

KNUST POLICY 0027

Kwame Nkrumah University of Science and Technology, Kumasi

Sexual Harassment POLICY



SEXUAL HARASSMENT POLICY



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

© 2018 QAPU-KNUST

ISBN: 978-9988-2-8487-9

No part of this publication may be reproduced, stored in a retrieval system or transmitted in any means; electronic, mechanical, photocopy, recording or otherwise, without the written authorisation of the publisher and copyright owner.

Quality Assurance and Planning Unit
Vice-Chancellor's Office
Kwame Nkrumah University of Science and Technology
KNUST, Kumasi
PMB UPO, Kumasi-Ghana

Tel: +233 322060319

Email: info.qapu@knust.edu.gh

Layout Design by
Frank Boadu, University Press, KNUST

Cover Design
Francis K. N. Nunoo, Department of Publishing Studies, KNUST

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 academic, social and work environment. The University seeks to ensure that the rights and dignity of all its employees and students are respected.

We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. The University upholds equality and will consciously promote same in all its activities and collaborations.

We recall that the right to work and learn with dignity is inalienable and a fundamental human right. All forms 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 are subjected to sexual harassment.

This Policy document reflects the Kwame Nkrumah University of Science and Technology's standards, ethics, obligations, acceptable practices and prohibitions underpinning the quest to maintain and operate in an environment devoid of sexual harassment, and also actions that will be taken in the event of an occurrence.

PROFESSOR K. OBIRI-DANSO

VICE-CHANCELLOR

ACKNOWLEDGEMENT

As part of the strategic planning mandate of the Quality Assurance and Planning Unit (QAPU), University policies are initiated and proposed for approval by the Academic Board. The Unit therefore, initiated the Sexual Harassment Policy which was approved by the Academic Board.

The QAPU is grateful to Dr. Frances Dufie Azumah (Department of Sociology and Social Work) for preparing the initial draft of this policy. The significant contributions of Prof. Robert C. Abaidoo (Director) Mrs. Amanda Owusu-Asare (Assistant Registrar) and the entire staff of the Office of Grants and Research are deeply appreciated.

Lastly, we wish to appreciate the work of the Review Committee and all staff of the University who contributed in several ways to the development and approval of this Policy.

PROF. CHRISTIAN AGYARE

HEAD, QAPU

JUNE, 2018

OFFICIAL COPY CAN BE OBTAINED FROM:

Telephone Number: 0322060319

E-mail: info.qapu@knust.edu.gh

TABLE OF CONTENTS

Foreword	iii
Acknowledgement	v
1.0 Introduction	1
1.1 Objective(s) of the Policy	1
1.2 Definitions	2
1.1.1 Member(s) of the University Community	2
1.1.2 Complainant	2
1.1.3 Respondent(s)	2
1.1.4 Committee	2
1.1.5 Policy	3
1.1.6 Disclosure	3
1.1.7 Reporting	3
1.1.8 Sexual Harassment	3
1.1.9 Sexual Assault	4
1.1.10 Cyber Sexual Harassment	4
1.1.11 Gender-based Harassment	4
2.0 Application and Scope of Policy	5
2.1 Policy Thrust	5
3.0 Implementation of The Policy	7
3.1 The University Council	7
3.2 The Office of the Vice-Chancellor	7
3.3 Anti-Sexual Harassment Committee	8
3.4 Counselling Centre	9
4.0 Education, Support, and Resources	10
4.1 Procedures for Reporting and Responding to Reports of Sexual Harassment	10
4.2 Disclosure and Reporting	11
4.2.1 Timelines for making reports	11

