

**UNIVERSITY FOR DEVELOPMENT STUDIES  
(UDS)**



**SEXUAL HARASSMENT POLICY**

JULY 2018

## **FOREWORD**

The University for Development Studies (UDS) is committed to equal opportunities policy for all manner of persons within its community as outlined in its pro-poor mission statement. This means that all individuals working and studying at the University are treated fairly and impartially, regardless of sex, age, ethnicity, physical/mental abilities, religion or creed.

UDS, within this framework, therefore considers the incidence of sexual harassment a problem that requires utmost attention and resolution of the University community. It is noted that the act of sexual harassment poses challenges to the integrity of the society and the workplace because it focuses on the recipient's sexuality instead of one's talents, intellect and abilities.

The UDS is resolved to do all it can within the scope of the University Statutes to provide the necessary environment to address potential occurrences of sexual harassment and utilize all fair and appropriate procedures to resolve such incidences. It is envisaged that the actors of any sexual harassment event shall be given the necessary platform devoid of interference to enhance the amicable resolution of the problem.

This Sexual Harassment Policy is envisaged to govern the University's response in the event of a complaint of sexual harassment. The Policy document presented herewith, shall apply to all stakeholders of the University.

**PROF. GABRIEL AYUM TEYE**  
**(VICE CHANCELLOR)**

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## **CHAPTER ONE – INTRODUCTION**

### **1.1 Background of Policy**

Sexual harassment is unlawful and distasteful. Sexual harassment violates the rights of self-determination and bodily integrity of the affected person(s). It creates fear and anxiety with immediate and lasting effects on the affected. The effects of sexual harassment could be personal and social. The University for Development Studies (UDS) as an institution committed to promoting equity and safety has embarked on the development of a Sexual Harassment Policy for the purposes of promoting the welfare and progression of all staff and students. It is committed to the creation of an environment that is conducive to work and study, where all members of the University community; including staff, students and third parties, irrespective of their sex, age, ethnicity, physical or mental ability, sexual orientation, religion or creed, are free from any form of harassment especially sexual harassment. By this policy, UDS seeks to provide an enabling environment that is safe for all actors and members of the University community, residential or non-residential.

### **1.2 Objectives of the Policy**

The main objectives of the Policy are to:

1. Identify what constitutes sexual harassment in the University.
2. Prevent sexual harassment and misconduct through education and awareness creation.
3. Investigate allegations and reports of incidents of sexual harassment and sexual misconduct in the University
4. Administer appropriate disciplinary measures when a violation is found to have occurred as provided by this Policy and as such deter potential sexual harassment and misconduct offenders.
5. Ensure that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face victimisation, retaliation or stigmatisation.

### **1.3 Scope of the Policy**

The UDS does not tolerate sexual harassment in any form. Every staff, student and other stakeholders have a responsibility to ensure that sexual harassment does not occur. Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an

apology, transfer of duties or dismissal. Reports of sexual harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time; although the University might decide to proceed with the case. The alleged harasser also has the right to have a supporter or representative chosen by him/her present when he/she responds to the allegations made. No student, staff or other stakeholder will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimizes or retaliates or stigmatizes against someone who has made a complaint of sexual harassment. The UDS will afford natural justice to any person involved in a dispute.

This Policy applies to:

- All Staff: Senior Members, Senior Staff and Junior Staff.
- Students: Undergraduates and Graduates.
- Other Stakeholders: all other workers within the University community.

## **CHAPTER TWO – DEFINITIONS**

### **2.1 Sexual Harassment**

At a workshop organized in Accra by the Commission on Human Rights and Administrative Justice (CHRAJ), for its personnel on the "Prevention and Responding to Sexual Harassment in Ghana", Prof. Attafuah (2008) stated that "there is no judicial definition of sexual harassment in our Constitution up to date, except for references to definitions in the United States Constitution and the Supreme Court of British Columbia". He further stated that, the general definition is, "any unwelcome conduct of sexual nature that detrimentally affects the working environment of the person".

