

CoEP 2

Anti-Sexual Harassment Policy

Preamble:

The College abhors all forms of sexual harassments, exploitation and intimidations. Any form of intimidation, abuse or harassment based on gender is contrary to the values of the College, and jeopardises the integrity of the College community. Since sexual harassment subverts the vision and mission of an institution, it is considered a serious offence and shall not be countenanced by the college. For this reason, all staff, students, relatives of staff, visitors, contractors and persons acting on behalf of the College shall respect the rights of others and shall refrain from any activity that corresponds with those described in this policy document. The College takes a serious exception to sexual harassment and such behaviour shall result in disciplinary action.

Purpose/Objectives

The purpose of the Anti-Sexual Harassment Policy is to ensure that all members of the College community have the right to a workplace free from sexual exploitation and harassment of any form or shape. The specific objectives of this policy include:

- to create a working and learning environment that is free from sexual harassment and where all members are treated with courtesy, dignity and respect.
- to forbid and sanction sexual harassment offences.
- to ensure that all members of the College community know their rights and responsibilities through education and awareness creation.
- to encourage the reporting of prohibited behaviour

- to provide an effective complaints procedure based on principles of natural justice
- to treat all complaints in a serious, sensitive, fair, timely and confidential manner
- to guarantee against victimisation or reprisals

Individuals shall be held personally accountable for their actions and behaviours in the event of complaints of sexual harassment against them. The College shall follow the procedures outlined in this document in dealing with allegations and appeals against decisions in connection with complaints of sexual harassment.

3. Scope/Application:

This policy shall apply to all members of the College community, including relatives of staff on campus, visitors, contractors, food vendors and all persons acting in various capacities on behalf of the College.

4. The Policy Statement:

The Sexual Harassment Policy is committed to securing a working and learning environment that is free from sexual exploitation and intimidation. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated.

Even if the behaviour is not intended by the individual to be sexually harassing, it may still be unlawful.

Sexual harassment can be physical, verbal or visual and may include statements or transmissions by phone, fax, video conference, internet and e-mail, and will vary in the degree and to extent to which it causes affront and distress.

Both males and females can be subjected to sexual harassment from either person of the same or opposite gender.

Sexual harassment may include:

- comments about a person's sex life or physical appearance;
- comments of a sexual nature;
- suggestive behaviours such as leering and ogling;
- unnecessary physical intimacy such as brushing up against a person;
- physical contact such as touching or fondling;
- 'flashing' or sexual gestures;
- sexual propositions or repeated unwanted requests for dates;
- making promises or threats in return for sexual favours;
- sexual jokes, offensive telephone calls, displays of offensive photographs reading matter or objects;
- sending jokes or graphics of a sexual nature by social media platforms e-mail, internet or fax;
- unwelcome questioning about a person's private life;
- offensive computer screen savers;
- unwanted requests for sex; and
- stalking, indecent assault or rape (which are also criminal offences).

Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect.

Where the interaction is consensual, welcome and reciprocal it will not amount to sexual harassment. However, judgements about what constitutes consensual, welcome and reciprocal interaction may be influenced by the relative power of the people involved. The capacity of persons in positions of authority to influence others and affect their well-

being is a factor that will be taken into account in the management of any sexual harassment allegation.

It is not the intention of this policy to interfere in personal lives and relationships. However, an employer must ensure that sexual harassment does not occur and that professional standards of conduct are maintained in the workplace.

The effect of sexual harassment on those people involved and on the workplace as a whole can range from annoyance to deep distress and can lead to an intimidating, hostile and offensive work environment. This can contribute to reduced quality of work, low productivity, a distraction from work, low morale, absenteeism, poor health and high staff turnover. Sexual Harassment victims can be denied their entitlement to the quiet enjoyment of life in the workplace

5.1. Supporting Procedures:

Any student, employee or member of the College community who perceives herself/himself to have been sexually harassed or to have been subjected to retaliation following a sexual harassment incident, must do the following to protect his/her rights.

GRIEVANCE REPORTING PROCEDURES

- The following guidelines shall apply in handling Sexual Harassment complaints:
- Informal Approach to dealing with Sexual Harassment
- Where a member of the College community feels that he or she has been a victim of sexual harassment, such a member may attempt to resolve the matter directly with the alleged offender by advising that the behavior is unwelcome, must be stopped, or must not occur again.
- A complainant may choose to ask another person whom he or she trusts to intervene on their behalf. The person who is asked to intervene may provide advice or counseling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant.
- 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 receiving the Complainant shall determine whether the Respondent is willing to engage in mediation, and if so, a Sexual Harassment Policy 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 report findings from investigating the complainant or the process to the committee receiving the complaint. If the matter cannot be resolved, the Committee Chair shall advise the complainant to file a formal complaint before the Committee.
- In cases of sexual harassments that are considered severe or extreme, such as attempted 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 Committee instead of utilizing the informal approach.