4.2.2	Initial Assessment of a Report	12
4.2.3	Health and Safety Assessment	12
4.3	Overview of the Resolution Processes	12
4.3.1	Alternative Resolution	12
4.3.2	Mediation	13
4.3.3	Formal Investigation	13
4.3.4	Withdrawal of a Filed Complaint	14
4.3.5	Refusal of Respondent to Respond to Notice of Filed Com – plaint	15
4.3.6	Record of Proceedings	15
4.3.7	Sanctions and Disciplinary Measures	15
4.3.8	Decision making and appeal process	16
4.3.9	Retaliation	16
4.3.10	Confidentiality and Privacy	17
4.3.11	Distribution of this Policy	17
4.3.12	Review of the policy	18
5.0	References and other related KNUST Policies	19

1.0 INTRODUCTION

Maintaining tranquility at the workplace and academic environment is imperative for productive work. This among others underpins the commitment of KNUST to ensure that any issue, activity or behaviour that adversely affects that peace is prevented or cured at the least opportunity. In this regard, the issue of sexual harassment has been identified as one that requires a policy directive to guide its prevention and management.

1.1 OBJECTIVE(S) OF THE POLICY

The thrust of the policy is preventive rather than a curative approach to the issue of sexual harassment. To this end the principal objective is set forth as follows:

- To create and maintain an environment that abhors and prevents sexual harassment in all its direct and indirect forms within the University and its appendage institutions

This objective is underscored by efforts that seek the following:

1. To ensure that sexual harassment preventive education and training programs are provided to all employees and students at the time of entry as employees or students in the University
2. To articulate the University's aversion to sexual harassment by instituting deterring penalties for prohibited conduct
3. To take prompt and appropriate corrective actions in response to incidents and complaints of sexual harassment in the University

1.2 DEFINITIONS

These definitions are to guide the interpretation of this Policy, in addition to other KNUST related documents:

1.1.1 Member(s) of the University Community

This encompasses students (undergraduate, graduate and professional students), post-doctoral fellows, faculty members, and employees of KNUST in Kumasi and at its decentralized locations, including affiliate institutions in Ghana and abroad.

For clarity, Faculty includes; Fulltime, Retired, Visiting and Contract academics. It also extends to member of the University's Governing Council.

1.1.2 Complainant

The complainant refers to an individual or group of individuals within the University Community who reports or indicates to an appropriate body, person(s) or office of the University of an incident of sexual harassment experienced by that individual or group from another University member who operates within an area or programme for which the University has jurisdiction.

1.1.3 Respondent(s)

The Respondent(s) is/are member(s) of the University Community to whom an allegation of sexual harassment is imputed.

1.1.4 Committee

A Committee against sexual harassment is one established or constituted by the University to hear, investigate and recommend appropriate action(s) to address issues of complaint(s) of sexual harassment.

1.1.5 Policy

The KNUST policy on Sexual Harassment

1.1.6 Disclosure

The intentional or unintentional release of information by transmission or notification either verbal or written means and through communication channels such as Electronic: – phone, text messages (SMS), email; or Voice to an individual within the University Community regarding an allegation or incident of sexual harassment experienced by an individual who is a member of the University Community

1.1.7 Reporting

The sharing or giving of notice by an affected member of the University Community to a body, person or office regarding an incident of sexual harassment with the intention of seeking redress as provided by this Policy.

1.1.8 Sexual Harassment

Any unwelcome sexual solicitations or advances, unwelcome requests for sexual favours, and other unwelcome verbal, non – verbal or physical conduct of a sexual nature, resulting in a:

- a. Quid Pro Quo: a trade off situation where a person’s submission or rejection to sexual advances, forms the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University programme; or
- b. Hostile Work Environment: a situation where unwelcome sexual demands, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programmes and services of the University and creates an environment that a reasonable person would find to be intimidating.

1.1.9 Sexual Assault

Any form of direct or indirect contact with sexual undertones without a person's explicit consent. It ranges from unsolicited touching, rape and/or attempted rape. It includes a situation where sexual demands are made by a person with vested authority, a person with position of trust, power or authority.

1.1.10 Cyber Sexual Harassment

Cyber sexual harassment refers to harassment originating or transmitted through electronic media including unsolicited emails, photos, graphics, short message system (SMS) and other overtures made via electronic information systems. With respect to this policy, sexual harassment encompasses Cyber Sexual Harassment.