Sexual harassment has been defined by Equal Employment Opportunity Community (EEOC, 1964) as: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, whether on a one-time basis or a series of incidents that might cause offence, humiliation, awkwardness or embarrassment, or that might reasonably be conceived as placing a condition of a sexual nature on employment, opportunity for promotion, grades, etc. AWLA (2003 and Sindhu (2017) observed these might include student admission, learning, research, practical training, examination and grading, placement, progression, classification and graduation as well as staff recruitment, promotion, training and development, roles, duties and functions, career advancement and welfare, etc.

Sexual harassment can be considered as a continuum from unwanted sexual advances to rape. Any non-consensual sexual conduct is an offence under the University for Development Studies' Sexual Harassment Policy. Sexual harassment therefore includes, but is not limited to the following:

- i. Verbal, physical, written, digital or pictorial communication relating to gender or sex which has the purpose or effect of unreasonable interference with an individual's academic or work performance which creates a hostile, offensive, or intimidating atmosphere for the recipients.
- ii. Unwelcome and irrelevant comments, references, gestures or other forms of personal attention which are inappropriate to the academic, employment or residential setting, for example, the classroom, hostel or office, and which may reasonably be perceived as sexual overtures or denigration.

- iii. A request for sexual favours when submission to, or rejection, of such a request might reasonably be viewed as a basis for evaluative decisions affecting an individual's future.
- iv. Sexual imposition, that is, non-consensual touching or any other behaviour that may be considered as sexual which is not consensual.
- v. Abuses of power relations such that individuals receive unfair treatment based on gender or sexuality.
- vi. Threat or coercion of sexual relations; sexual contact which is not freely agreed to by both parties.
- vii. Confining, sedating, luring, striping, posing and any pretentious or forceful means used to take advantage of anyone sexually.
- viii. Rape

It should be understood that many of the above terms are subject to interpretation. While overt forms of sexual harassment shall usually be obvious, more subtle forms may be difficult to recognize. Perpetrators may not realize that their behaviour is "unwelcome" or inappropriate. Conduct which leads to the harassment of another person is not acceptable and shall render the individual responsible liable to disciplinary action.

## **2.2 Consent**

Consent is the act of agreeing to engage in specific sexual conduct. In order for consent to be valid, both parties must have unimpaired judgment and a shared understanding of the nature of the act to which they are consenting. Silence does not necessarily mean consent. If at any time consent is withdrawn, the conduct must stop immediately. Sexual relations between individuals in a context involving power differential, and which provide avenues for the receipt of benefits, cannot be considered to be consensual.

### **(i) Consensual Intimate Relationships are not condoned by the University**

The University for Development Studies does not condone intimate sexual relations between Senior Members and students or Senior Members and staff or any other category of persons, where one party is in a supervisory position over the other.



**(ii) Retaliation**

a) The University for Development Studies prohibits retaliation against individuals who may have filed a complaint to the Sexual Harassment Committee, have provided statements, assisted, or participated in an investigation under the Policy.

b) Retaliation refers to any act of retribution taken against a person who has lodged a complaint with the Sexual Harassment Committee in connection with conduct prohibited under the Sexual Harassment Policy, to which he or she has been subjected.

c) Retaliation could be in the form of academic or employment decisions that are made as a result of an individual's complaint about conduct prohibited under the Policy or participation in enforcement of the Policy. It can also be in the form of verbal, physical or written acts, which are intimidating, threatening, coercive or discriminatory.

**(iii) Hostile Environment**

A hostile environment may be created when workers, students or lecturers, are regularly subjected to aspects of the above-mentioned attitudes or behaviours, which combine to create an overall unfriendly, negative working situation. Such an environment is not conducive to a productive, healthy and supportive work setting. A hostile environment is determined by looking at all of the circumstances, including, but not limited to, whether:

a) The alleged harassing conduct is frequent.

b) The alleged harassing conduct is more or less severe.

c) Such conduct interferes with an employee's work performance, a student's or lecturer's academic performance or the full participation in University programmes or services.

d) Such conduct has the effect of emphasizing one's sexuality in a manner offensive to a reasonable person.

e) Such conduct has the effect of creating an intimidating or offensive environment in the workplace or inside or outside the classroom.

f) Such conduct, after having been brought to the attention of the alleged perpetrator by the alleged victim as being unwelcome and offensive, has yielded no change.

