

**TAKORADI TECHNICAL UNIVERSITY**



# **SEXUAL HARASSMENT POLICY**

**2021**

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## **SECTION 1- INTRODUCTION**

### **1.1 Background of Policy**

Sexual harassment is unlawful and unacceptable. A calm working environment is crucial for productive work. Takoradi Technical University, in its efforts to ensure a safe and calm working environment, has recognised the need for a policy on sexual harassment to guide its prevention and management. Sexual harassment is a behaviour that disrupts peace in most academic institutions and ought not be tolerated.

### **1.2 Purpose of Policy**

The University is committed to providing a safe and secure environment for all of its students and employees. This policy defines prohibited conducts and outlines the procedures Takoradi Technical University would adhere to with respect to Sexual Harassment grievance reporting, conduct of investigation and sanctions. The establishment the Sexual Harassment Committee is also highlighted in this policy.

### **1.3 Objectives of the Policy**

The objectives of this policy are to:

1. Spell out what constitutes sexual harassment in the University.
2. Prevent sexual harassment and misconduct by introducing preventive education and training

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programmes to all employees and students of the University.

3. Ensure that harassment is deemed unacceptable amongst all members of the University.
4. Display rules and penalties against sexual harassment in the workplace and prominent places throughout the University community.
5. Provide a framework for investigating allegations and grievance reports of incidents of sexual harassment and sexual misconduct in the University.
6. Administer appropriate disciplinary measures when a violation is found to have occurred, as provided by this policy.
7. Ensure that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face retaliation or stigmatisation.
8. Ensure that all records regarding complaints of harassment are treated with utmost confidentiality.

### **1.4 Scope of the 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 applies to all on and off campus engagements, including internship, University athletic events and other sponsored and supported events of the University.

## **SECTION 2- DEFINITION OF SEXUAL HARASSMENT AND ITS RELATED TERMS**

### **2.1 Definition of Sexual Harassment**

Sexual harassment has been defined as:

*Unwelcome sexual advances, requests for sexual favours 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. (Equal Employment Opportunity Community [EEOC], 1964; AWLA, 2003:10).*

The Ghana Labour Act, 2003 (Act 651) Section 175 defines sexual harassment as:

*‘Any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or woman’.*

Takoradi Technical University recognises Sexual Harassment as an unwelcome sexual advance(s), request(s) for sexual favours and other verbal or physical conduct of a sexual nature that tend to create a hostile or offensive work environment, including on and off campus engagements,

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including internship, University athletic events and other sponsored and supported events of the University.

Anyone can be a victim of sexual harassment, regardless of the sex of the victim and of the sex of the harasser. The University again recognises that sexual harassment may also occur between people of the same sex; what matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. The University also prohibits sexual relationships between individuals where there is an imbalance of power such that one individual is in a position to make decisions that affect the educational opportunities or career of the other.

### **Examples of conducts or behaviours which constitute sexual harassment include, but are not limited to:**

#### **Physical conduct**

- a. Unwelcome, unsolicited advances, and/or propositions of a sexual nature;
- b. Unwelcome sexual advances whether they involve physical touching or not;
- c. Unwelcome and inappropriate affectionate gestures;
- d. Unnecessary and inappropriate touching, such as palling, pinching, hugging, or brushing against an individual's body; grabbing of parts of the body, kisses etc.;
- e. Disciplining or firing a subordinate/colleague who ends a romantic relationship;
- f. 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;

- g. Sexual assault, which is an unwanted sexual act done without the consent to 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.

### **Verbal conduct**

- a. Unwanted and persistent propositions for dates;
- b. Excessive and unwanted attention in the form of love letters, telephone calls or gifts, stalking;
- c. Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess, sexual innuendos;
- d. Insults 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;
- e. Unwelcome references to one's appearance or body where they cause psychological harassment, especially if such expressions are persistent;

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- f. 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.

### **Non-verbal conduct**

- a. Unwelcome heckling, eyeing, whistling, hooting at an individual, including name-calling;
- b. Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails and text messages);
- c. Inappropriate displays of sexually suggestive objects or pictures, cartoons, calendars, books and magazines.

### **2.2 Sexual Misconduct**

The term "sexual misconduct" refers to a category of crimes that are sexual in nature. For example, sexual misconduct is any act that a person engages in for the purpose of sexual gratification, which is either against the other person's will or without his or her consent.

In addition to sexual harassment, other forms of sexual misconduct include the following:

- i. Sexual or amorous behaviour with students or subordinates.
- ii. Staff exploiting relationships with subordinate staff or students for sexual ends.

- iii. Staff conferring undue favours to influence subordinate(s), staff or students to yield to sexual desires, sexual abuse or sexual assault.
- iv. Sexually exploitative and degrading behaviour.
- v. Retaliatory and abusive behaviours directed towards either former relationship partners or individuals who have rejected the sexual advances of another sexual intimidation.