1.1.11 Gender-based Harassment

Includes any conduct, pronouncements, comments and gestures made to same or opposite sex, that are reasonably deemed as vexatious or unwelcome by a member of the University Community in relation to the person(s) sexual orientation, gender or gender expression.

2 0 APPLICATION AND SCOPE OF POLICY

This policy applies to all members of the University Community including staff, students, faculty and agents employed to work for and on behalf of the University. The policy is restricted to all academic divisions, campuses and centralized service locations of the University.

2.1 POLICY THRUST

The University is committed to providing a safe and secure environment for all its students and employees. An environment that is free from discrimination, intimidation and harassment at work, including sexual harassment. The University will be guided by a preventive approach to sexual harassment and will not tolerate it in any of its forms.

All complaints from affected individuals will be taken seriously. Such complaints will be handled with respect to the affected person, while ensuring confidentiality in the entire process of investigation and redress. Under no circumstance will an affected person be victimized.

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. Perpetrators within the University environment could be dismissed 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. 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 subjected 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

3.0 IMPLEMENTATION OF THE POLICY

To ensure that the policy is implemented to make meaningful impact, rules and regulations shall be enacted to guide its application. The University Community 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 University.

3.1 THE UNIVERSITY COUNCIL

The KNUST Council shall have the overall responsibility for ensuring that the University complies with the Policy against Sexual Harassment.

3.2 THE OFFICE OF THE VICE-CHANCELLOR

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

- a. Constituting an appropriate body such as an Anti-Sexual Harassment Committee to be established under this policy
- b. Sanctioning any investigations on matters related to sexual harassment
- c. Receiving the outcome by way of reports of findings and recommendations of the Committee for decision making
- d. Establishing an appeals committee in the case where an alleged perpetrator or victim seeks an appeal to the decision or outcome of the first committee

3.3 ANTI-SEXUAL HARASSMENT COMMITTEE

The Vice-Chancellor shall establish a ten (11) member Anti-Sexual Harassment Committee with nomination from among members of the University Community, comprising employees and students drawn from the list below and the Vice-Chancellor shall appoint the Chairman of the committee.

The Committee Members

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 University Teachers Association of Ghana (UTAG, KNUST)
5. Representative of Ghana Association of University Administrators (GAUA, KNUST)
6. Representative of the Students Representative Council (SRC)
7. Representative of the Graduate Students Association (GRASAG, KNUST)
8. Representative of Teachers and Educational Workers Union (TEWU, KNUST)
9. The Legal Counsel of the University
10. Representative of the School of Public Health

The Registrar should appoint a Secretary who shall not be below the rank of Senior Assistant Registrar to the committee. Gender sensitivity would be ensured in the nomination of committee members and each member would serve a two-year term of office, subject to nomination to serve an additional two years.

Gender sensitivity would be ensured in the nomination of committee members and each member would serve a two-year term of office, subject to nomination to serve an additional two years.

3.4 COUNSELLING CENTRE

The Counseling Centre of the University has been equipped to help implement this policy by exercising consultative function and by providing support and advice to victims of Prohibited Conduct. 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.

4.0 EDUCATION, SUPPORT, AND RESOURCES

The mandate of the anti-sexual harassment committee would be to receive complaints, conduct investigation of sexual harassment, and provide counseling and other pertinent forms of support to person(s) of the University Community who are affected. The Committee would also design, train and manage issues relating to sexual harassment, with the primary aim to prevent it and measures that would be rolled out should it occur.

Furthermore, the Committee shall prepare annual reports that provide data and information of educational programmes organized each year and the scope. Data on incidents reported, investigations conducted and outcomes would also be compiled as part of the report.