### **2.3 Offence**

The University for Development Studies takes with utmost seriousness, all of the above-named offences, or any discussed in this document. Due to the uniqueness and complexity of each sexual offence case, the Sanctions for all but the last two offences shall be determined by the committee, in consultation with all of the interested parties. The results of these deliberations and recommendations shall be made known to all interested parties and shall be finally referred, in a written report, to the Vice-Chancellor of the University. The Vice-Chancellor shall be the court of last resort for all cases and his or her decision judgment shall be final.

Any non-consensual sexual conduct is an offence. Examples of offences include, but are not limited to:

a) *Sexual Harassment*: Any unwanted sexual attention including, but not limited to, sexually threatening or offensive behaviour.

b) *Sexual Imposition*: Non-consensual sexual touching.

c) *Sexual Assault*: A non-consensual sexual act including, but not limited to unwelcome kissing of lips, mouth, breast or other body parts, touching of breasts or chest, buttocks, thighs, vagina, penis or other body parts other than under a medically necessary procedure, and vaginal penetration, anal penetration and oral sex. This category may be of a serious enough nature to be referred to the legal institutions of Ghana.

d) *Rape*: Forced, uninvited vaginal, oral or anal penetration by a male penis or any other object. This category is defined by Ghana Criminal Offences Act - 1960 (ACT 29), Section 97 and should

be reported to the police. By the Act, whoever commits rape shall be guilty of a first degree felony and shall be liable on conviction to imprisonment.

However, it is important to note that sexual harassment offences may be:

- a) *Verbal*: including unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter or songs based on sex, race, age, able-bodied status, sexual orientation or gender.
- b) *Non-Verbal*: offensive literature or pictures (hard-copy or digital), graffiti, text-messages or images on cell phones, offensive email, stalking, whistles or cat-calls.
- c) *Physical*: including unnecessary touching, gestures or assault.

### **2.3.1 Mode of Dress**

Mode of dress has sometimes been cited as sexual harassment or enticement. Though certain dress styles may be considered inappropriate or unacceptable, mode of dress cannot alone be construed as an “unwelcome sexual advance”. “Unwelcome sexual advance”, as sexual harassment has been here defined, implies that the perpetrator deliberately and with aforethought, subjects another to demeaning, uncomfortable and/or uninvited sexually charged overtures, sometimes for transactional purposes.

Though certain dress styles may appear provocative to some, and although certain people feel that wearing such attire is done for purposes of harassment, we cannot assume that the wearer has harassment in mind. As, especially, young people are influenced by the styles of the day, it cannot be assumed, without verification, that the intention of the wearer is harassment, or is simply style, conformity, taste or culture.

The University for Development Studies believes in the freedom of expression and as such does not dictate the mode of dressing for staff and students. However, the University also respects the fact that the appropriate attire should be worn on all occasions.

## **2.4 Other Forms of Sexual Harassment**

The following are examples of other forms of conduct that would be considered under this Policy to establish sexual harassment or misconduct in the University community:

- Unwelcome, unsolicited advances and/or propositions of a sexual nature;
- Unwelcome sexual advances whether they involve physical touching or not;
- Unwelcome and inappropriate affectionate gestures;
- Unwanted and persistent propositions for dates;
- Unnecessary and inappropriate touching, such as patting, pinching, hugging, or brushing against an individual's body; grabbing of body parts.
- Excessive and unwanted attention in the form of love letters, texts, chats, telephone calls or gifts, stalking;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess, sexual innuendos;
- Unwelcome leering, whistling, heckling, hooting at an individual, including name calling;
- Circulation of pornographic material in print or electronic form or written offensive messages of a sexual nature (including e-mails, WhatsApp and text messages);
- Insults, jokes or anecdotes that belittle or demean an individual or a group's sexuality or gender;
- Unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- Unwelcome references to one's appearance or body where they cause psychological harassment-especially if such expressions are persistent;
- Inappropriate and/or degrading displays of sexually suggestive objects or pictures, cartoons, calendars, books, magazines;
- Using a position of power and authority to threaten or punish either directly or by implication, for refusing to tolerate harassment or misconduct or submit to sexual activity or for reporting harassment or misconduct or to promise rewards in return for sexual favors;
- Sexual assault, which is an unwanted sexual act done without the consent of one party, and/or that occurs under threat or coercion. Sexual assault includes, but is not limited to, attempted rape, indecent assault, forcible anal sex, forcible oral copulation, sexual assault

with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault;

- Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation;
- Making a student's work or an employee's job more difficult because of that person's sex;
- Disciplining or firing a subordinate who ends a romantic relationship;
- Retaliation from a person in authority due to refusal of sexual favors which may include limiting opportunities for the complainant and generating gossip against the employee or other acts that limit access or change performance expectations after a subordinate refuses repeated requests for a date.

## **CHAPTER THREE- IMPLEMENTATION AND COMPLIANCE INSTITUTIONS**

### **3.1 Sexual Harassment Committees**

There shall be a Central Committee, Campus Committees, and Adjudication Committee and Education Committee. The committees shall be responsible for the handling of all sexual harassment and misconduct cases.

#### **3.1.1 Central Committee Membership**

The Vice-Chancellor shall appoint the membership of the Central Committee. The membership of the Central Committee shall be the same as the membership of the University Disciplinary Board (for Senior Members) and Disciplinary Committee (for Senior and Junior Staff).

#### **3.1.2 Campus Committee Membership**

The Principal of the Campus shall appoint the Campus Committee. The Committee shall be headed by a Dean, with a member from each of the Faculties/Schools on the Campus. The Campus Officer shall be a member, and a Faculty Officer shall be member and secretary.

#### ***Quorum for the Campus Committee***

The quorum for the Campus Committee meetings shall be two-thirds of membership and shall include the Chairman, at least one Faculty representative, and a Campus Officer, a case where a student is the petitioner or respondent, the quorum shall include the SRC or GRASAG representative.

The functions of the Campus Committee shall be as follows:

- i. To keep record of all complaints submitted by staff and students.
- ii. To refer all complaints to the Adjudication Committee for investigation.
- iii. To inform the Registrar of the referral of complaints to the Adjudication Committee.
- iv. To submit annual reports on all the issues of Sexual Harassment on the Campus to the Vice-Chancellor.
- v. To submit the Investigative Report of the Adjudication Committee to the Vice-Chancellor, if a Sexual Harassment and misconduct is established.

#### ***Sexual Harassment Education Committees***

There shall be a Sexual Harassment Education Committee on each Campus. The Education Committee shall be responsible for educating staff and students on the issues of Sexual Harassment in the University. Each Campus Education Committee shall hold meetings/durbars with staff and

students, separately, once each year, on the Campus. The Education Committees shall also plan and implement training programmes on sexual harassment and misconduct on the Campuses.

Membership shall be as follows: a Vice-Dean of Students on the Campus as Chair, a Counsellor on the Campus, and two Senior Members (one male and one female).

### ***Adjudication Committee***

There shall be an Adjudication Committee. The Adjudication Committee shall conduct investigations on complaints submitted to it by the Campus Committee. The Report of the Adjudication Committee on any case submitted to it, shall be sent to the Campus Committee.

Membership of the Adjudication Committee shall be as follows: Chairman (to be nominated from the Campus Committee), two Senior Members (one male, one female), a Counselor from the Campus. One representative of the union/association to which the petitioner and respondent belong, shall be co-opted to serve as members for that particular case. A representative of the SRC or GRASAG shall also be co-opted to serve as members if the petitioner or respondent is a student.

