

UNIVERSITY OF ENERGY
AND NATURAL RESOURCES, SUNYANI



ANTI-SEXUAL HARASSMENT POLICY

2016

Executive Summary

The University of Energy and Natural Resources has a strong belief in promoting a conducive working environment for its staff and an enabling learning environment for students. Sexual harassment or abuse is described as a hazard in workplaces across the globe and is said to stifle the quality of work life and endangers the well-being of women and men as well as imposing some costs on organisations. In this regard, this Manual is prepared as a framework to build a working and learning environment that is free from any form of intimidation, discrimination and abuse on the basis of sex in the University. The Manual defines the various forms of sexual harassment and provides the measures to prevent any form of sexual harassment in the University. It also sets out appropriate procedures and actions to deal with sexual harassment cases in the unlikely event that they occur and the appropriate sanctions to perpetrators of sexual harassment in the University. It is envisaged that the implementation of the Policy would create and enhance an enabling environment that supports effective working and learning.

TABLE OF CONTENTS

Executive Summary.....	2
1. Introduction.....	4
2. Objectives of the Policy.....	4
3. Definition of Terms	5
4. Composition of Sexual Harassment.....	6
5. Scope of the Policy	6
6. Implementation and Compliance Institutions	6
6.1 Anti-Sexual Harassment Committee.....	7
7. Reporting Procedure	8
8. Rights of the Complainant	8
9. Rights of the Respondent.....	9
10. Right to Representation	9
11. False Representations	9
12. Review of Policy.....	9
13. Counselling Unit.....	9
14. Management of Emergency health care.....	9

1. Introduction

The University of Energy and Natural Resources (UENR) is committed to building and promoting quality teaching and learning environment for staff and students. The University believes in working and learning in an environment free from all forms of abuses. One of such abuses is sexual harassment at the workplace. This Manual outlines the University's response to sexual harassment or abuse within the University community.

Sexual harassment or abuse is described as a hazard in workplaces across the globe and is said to stifle the quality of work life and endangers the well-being of women and men. Sexual harassment or abuse is said to also impose some costs on organisations.

Sexual harassment or abuse in this Manual includes the most egregious behaviour prohibited by the criminal law of the Republic of Ghana—rape and sexual assault to conduct which can, in certain instances, be an innocuous part of day-to-day interaction including unwarranted comments, jokes, gestures and physical contacts.

UENR prohibits any form of sexual harassment in the University community and such acts shall not be tolerated. All manner of staff and, regardless of status, shall face the full penalties for violating this Policy. It shall be the responsibility of all staff and students to stand against any form of sexual harassment. The Policy shall cover all employees of the University, appointing authority and students.

The Manual introduces the reader to the composition of sexual harassment, the implementation of the Policy and the compliance bodies. It also introduces the reader to the reporting procedure of matters relating to sexual abuse, investigation procedures and sanctions.

2. Objectives of the Policy

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

Specifically, the Policy seeks to:

- i. Formulate measures to prevent any form of sexual harassment in the University;
- ii. Institute appropriate actions to deal with sexual harassment cases in the unlikely event that they occur; and
- iii. Prescribe appropriate sanctions to perpetrators of sexual harassment in the University.

3. Definition of Terms

a) Sexual Harassment

It is defined as an interaction between individuals of the same or opposite sex that involves:

- i. Unwelcoming sexual advances
- ii. Requests for sexual favours
- iii. Unequal treatment on the basis of sex
- iv. Other unwelcome verbal and physical conduct based on an employee's or student's sex.

An unwelcome interaction occurs when:

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

b) Complaint

A verbal complaint or written document prepared by a victim of alleged sexual harassment in violation of this Policy with the consent of a witness.

c) Complainant

An employee/student or other person who reports or files a complaint of alleged sexual harassment.

d) Respondent

An employee/student or other person who is accused of improper conduct in a report or complaint of sexual harassment.

e) Committee

Anti-Sexual Harassment Committee established by the University of Energy and Natural Resources to oversee matters relating to sexual harassment.

f) Policy

Anti-Sexual Harassment Policy of the University of Energy and Natural Resources.

4. Composition of Sexual Harassment

Sexual harassment may be perpetrated by men or women of the same or opposite sex as the recipient. It may be committed by individuals or groups of co-workers, students, supervisors, or subordinates. Sexual harassment may include actions and/ or behaviours such as:

- i. Sexually-oriented physical contact or gestures such as touching, patting, or repeated brushing against another's body;
- ii. Unwelcoming propositions or requests for social dates or sexual activity; iii. Subtle pressures for sexual activity such as verbal teasing or abuse; iv. Unwelcoming sexually-oriented slurs, jokes, bantering, or suggestive comments;
- v. Displaying of sexually explicit or suggestive materials such as posters, pictures, cartoons or calendars in the office;
- vi. Sexually-oriented emails or viewing of sex-oriented websites in the office; vii. Sexually-oriented entertainment appearing at the office or any other work-related site or function (e.g. training, conferences, sporting activities etc held away from the work site)

5. Scope of the Policy

This Policy shall be applicable to the University community. These include officers and employees of the University, students, and persons who serve the University as its agents and are under the control of the University in all its locations and facilities.