4.1 PROCEDURES FOR REPORTING AND RESPONDING TO REPORTS OF SEXUAL HARASSMENT

The Anti-Sexual Harassment Committee shall have oversight responsibility of the process from reporting an allegation or incident, investigating same and determining the outcome. The required support for affected person(s) shall be part to the Committee's remit. The Committee shall work in collaboration with the University's Counseling Centre and Head of Departments whose inputs are deemed important to unraveling the details of incidents of sexual harassment or providing support on a case-by-case basis.

The Anti-Sexual Harassment and the Counseling Centre will provide guidance to the affected person, stating the options available for seeking redress.

The Committee members will be trained as staff volunteers to provide the needed support. They shall at all times ensure confidentiality of

the affected person(s) and allegations imputed to alleged person(s) in the investigative process until a final determination of a case is made.

4.2 DISCLOSURE AND REPORTING

Any person may make a report, including anonymously, of an incident to the Anti-Sexual Harassment Committee appointed by the Vice – Chancellor. A complaint or allegation may also be made to any member of the University Community who shall transmit the complaint at the earliest time to the Committee or a member of the Committee. Other offices that are eligible to receive formal complaints include:

- Academic Office,
- Student Affairs office,
- The Provost office, or
- University’s Human Resources Directorate.

On receipt of a formal complaint, it shall be forwarded to the Anti-Sexual Harassment Committee. In a case where, the individual designated to receive a report is a Respondent, such report(s) should be received by another Responsible Employee.

4.2.1 Timelines for making reports

The Policy does not prescribe a timeline for reporting an incident. Any incident should be reported even if significant time has elapsed. However, the process is required to commence as soon as practicable after the event or promptly after a report or allegation is received. This is deemed important as the Committee’s work will involve investigation with potential evidence collection that could be impaired when the event is reported at a later date. Once the

Committee has completed its work and a final determination made, the findings in an official report shall be submitted to the Vice – Chancellor.

4.2.2 Initial Assessment of a Report

When a report of sexual harassment incident is made to the Committee, it is required that the Committee shall establish a case of prima facie; an initial assessment of the report to determine whether or not the report, on the face of it, fall under an act of sexual harassment as defined under this policy to prompt further investigation.

The Anti-Sexual Harassment Committee may consult with appropriate persons/offices listed in Section 5.2 for the initial assessment.

4.2.3 Health and Safety Assessment

The Anti-Sexual Harassment Committee, in conjunction with the Counseling centre and the University Health Hospital, shall undertake an immediate medical assessment regarding the health and safety status of the affected person and his/her environs, initiate and implement temporary remedies where necessary (including no contact orders). The Committee or a member of the Committee shall explain to the complainant his/her rights and reporting regimes including the option to make a case at the Police Station.

The Committee reserves the right to seek or refer to internal personnel or resources of the University or external bodies for assistance in its investigation of any case(s). At all times this will be confidential.

4.3 OVERVIEW OF THE RESOLUTION PROCESSES

Reports of sexual harassment may be addressed through Alternative Resolution or Formal Investigation.

4.3.1 Alternative Resolution

After a preliminary assessment of the facts, and, if useful, in consultation with other offices depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, or students, the Anti Sexual Harassment Committee Chairman may initiate an Alternative Resolution process

Alternative Resolution may be especially useful when it becomes obvious that; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. This can be resolved through individual approach, where an individual who believes to have been harassed sexually, would choose to approach the harasser directly to point out the unwelcome behavior to him or her.

A third-party intervention could also be recommended if approaching the alleged harasser directly would not resolve the situation. A person, who is not directly involved in the situation but could be trusted to resolve same, could be approached to speak with the alleged harasser. 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.

4.3.2 Mediation

Where relationships have been damaged or where both the individual and the third-party intervention could not resolve the situation, referral by a senior level management could be made to the Counseling Centre to help both parties to rebuild their relationship with the assistance of a professionally qualified mediator.