### ***Quorum for the Adjudication Committee***

The quorum for the Adjudication Committee meetings shall be two-thirds of membership and shall include the Chairman and Union/Association to which the petitioner or respondent belong. In case a student is the petitioner or respondent, the quorum shall include the SRC or GRASAG representative.

#### **i. Responsibilities of the Adjudication Committee**

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

- a. Maintaining records of reports of sexual harassment and misconduct cases as well as actions taken in response to reports.
- b. Preparing and submitting Report to the Campus Committee for submission to the Vice-Chancellor.
- c. Investigating specific complaints of sexual harassment and misconduct, and submit the Report to the Central Committee.
- d. Delineating and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.

**ii. Leadership Duties**

- a. The Vice-Chancellor/Principal shall appoint a Chair, of the Committee. The Committee at its first meeting will appoint a Vice-Chair from amongst its members. The Vice-Chair shall act in the absence of the Chair.
- b. The Secretary shall ensure that all records of the Committee's meetings and proceedings are properly taken and documented.
- c. The Chairperson shall be summoning meetings, initiating enquiry processes and ensuring the integrity of all proceedings relating to investigation of grievances.
- d. Investigating specific complaints of sexual harassment and misconduct.
- e. Delineating and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy with reference to UDS Statute 71.

**iii. Qualities**

All members of the Committee shall have high credibility, gender sensitivity and technical competency to handle grievance procedures. Members of the Committee must be given training before taking office and periodically where necessary.

**iv. Term of office**

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

**v. Review of Policy**

The Policy shall be reviewed every five (5) years.

***Duration of Membership on the Campus Committee, Education Committee and the Adjudication Committee***

Duration of Membership on the Campus Committee, Education Committee and the Adjudication Committee shall be two (2) years, subject to renewal for another two (2) years. A person who serves for four (4) years shall not be eligible for nomination as a member until two (2) years have elapsed.



### **3.2 Oversight Responsibilities**

#### **3.2.1 Guidance and Counselling Unit**

- i. The Guidance and Counselling Unit shall facilitate the collation of information on Sexual harassment, and support the Campus Sexual Harassment Committees in the implementation of the Sexual Harassment Policy.
- ii. The Guidance and Counselling Unit should be well-equipped to rapidly respond to University staff and students who have become victims of sexual harassment or assault.

#### **3.2.2 The Vice-Chancellor**

The Vice-Chancellor, as Chief Disciplinary Officer of the University, through his/her Campus Principals, is responsible for ensuring compliance with the Sexual Harassment Policy and shall:

- i. Constitute the Sexual Harassment Committee established under the Policy and appoint its Chair;
- ii. Receive reports of findings and recommendations of the Sexual Harassment Committees and ensure that the necessary actions are promptly taken.

#### **3.2.3 The University Council**

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

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

## CHAPTER FOUR - REPORTING SEXUAL HARASSMENT

### 4.1 Grievance Procedures

Any staff or student who perceives himself / herself to have been sexually harassed or has been subjected to some retaliation following a sexual harassment incident has the right to file a complaint. Prompt reporting is strongly encouraged. To promote timely and effective review of cases, the University strongly encourages complainants to make reports within thirty (30) calendar days following the last occurrence of the behaviour giving rise to the report. The report may be made by:

- a. A person who believes they experienced sexual harassment or misconduct
- b. A person who has information that sexual misconduct may have been committed by a University student or staff or any other stakeholder.

#### *Reporting/Resolving/Handling Complaints of Sexual Harassment and Misconduct*

The following approaches shall be used in dealing with Sexual Harassment and misconduct. A victim of Sexual Harassment or Misconduct, has two options to resolving/reporting the case.