6. Implementation and Compliance Institutions

The Vice Chancellor shall see to the effective implementation and compliance of the AntiSexual Harassment Policy. The Vice Chancellor shall ensure that:

- (i) The Anti-Sexual Harassment Policy is reflected in all the other policies of the University. This shall ensure that the Policy is given adequate consideration in all the deliberations in the University as a means of promoting a peaceful and friendly working and learning environment for employees and students. The implementation and compliance to the Anti-Sexual Harassment Policy shall be

stressed in all the other Policies of the University. These include the University Statutes, the Code of Conduct, the Quality Assurance Policy, the Students' Handbook and other regulations of the University.

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

6.1 Anti-Sexual Harassment Committee

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

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

- a. The composition is as follows:
 - i. Chairman appointed by the Vice-Chancellor
 - ii. A lawyer of at least 5 years good standing at the bar appointed by the Vice-Chancellor
 - iii. A representative each from UTAG, GAUA, FUSSAG, TEWU, SRC
 - iv. External member knowledgeable in Gender relations appointed by the Vice-Chancellor

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

b. Responsibilities and Roles of the Committee

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

- i. *Investigation:* The Committee shall receive and deal with specific complaints of sexual harassment in the University community as an investigative body in accordance with the grievance procedures outlined in this Policy.
 - ii. *Education and Training:* The Committee shall design education and training programmes to create awareness on the Policy. Such awareness creation programmes shall clearly state what constitutes sexual harassment, reporting procedures and the unit to report issues of sexual harassment to when the Policy is violated.
 - iii. *Documentation:* The Committee shall collect, keep and maintain records of reports of sexual harassment and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
 - iv. *Reporting:* The Committee shall prepare and submit an annual report to the ViceChancellor and the Academic Board on its work.
 - v. *Sanctions/Disciplinary Actions:* The Committee shall formulate and recommend appropriate sanctions to be applied to persons who violate this Policy.
- c. Term of office

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

7. Reporting Procedure

Employees or students shall report allegations of sexual harassment to the Anti-Sexual Harassment Committee. This shall be reported promptly so that cases can be investigated adequately and effectively with dispatch.

8. Rights of the Complainant

Any employee or student who alleges to be suffering any form of sexual harassment shall immediately report such alleged harassment to the Anti-Sexual Harassment Committee. No one shall fear the possibility of reprimands, teasing, retaliation, or facing any hostile working environment as a result of reporting a case of sexual harassment. The Committee shall

professionally address alleged cases of sexual harassment. Complainants shall have an opportunity to appeal when they are not satisfied with verdicts on cases they report to the Committee.

9. Rights of the Respondent

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

10. Right to Representation

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

11. False Representations

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

12. Review of Policy

This Policy shall be reviewed periodically by the Anti-Sexual Harassment Committee and other relevant stakeholders of the University community and approved by the Academic Board.

13. Counselling Unit

Students are encouraged to engage the counselling unit of the University for assistance.

Counselor: Rev. Dr. Isaac Ishmael Arthur

Tel: +233201377038

14. Management of Emergency health care

- Unwell students should not attend classes. If a student feels unwell, medical assistance should be sought immediately at the school clinic.

- In the instance of an injury, sudden illness or medical emergency occurs at school or during a school activity to a student, medical assistance should be sought immediately at the school clinic.
- Life-threatening conditions. - If you or someone else is experiencing the following symptoms, call 112 immediately.
 - ✓ Severe chest pain
 - ✓ Severe difficulty breathing
 - ✓ Unconsciousness
 - ✓ Severe loss of blood
 - ✓ Choking
 - ✓ Suspected stroke
 - ✓ Fitting or concussion
 - ✓ Drowning
 - ✓ Severe burns or scalds
 - ✓ Mental health crisis

APPENDIX I

EXAMPLES OF SEXUAL HARASSMENT BEHAVIOURS/ACTIONS

The following are some examples of behaviours or actions that shall constitute sexual harassment under this Policy if respondents are proven to be guilty by the Sexual Harassment Committee.

- i. Disciplining, pestering or dismissing a subordinate who ends a romantic relationship;
- ii. Excessive and unwanted attention in the form of love letters, telephone calls or gifts, stalking;
- iii. Inappropriate displays of sexually suggestive objects or pictures, cartoons, calendars, books, magazines;
- iv. Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender;
- v. Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails and text messages);
- vi. Retaliation from a person in authority due to refusal of sexual favours 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;
- vii. 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, rape, attempted rape, indecent assault, forcible natural sex, forcible anal sex, forcible oral copulation, sexual assault with an object, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault;
- viii. Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation;
- ix. Unnecessary and inappropriate touching, patting, pinching, hugging, or brushing against an individual's body; grabbing of parts of the body, kisses;
- x. Unwanted and persistent propositions for dates;
- xi. Unwelcome and inappropriate affectionate gestures;

- xii. Unwelcome leering, whistling, heckling, hooting at an individual, including namecalling;
- xiii. Unwelcome references to one's appearance or body where they cause psychological harassment, especially if such expressions are persistent;
- xiv. Unwelcome sexual advances whether they involve physical touching or not;
- xv. Unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience; and
- xvi. Unwelcome, unsolicited advances, and/or propositions of a sexual nature.