4.3.3 Formal Investigation

If Alternative Resolution tends to be inappropriate or unsuccessful, a member of the university community who receives the disclosure should inform the complainant about this policy and direct them to submit a formal written complaint of sexual harassment to the committee. The committee shall assist a complainant who is unable to write to write the report.

Once a complainant has made a report of sexual harassment to the committee, the complainant has initiated the university reporting process. A Complainant's request for an investigation will be considered but is not determinative. If the Complainant requests that

no investigation occur, the Chairman shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. When the Chairman determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them, and a copy of the Policy. The investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the Chairman for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the Chairman will coordinate its investigation with the police but must nonetheless act promptly without delaying its investigation until the conclusion of the criminal investigation.

The investigation generally includes interviews with the Complainant, the Respondent, and witnesses, if available, and a review of documents as appropriate. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.

Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation. The Complainant or Respondent may have an advisor present when personally interviewed and at any related meeting.

A Respondent would be presumed innocent until findings by the committee prove him guilty and any individual, who make a false allegation, will be subjected to disciplinary action, up to and including dismissal in accordance with the applicable University disciplinary procedure.

4.3.4 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 the withdrawal of the complaint and append his/her signature to the statement.

4.3.5 Refusal of Respondent to Respond to

Notice of Filed Com – 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.

4.3.6 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 action 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.

4.3.7 Sanctions and Disciplinary Measures

The committee shall forward the Investigation Report (with attachments and any necessary redactions) and recommendations to the Office of the Vice-Chancellor. The specific procedures for imposing sanctions will depend upon the nature of the Respondent's relationship to the University (student, faculty, other academic appointee, staff, or third party). In a situation where a Respondent is both a student and an employee, such as a Teaching Assistant or Graduate Student Researcher, the Respondent may be subject to both the sanctions applicable to students and employees. Any member of the University Community who is found to have engaged in sexual harassment may be liable to any of the following sanctions:

1. Verbal or written warning
2. Adverse performance evaluation
3. Reduction in wages
4. Demotion
5. Suspension/Rustication
6. Dismissal/Expulsion

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.

4.3.8 Decision making and appeal process

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 the right to appeal to the KNUST Appeals Board if the appeal is lodged within seven (7) 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.

4.3.9 Retaliation

Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. Upon the investigation of an alleged abused case, the Committee shall strictly monitor retaliations from either party. An individual who is subjected to retaliation such as threats, intimidation, 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.

4.3.10 Confidentiality and Privacy

Information concerning allegations of Sexual Harassment will be treated in a confidential manner. 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 to assist in the decision-making processes; and taking corrective action resulting from those processes.

Confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of Members of the University Community or where the University is obliged by law to disclose the information. For example, confidentiality cannot be maintained where an individual is at risk of imminent and serious harm to themselves or others. Those to whom disclosure may be made outside the University include the security, 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.

4.3.11 Distribution of this Policy

The University offices are required to distribute this Policy to students, faculty, other academic appointees and staff, by such means as the university websites, student information boards, student handbook, faculty handbook and departmental websites and information boards as well as during training and orientation for both students and employees.

4.3.12 Review of the policy

The University recognizes that appropriately addressing Sexual Harassment on campus is an evolving process and that the University will conduct a review of this Policy from time to time to amend same as appropriate. That will be done in consultation with Members of the University Community including students, staff and faculty.

5.0 REFERENCES AND OTHER RELATED KNUST POLICIES

- Internet Sources
- www.police.ucsd.edu
- www.ombudsperson.utoronto.ca
- www.docplayer.net

Related KNUST Policies

- The University Statute
- Ethics Policy
- Equality and Diversity Policy
- Health and Safety
- KNUST HIV/AIDS Policy

QUALITY ASSURANCE AND PLANNING UNIT

Vice-Chancellor's Office
Kwame Nkrumah University of Science and Technology
KNUST, Kumasi
PMB UPO, Kumasi-Ghana
Tel: +233 322060319
Email: info.qapu@knust.edu.gh

ISBN: 978-9988-2-8487-9