These are:

- i. Informal Approach
- ii. Formal Approach

#### **4.1.1 Informal Approach of Reporting/Resolving/Handling Complaints of Sexual Harassment and Misconduct:**

- a) Where a member of the University Community feels that he or she has been a victim of sexual harassment or misconduct, such a member may attempt to resolve the matter directly with the alleged offender by advising that the behaviour is unwelcome, and must be stopped, or must not occur again.
- b) A Complainant may choose to ask another person whom he or she trusts to intervene on his /her behalf. The person who is asked to intervene may provide advice or counselling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant.
- c) The victim may choose to involve a University Counsellor in this case.

- d) A Complainant may request through the Committee, that an attempt be made to resolve a sexual harassment matter through mediation. If such a request is made, the Committee member receiving the complaint shall determine whether the Respondent is willing to engage in mediation, and, if so, a mediator shall be selected by mutual agreement of the Complainant and the Respondent. The role of the mediator is to facilitate discussion and to suggest alternative resolutions. The mediator does not investigate the complaint or assign blame. The mediator shall report the outcome of the process to the Committee member receiving the complaint. If the matter cannot be resolved, the Committee member shall advise the complainant to file a formal complaint before the Campus Committee on Sexual Harassment and the case shall be forwarded to the Adjudication Committee.
- e) In cases of sexual harassment or sexual misconduct that are considered severe or extreme, such as attempted rape, rape, sexual battery, sexual assault with a weapon and non-consensual anal copulation, a complainant shall be counselled to report to the Police and launch a formal complaint before the Campus Committee instead of utilizing the informal approach.
- f) If a complainant chooses not to use the informal approach to deal with sexual harassment or misconduct, this shall not be used against him or her or affect the merits of the case when a formal complaint is launched.

**4.1.2 Formal Approach of Reporting/Resolving/Handling Complaints of Sexual Harassment and Misconduct:**

- a) A member of the University community who has been or is a victim of sexual harassment or misconduct can make a formal complaint to the Dean of the Faculty/School or the Director of the Institute/Centre or the Principal of the Campus. In the case of Central Administration, the formal complaint should be made to the Registrar.
  - i. If the complaint of sexual harassment or misconduct involves a Dean, the issue should be reported to the Campus Principal (or to the Registrar, where there is no Campus Principal on that Campus).
  - ii. If the complaint of sexual harassment or misconduct involves a Campus Principal, or a Director or any key officer, it should be reported to the Registrar or the Vice-Chancellor.

- iii. If the complaint of sexual harassment or misconduct involves a Principal Officer in the University (excluding the Vice-Chancellor), it should be reported to the Vice-Chancellor.
  - iv. If the complaint of sexual harassment or misconduct involves the Vice-Chancellor, it should be reported to the Registrar.
- b) Also, a formal complaint can be made where an informal complaint made by the victim of sexual harassment or misconduct, is not addressed to the satisfaction of the complainant. In such a case, the complainant shall make a formal complaint to the Dean of his/her Faculty/School or Director or Principal of the Campus for further action. Such a complaint will be handled by the Campus Committee and the Adjudication Committee.
  - c) The complainant shall present his/her grievance orally to a Committee member or a person designated by the Committee to receive such complaints. The said person shall listen to the complaint and explain the processes involved in the formal grievance procedure.
  - d) If a victim of sexual harassment and sexual misconduct is not satisfied with how his or her case has been handled at the Campus level, he/she can report the matter to the Registrar for further action.
  - e) The purpose of the discussion is to inform and educate the complainant. The Committee member at this stage shall not dissuade the Complainant from filing the written complaint.
  - f) The complainant shall put his/her complaint in writing and lodge it with the Committee. In the case of a complainant being unable to write, the Committee shall assist him or her to write the complaint. The written complaint shall be read out and explained in the language he/she understands after which he/she will sign or thumbprint.
  - g) The written statement shall give details of the alleged harassing behaviour, and if possible, give details of dates, places and names of those connected with the incidents.
  - h) The Committee shall notify the Respondent about the matter, and request that he or she files a written statement in response to the allegations within seven (7) days. In the case of the Respondent's inability to write, the process in sub-section (d) will apply.
  - i) The Adjudication Committee shall conduct verbal hearings with the Complainant and the Respondent. The parties may be present with their legal counsel. However, legal counsel shall not be permitted to speak on behalf of their clients during proceedings. All proceedings shall be recorded.

