know you find that type of attention offensive;
- ii. If possible, tell the harasser that the behaviour affects you negatively and has the potential of negatively affecting your job; and



- iii. If possible, tell the harasser what behaviours (gestures, physical or verbal) you find offensive.

## 5. **Resolve**

- i. Seek confidential advice to develop your personal resolution strategy;
- ii. Consider writing a letter to the harasser and keeping a copy for yourself; and
- iii. Document all the incidents of sexual harassment. Be detailed, precise about date, time, location, and person/ persons involved.

## **APPENDIX 1: SOURCES OF HELP AND ADVICE – KNUST COUNSELLING CENTRE**

The University will recommend Harassment Advisers Services as the first source of support and advice for anyone who believes they are being subjected to Harassment. The Harassment Advisers Services is also available to offer support and advice to any person involved in an allegation of Harassment. Full details of the Harassment Advisers Service are provided in Appendix 3. The groups/people below will also be able to offer support, help and advice to those subjected to, witnessing or accused of Harassment.

### **Service Contacts**

<b>For Staff:</b>	
<b>Harassment Advisers Service</b>	Visit or email:
<b>Call Us on</b>	<b>No.:</b>
<b>For Student</b>	Visit or email
Call Us on	<b>No.:</b>

## **APPENDIX 2: HARASSMENT ADVICE SERVICE UNDER THE COUNSELLING UNIT**

### **1. Who can a Harassment Adviser Assist?**

Harassment Advisers are dedicated to making the KNUST a safe and positive environment in which to work and study. Harassment Advisers are here to assist any member of the University including staff, students and visitors who feel that they are affected by unwanted behaviour including sexual harassment, bullying, stalking and victimisation. The service is confidential, and allows members of the University to discuss their problems without recourse to formal University processes.

### **2. What can a Harassment Adviser do?**

A Harassment Adviser is an empathetic, unbiased, neutral colleague who can support those who feel they are experiencing unwanted behaviour and those whose behaviour has been called into question.

A Harassment Adviser can:

- a) Provide a supportive, confidential environment in which to discuss problems;
- b) Empathize without judgment;
- c) Support those seeking their advice in making decisions that are right for them and their situation;
- d) Provide information on the options that are available;
- e) Assist those seeking advice in thinking those options through; and
- f) Where mutually agreed, in an informal capacity for the purpose of moral support, attend informal meetings.

### **3. What can't a Harassment Adviser do?**

Harassment Advisers cannot:

- a) Force those seeking advice to do anything they don't want to do;
- b) Pass on specific information or details about who has accessed the service;
- c) Make decisions for service users or 'fix' their situation;
- d) Take action against the alleged perpetrator;
- e) Mediate or negotiate between the different parties to a situation;
- f) Provide counselling. Staff counselling support can be discussed with the Employee Advice & Listening Service. The Student Support and Counselling Service can provide confidential counselling to registered students;
- g) Act as an advocate. Harassment Advisers provide informal support only;
- h) Meet with other parties to the situation; or
- k) Meet with service users outside of office hours or outside of the University premises.

### **4. Who are the Harassment Advisers and how can they be contacted?**

The Harassment Advice Service is provided by volunteer members of staff for the benefits of the University community. Harassment Advisers have volunteered their own time to the programme and are dedicated to making the University a safe and productive environment in which to work, study and visit. Harassment Advisers are from a variety of areas of the University, including the Students (peer advisors), Corporate Services and the Colleges, and represent a wide range of staffing levels and social groups.

## **5. How can I become a Harassment Adviser?**

1. The Harassment Advice Service endeavours to work towards maintaining the highest standard of service possible. Recruitment to the service takes place on an as needed basis. Interested parties can contact Employee Support Services. All Harassment Advisers will undertake a recruitment and selection process.
2. To ensure best practice newly recruited Harassment Advisers as part of their induction will undergo initial training including: the legal context of harassment, bullying, stalking and victimisation; relevant University policies and procedures; how to assist clients and when to seek further support.
3. As part of the on-going development for Advisers, they will be expected to participate in training sessions, team meetings, one-to-one and casework/supervision meetings.

## **6. Confidentiality**

1. The Harassment Advisers adhere to the Employee Support Services
2. Confidentiality Policy (a copy of which can be found at the University Counselling Services
3. Advisers will not release identifiable information about staff, students or visitors that use the service without their consent. All records and information will be maintained in accordance with the Data Protection Act.
4. For statistical purposes, information in relation to service users may be collated. It will not be presented or used in such a way as to make individual users identifiable.

### APPENDIX 3: COST OF SEXUAL HARASSMENT

Victims	Employers	Society
<p>Psychological suffering including humiliation, reduced motivation, loss of self-esteem, High blood pressures, Behavioural change including isolation, deterioration of relationships.</p> <p>Stress-related physical and mental illness including drugs and alcohol abuse; suicide</p> <p>Victims foregoing career opportunities, leaving employment or committing suicide</p>	<p>Decreased enterprise productivity, due to:</p> <ul style="list-style-type: none"> <li>• impaired judgment</li> <li>• compromised teamwork</li> <li>• de-motivation</li> <li>• absenteeism</li> </ul> <p>No applicants will fill vacancies at workplace where they fear sexual harassment.</p> <p>Progress and innovation within the enterprise are hindered when the environment is deficient in trust and team spirit.</p> <p>A negative corporate image of the Institution</p> <p>Financial cost of sick pay, Medical bills, Legal fees for court actions</p>	<p>Long-term rehabilitation costs for the reintegration of victims;</p> <p>Unemployment welfare benefits and retraining;</p> <p>Invalidity costs for those with impaired working capacities;</p> <p>Legal and criminal justice expenses;</p> <p>Women’s undermined access to high-status and well paid jobs, traditionally male-dominated.</p>

**Source: ILO (2013) Declaration on Fundamental Principles and Rights at Work; Work and Freedom, Fact Sheet**



**QUALITY ASSURANCE AND PLANNING UNIT**

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