APPENDIX II: REPORTING PROCEDURES

Upon receiving complaints constituting sexual harassment, the following guidelines shall be followed:

- I. Informal Approach to dealing with sexual harassment
 - a. Where a member of the University Community feels that he or she is being or has been sexually harassed, such a member may attempt to resolve the matter directly with the alleged offender by advising that the sexually harassing behaviour is unwelcome, 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 their 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. A Complainant may request through the Committee, that an attempt is 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 shall be to facilitate discussion and to suggest alternative resolutions. The mediator shall 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 Committee.
 - d. In cases of sexual harassment or sexual abuse that are considered severe or extreme, such as attempted rape, rape, sexual battery, sexual assault with a weapon, nonconsensual anal copulation and the like, a Complainant shall be counselled to report to the Police and launch a formal complaint before the Committee instead of utilizing the informal approach.
 - e. 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.
- II. Formal Approach: Procedure for Launching and Receiving Formal Complaints

- a. A member of the University community who is being or has been sexually harassed, or is dissatisfied with the outcome of the informal approach shall make a formal complaint to the Committee for redress.
- b. The Complainant shall present his/her grievance orally to the Committee member designated to receive formal complaints. The Committee member shall listen to the complaint and discuss all options with the Complainant as well as explain the processes involved with the Complainant and also explain the processes involved in the formal grievance procedure.
- c. The purpose of the discussion shall be to inform and educate the Complainant. The Committee member at this stage shall not dissuade the Complainant from filing the written complaint.
- d. 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/her to write the complaint. The written complaint shall be read out and explained in the language he/she understands after which he/she shall sign or thumbprint.
- e. 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.
- f. The Committee shall notify the Respondent about the matter, and request that he/she files a written statement in response to the allegations within seven days. In the case of the Respondent's inability to write, the process in subsection (d) shall apply.
- g. The Committee shall conduct verbal hearings with the Complainant and the Respondent and their representatives if available. All proceedings shall be recorded.
- h. The Complainant shall be heard first in the presence of the Respondent. The Respondent may Cross-Question the Complainant before the Committee. The Respondent may then be requested to make his/her oral statement to state his/her side of the matter.
- i. The Committee may take testimonies of other relevant persons and witnesses where available and review the evidence.
- j. The Committee may conduct its own investigations into the matter, apart from considering the written and verbal testimonies of the parties.
- k. A decision shall be taken after careful review of the circumstances, the evidence adduced, statements and all other relevant information before the Committee.

- l. Any dissenting opinion among the Committee members shall be recorded together with the reasons for the dissent.
- m. Where a Respondent is found to have engaged in the sexual harassment behaviour, the appropriate sanctions shall be recommended by the committee.

III. Other Relevant considerations for the Work of the Committee.

(a) Evidence

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

- i. Written detailed account of the Complainant and the Respondent Witness statements (if any)
- ii. Statements of persons with whom the Complainant might have discussed the incident, or from whom advice may have been sought.
- iii. Any other documentary, audio, video, emails, phone texts, etc. Expert technical advice may be sought for such submissions.
- iv. In appropriate cases, the determination of a sexual harassment case may be based solely on the credibility of the Complainant's allegation if it is sufficiently detailed and internally consistent.
- v. Medical evidence, including DNA, if appropriate.

(b) Withdrawal of a Filed Complaint

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

(c) Refusal of Respondent to Respond to Notice of Filed Complaint 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.

(d) Complaints against a Member of the Committee

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

(e) 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 and issues, 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 given, 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.

(f) Decision-making

The investigation procedure shall be completed as promptly as possible and in most cases within 60 working days of the date, the request for formal investigation was filed.

(g) Sanctions

The Committee shall recommend appropriate sanctions or punitive measures where a Respondent has been found to have engaged in the sexual harassing behaviour. These sanctions include but are not limited to a formal apology, reprimand, leave without pay, demotions, transfer, suspension, termination, dismissal. These sanctions shall not operate to prejudice criminal action in the case of serious offences tantamount to the crime under the laws of Ghana.

(h) Appeal

If the Complainant or Respondent is aggrieved with the outcome of the investigations and/or the decision of the Committee, he or she shall have a right of appeal to the University of Energy and Natural Resources Appeals Board within seven days after the determination of the matter. The Appeals Board shall hear and determine the appeal in accordance with the Statutes of the University.

(i) Non-retaliation

During the process of investigation of a matter, retaliation from either party shall be strictly monitored by the Committee. An individual who is subjected to retaliation such as threats, intimidation, reprisals, or adverse employment 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 sexual harassment and will be subject to the same procedures.

(j) Confidentiality

The Committee shall maintain the 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.

(k) Referral for Counselling or other Psycho-Social Support

In appropriate cases, the Committee may request that either party to the case seeks counselling or support from a designated institution or personnel. The Committee may, at the request of a party to the matter, refer that party to the appropriate institution or personnel for counselling or for other psycho-social support.