- j) The Adjudication Committee shall hear the Complainant first after which the Respondent shall also be heard. The parties may cross examine each other before the Adjudication Committee.
- k) The Adjudication Committee may take testimonies of other relevant persons and witnesses where available and review the evidence.
- l) The Adjudication Committee may conduct its own investigations into the matter, apart from considering the written and verbal testimonies of the parties.
- m) When the complaint is made, the Committee shall take measures to pre-empt any possible retaliation.
- n) A decision will be taken after careful review of the circumstances, evidence adduced, statements and all other relevant information before the Adjudication Committee.
- o) Any dissenting opinion among the Adjudication Committee members shall be recorded together with the reasons for the dissent.
- p) Where a Respondent is found to have engaged in sexual harassment, the appropriate sanctions shall be recommended.

#### **4.1.3 Evidence**

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

- Written detailed account of the Complainant and the Respondent.
- Witness statements (if any).
- Statements of persons with whom the Complainant might have discussed the incidents, or from whom advice may have been sought.
- Any other documents, audio-visual recordings, electronic communication including but not limited to e-mails, phone texts and WhatsApp messages.
- Expert technical advice may be sought if necessary.
- Medical evidence, including Deoxyribonucleic acid (DNA) test results, if appropriate.

## **4.2 Obstruction of the Process**

### **4.2.1 Withdrawal of a Filed Complaint**

A Complainant may withdraw a case filed before the Sexual Harassment Committee any time after filing and during the process of the investigation. In such a case, the Complainant shall state in writing the reasons for withdrawal of the complaint and append his/her signature to the statement.

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

## **4.3 Conflict of Interest**

Members of the Sexual Harassment Committee shall declare any interest they may have in a matter whenever a complaint is filed before the Committee. Where any interest declared may affect the outcome of the case, the member should step aside.

### **4.3.1 Complaints against a member of the Committee**

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

## **4.4 Actions to be taken**

### **4.4.1 Record of Proceedings**

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

### **4.4.2 Investigation Time frame**

The investigation procedure shall be completed as promptly as possible and within thirty (30) working days of the date the request for formal investigation was filed. The Committee may seek

an extension of time from the Vice-Chancellor/Principal with reasons where it is not possible to complete the investigation within the said days.

#### **4.4.3 Sanctions**

The Adjudication Committee with reference to UDS Statute 71. shall recommend the appropriate sanctions or punitive measures where a Respondent has been found to have engaged in behaviour that can be characterised as sexual harassment or misconduct. These sanctions include but are not limited to formal apology, leave without pay, suspension, denial of promotion, demotions, dismissals and transfers and shall be applied on a case-by-case basis.

##### a) Students

Sanctions for student offenders shall include but not limited to the following:

*Formal apology:* - a written statement of one's regrets, remorse or sorrow for having sexually harassed or another to the Complainant and copied to the Principal/Vice-Chancellor and the Sexual Harassment Committee.

*Formal reprimand:* - a formal notice that the respondent has violated University Policy on sexual harassment and that future violations may result in severe punishment.

*No contact:* - restriction from entering specific University areas such as halls of residence and/or from all forms of contact with certain persons.

*Dismissal from halls of residence:* - residential students would be dismissed from University accommodation.

*Forced resignation/Removal from office:* - student leaders may be removed from their positions, schedules or office,

*Restriction:* - restriction from entering specific University areas such as halls of residence, homes, offices, laboratories, health and recreational facilities and/or other spaces within a certain radius determined by the Committee.

*Withholding of results:* - offender's results would be withheld for a period of time.

*Rustication:* - offenders would be suspended from the University for a period of time.