- If a Complainant chooses not to use the informal approach to deal with sexual harassment, this shall not be used against him or her or affect the merits of the case when a formal complaint is launched.

Formal Approach to dealing with Sexual Harassment:

- A member of the College community who has been or is a victim of sexual harassment and is dissatisfied with the outcome of the informal approach shall make a formal complaint to the Committee for redress.
- The Complainant shall present his or 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 complainant and explain the processes involved in the formal grievance reporting procedure.
- 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.
- The Complainant shall put his or 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 or she understands after which he or she will sign or thumbprint.
- The written statement shall give details of the alleged harassing behavior, Sexual Harassment Policy and if possible, give details of dates, places and names of those connected with the incidents.

- The Committee shall notify the Respondent about the matter and request that he or she files a statement in response to the allegations within seven working days. In the case of the Respondent's inability to write, the process in subsection (d) will apply.
- The Committee shall conduct verbal hearings with the Complainant and the Respondent. The parties may be present with their legal counsel.
- The Committee shall hear the Complainant first after which the Respondent shall also be heard. The parties may cross-examine each other before the Committee, after which testimonies shall be taken from their witnesses if any.
- A decision will be taken after careful review of circumstances, evidence adduced, statements and all other relevant information before the Committee.
- When the complaint is made, the Committee shall take measures to pre-empt any possible retaliation.
- Any dissenting opinion among the Committee members shall be recorded together with the reason for the dissent.
- Where a Respondent is found to have engaged in sexual harassment, the appropriate sanctions shall be recommended.

Other relevant considerations for the work of the Committee:

Evidence

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

- Written detailed accounts 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. Sexual Harassment Policy.
- Any other documents, audio-visual recordings, electronic communication including but not limited to e-mails, phone texts and WhatsApp.
- Expert technical advice may be sought if necessary
- Medical evidence, including DNA test results, if appropriate.

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 investigation. In such a case, the Complainant shall state in writing the reasons for withdrawal of the complaint and append his or her signature to the statement.

Refusal of Respondent to respond to notice of filed complaint or to participate in enquiry

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.

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 said complaint.

Conflict of Interest and Duty

Members of the Sexual Harassment Committee shall declare any interest they may have in a matter whenever a complaint is filed before the Committee.

Record of Proceedings

The Committee record of proceedings on a particular matter shall give detailed enquiry. This includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of the facts, and a determination of the Committee as to whether the College Policy has been violated or not. The record shall also contain sanctions, recommended, where applicable. Other recommendations made to the parties for actions where no findings of guilt are made against the Sexual Harassment Policy respondent may be included. The record may be used as evidence on other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

Decision Making

The investigation procedure shall be completed as promptly as possible and within 30 working days of the date the request for formal investigation was filed. The Committee may seek an extension of time from the Principal with reasons where it is not possible to complete the investigation within the said days.

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 retaliations such as threats, intimidations, 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 who participated in any manner in an investigation, or resolution of a report on sexual harassment, may make a report of retaliation under these Sexual Harassment Policy procedures. The report of retaliation shall be treated as a report of sexual harassment and misconduct, and will be subject to the same procedures.

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.

Where Employees can Go for Help

Employees and their relatives on the College campus, visitors, contractors and all persons acting in various capacities on behalf of the College may contact any of the following individuals or offices for guidance, information, or resolution of a sexual harassment issue:

- Principal,
- Guidance and Counselling Co-coordinator
- Chaplains
- Head of the Department
- Disciplinary Committee

- College Legal Officer

Actions for Students

Any member of the college who believes that he/she has been a victim of sexual harassment or the focus of inappropriate behaviour, can pursue the matter and utilise the procedure described under this policy for redress. When reporting an incident, it is helpful to provide as much information as possible, including the following:

1. A description of the event(s)
2. The number of occurrences, with dates and places
3. The names of any witnesses
4. Any documents or other exhibits, if appropriate

Students may receive guidance, advice, support and/or advocacy from College staff, including administrators, counsellors, teachers, or other staff.