*Dismissal:* - offenders would be dismissed outright from the University.

b) Staff

Staff who flout this Policy shall face any of the following sanctions with reference to UDS Statute 71:

*Formal apology:* - a written statement of one's regrets, remorse or sorrow for having sexually harassed or another to the Complainant and copied to the Principal/Vice-Chancellor and the Sexual Harassment Committee.

*Formal reprimand:* - a formal notice that the respondent has violated University Policy on sexual harassment and that future violations may result in severe punishment.

*Embargo on Salary:* - denial of salary for a period of time.

*Leave without pay:* - offender shall be asked to proceed on leave without salary for a period.

*No contact:* - restriction from entering specific University areas such as halls of residence and/or from all forms of contact with certain persons.

*Removal from University housing:* - removal from university housing either temporarily or permanently.

*Relocation/transfer:* - the offender will be relocated to another section/department/campus.

*Demotions:* - the offender's rank shall be stepped down.

*Denial of promotions:* - the offender shall be denied promotion for a specified period.

*Dismissal:* - the appointment of the offender shall be terminated.

c) Other Stakeholders

Other stakeholders within the University who contravene this Policy shall face:

*Restriction:* - restriction from entering specific University areas such as halls of residence and/or from all forms of contact with certain persons.

*Termination:* - termination of contracts or service agreements.



These sanctions shall not operate to prejudice criminal action in the case of serious offences tantamount to crime under the Laws of Ghana.

#### **4.4.4 Appeal**

If the Complainant or Respondent is dissatisfied with the outcome of the investigations and/or the decision of the Campus Sexual Harassment Committee, he or she shall have a right of appeal to the Central Sexual Harassment Committee. The Central Sexual Harassment Committee shall hear and determine the appeal in accordance with the provisions of this Policy. In the event that the complainant is dissatisfied with the decisions of the Central Sexual Harassment Committee, he or she is at liberty to appeal to the Vice-Chancellor who is the final disciplinarian.

#### **4.4.5 Non-retaliation**

During the process of investigation of a matter, retaliation from either party or third parties shall be monitored by the Sexual Harassment Committee. An individual who is subjected to retaliation such as threats, intimidation, reprisals, or adverse employment or educational actions for having made a report of sexual harassment or misconduct in good faith, or who assisted someone with a report of sexual harassment or misconduct, or who participated in any manner in an investigation or resolution of a report of sexual harassment or misconduct, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and misconduct and will be subject to the same procedures.

#### **4.4.6 Confidentiality**

The Sexual Harassment Committee shall maintain confidentiality of all matters reported to it and of the proceedings. Parties in an investigation, including their representatives shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

#### **4.4.7 Referral for Counselling**

In appropriate cases, the Committee may request that either party to the case seeks counselling or support. The Committee may, at the request of a party to the matter, refer that party to the Guidance and Counselling Unit for counselling or support.

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**REFERENCES**

**Attafuah, Ken A. (2008). Clarify sexual harassment law. Daily Graphic. 9 February 2008.**

**The African Women Lawyers Association (AWLA) (2003).** Definition of Sexual Harassment. The Daily Graphic. Issue 1235. p.11/

**Equal Employment Opportunity Community (EEOC) (1964).** Sexual harassment. [https://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](https://www.eeoc.gov/laws/types/sexual_harassment.cfm)

**Public Affairs, University of Ghana (2017).** Sexual harassment and misconduct Policy, No. 873 Friday, May 5, 2017. Vol. 54 No. 20. Special Reporter, Published by Authority, 21pp.

**University of Cape Coast, Ghana (2015).** Sexual Harassment Policy (Revised Policy, 2015). Special Gazette, Vol. 53, No. 6. Published by Authority, 26pp.

**University for Development Studies (2017).** Statutes. Revised, 1<sup>st</sup> January, 2017. Published by the UDS Council, 148pp.

**Sindhu, V. (2017).** Concept of Sexual Harassment. International Journal of Applied Research. 3 (8): 84-90.