Where Students can go for Help

Students may contact any of the following individuals or offices for guidance, information, or resolution of a sexual harassment issue:

- Principal,
- Chaplains
- Student Affairs Officer,
- Hall Warden,
- Guidance Counselor,
- Tutor
- Student Representative Council

5.2. Guidelines

The following guidelines shall apply:

- the complainant shall formally request the Sexual Harassment Committee to take further action;
- the Sexual Harassment Committee shall notify the alleged offender that the matter is being taken further and that it may result in disciplinary action;
- the Sexual Harassment Committee shall, soon as possible, but not later than one week from receiving a relevant request, initiate a separate investigative meeting with the complainant and the alleged offender, together with their agents (if any) to attempt to resolve the matter, unless both the complainant and the alleged offender agree to a joint meeting being convened;
- the Sexual Harassment Committee shall, within seven days, of the close of the hearing, advise the complainant and the alleged offender in writing of the outcome of the investigations, including any recommendations made or sanctions imposed.

5.2.3 Appeals Procedure

If the complainant or the alleged offender is aggrieved with the outcome of the investigations and/or the action to be taken, he/she has a right to appeal to be exercised within seven (7) days. The Vice-Principal shall, as soon as possible, but not later than twenty-one (21) working days, review the case and render a decision. In reviewing the case, the Vice-Principal, as the final arbiter, shall call for such information as he/she shall deem necessary.

5.2.4 Sanctions

Sanctions that may be imposed by the Sexual Harassment Committee and/or Vice-Principal shall include, but not limited to the following:

- Caution with a written apology
- Mediation/counselling
- Relocation of the offender to another Department/Section. Under no circumstances should the complainant be relocated.
- Suspension
- Expulsion
- Referral to the appropriate law enforcement body
- Termination of employment
 - Undertaking training or therapy

Right of the Complainant

Any member of the College Community who believes that he or she has been a victim of sexual harassment in violation of this Policy is entitled to pursue the matter and utilize the procedures described under this Policy for redress. The complainant shall not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

Right of the Respondent

A person against whom a complaint is lodged shall 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.

Right to Representation

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

Duty to Cooperate

Staff and students must cooperate with College investigations into sexual harassment which are conducted by the Sexual Harassment Committee. Refusal to cooperate with an investigation or to impede an investigation may result in disciplinary actions.

Malicious Accusations or Unfounded Complaints

The College recognizes that false accusations could have a serious impact on the reputation and integrity of individuals. As such, malicious accusations will be treated very seriously. Anyone who is found to have made a deliberately malicious complaint or allegation against another person shall be subject to formal disciplinary action under appropriate College procedure.

6. Responsibility for Implementation:

Sexual Harassment Committee (what is the composition of the committee?)

7. Responsibility for Monitoring, Implementation and Compliance:

Disciplinary Committee

Vice-Principal

8. Status:

- Revisions approved by Governing Council - **date will be provided.**
- Minutes of the last meeting revised on- **date will be provided**
- The implementation of the latest version of this policy supersedes all previous versions of this policy.

9. Key Stakeholders:

- Students
- Staff
- Relatives of Staff
- Visitors to the College
- College Contractors
- All persons working on behalf of the College

10. Approval Body:

College Governing Council

11. Initiating Body:

Disciplinary Committee

12. Definition of Terms:

For the avoidance of doubt, the following terms are defined succinctly in context in this document:

12.1 Sexual Harassment:

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favours, and/or other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

- *When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities;*
- When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual harassment; and/or
- When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance; or creating an intimidating, hostile, or offensive work or learning environment.

13. Related Legislation:

NCTE Sexual Harassment Policy (Draft)

College Handbook, St. Louis College of Education, Kumasi

14. Related Policy and other Documents (Exhibits):

NCTE Sexual Harassment Policy (Draft)

College Handbook, St. Louis College of Education, Kumasi

The 1992 Republican Constitution of Ghana

APPENDIX I

15. Effective Date:

Date will be provided

16. Review Date:

Date will be provided

17. Keywords:

Sexual harassment;

Harassment Committee

18. Owner/Sponsor:

College Principal

19. Author:

College Governing Council

20. Further information:

[This section of the policy should provide information regarding the names, telephone numbers, email addresses of individuals or Web addresses which can be contacted, if additional information regarding the policy is required].

Sexual Harassment can be considered as a continuum from unwanted sexual advances to rape. Any non-consensual sexual conduct is an offence under this policy. Sexual Harassment includes, but not limited to, acts stated under 4. The Policy

Statement in this document. It should be understood that many of the terms used in this document are subject to interpretation.

While overt forms of sexual harassment shall usually be obvious, more subtle forms may be difficult to recognise. Perpetrators may not realise 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.