### **2.3 Definition of other related terms**

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

#### **2.3.1 Member(s) of the University Community**

This encompasses students (undergraduate, graduate and professional students), faculty members and employees of Takoradi Technical University in Takoradi and its decentralised locations, including affiliate institutions in Ghana and abroad. For clarity, Faculty includes: fulltime, retired, visiting and contract academics. It also extends to members of the University Governing Council.

#### **2.3.2 Complainant**

A 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 (in charge of sexual harassment) of the University of an incident of sexual harassment experienced by that individual or group from

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another member of the University community who operates within an area or programme over which the University has supervisory jurisdiction.

### **2.3.3 Respondent(s)**

A respondent(s) is/are member(s) of the University Community against whom an allegation of sexual harassment is imputed.

### **2.3.4 Sexual Harassment Investigative Committee**

This is a committee established/constituted by the University to hear, investigate and recommend appropriate action(s) to address issues of complaint(s) of sexual harassment.

### **2.3.5 Disclosure**

The intentional or unintentional release of information by either verbal or written means and through communication channels such as Electronic – phone, text messages (SMS), videos, 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.

### **2.3.6 Reporting**

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

### **2.3.7 Sexual Assault**

This refers to 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 etc. perpetrated by any member of the University community.

### **2.3.8 Cyber Sexual Harassment**

Cyber sexual harassment refers to harassment originating or transmitted through electronic media, including unsolicited emails, videos, audios, photos, graphics, Short Message System (SMS) and other proposals made via electronic information systems.

### **2.3.9 Gender-based Harassment**

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

## **SECTION 3- IMPLEMENTATION AND COMPLIANCE INSTITUTIONS**

To ensure that this Policy is implemented to make meaningful impact, rules and regulations shall be enacted to guide its application. Members of the University community have a responsibility to adhere to this 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 Takoradi Technical University Council shall have the overall responsibility for ensuring that the University community complies with this Policy on 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 this Policy on Sexual Harassment and would be responsible for:

- a. Constituting an appropriate body such as 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 Sexual Harassment Investigative Committee**

The Vice-Chancellor shall establish a five (5) member Sexual Harassment Investigative Committee with nomination from members of the University Community. The Committee Members shall constitute the following:

1. A chairperson;
2. A representative of the Legal Board (with a Human Rights/Administrative Law bias);
3. A representative of the Legal Office;
4. A representative of the Guidance and Counselling Unit; and
5. A representative of the Gender Unit.

The Registrar shall appoint a Secretary who shall not be below the rank of an Assistant Registrar to the committee.

However, the underlisted outfits would appear as part of the committee's membership when the complainant in question belongs to that particular association/union:

1. A representative of Technical University Teachers' Association of Ghana (TUTAG, TTU);
2. A representative of Technical University Senior Administrators' Association of Ghana (TUSAAG, TTU);
3. A representative of the Students' Representative Council (SRC);
4. A representative of the Graduate Students' Association of Ghana (GRASAG, TTU); and

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5. A representative of Teachers and Educational Workers' Union (TEWU, TTU).

\*A representative of the University Clinic, preferably the University Medical Superintendent would be a member to the committee depending on the severity of the complaint (i.e., medically/clinically).

Gender sensitivity shall be strongly considered in the nomination of committee members. Each member would serve a two-year term of office, subject to nomination to serve an additional two years.

(ii) Responsibilities

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

- a) Planning and implementing the University's education and training programmes on sexual harassment and misconduct. The programmes shall include wide dissemination of this Policy to the University community through the provision of educational materials to promote compliance with this Policy and familiarity with local reporting procedures and training of other University personnel who may be responsible for responding to informal reports of sexual harassment.
- b) Maintaining records of reports of sexual harassment and misconduct cases as well as actions taken in response to reports.



- c) Preparing and submitting annual reports on its work to the Vice-Chancellor and/or the University Council.
- d) Investigating specific complaints of sexual harassment and misconduct.
- e) Prescribing and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy.

### **3.4 The Guidance and Counselling Unit**

The Guidance and Counselling Unit 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 in order to foster development and wellbeing of affected staff and students.

## **SECTION 4 – STRATEGIES AND PROCEDURES FOR ADDRESSING SEXUAL HARASSMENT**

### **4.1 Grievance Procedure**

Anyone who is subjected to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. If a victim cannot directly approach an alleged harasser, he/she can approach one of the Sexual Harassment Committee members responsible for receiving complaints of sexual harassment.

When a designated person receives a complaint of sexual harassment, he/she shall:

- a. Immediately record the dates, times and facts of the incident(s).
- b. Ascertain the views of the victim as to what outcome he/she wants.
- c. Ensure that the victim understands the University's procedures for dealing with the complaints.
- d. Discuss and agree on the next steps, either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.
- e. Keep a confidential record of all discussions.
- f. Respect the choice(s) of the victim.

The following approaches shall therefore be used in dealing with Sexual Harassment and Misconduct. To promote timely

and effective investigation and adjudication 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.

A victim of Sexual Harassment or Misconduct, has two options to resolving/reporting the case.

These are:

- i. Informal Approach
- ii. Formal Approach

#### **4.1.2 Informal Approach**

If the victim wishes to deal with the matter informally, the Committee member whom the issue was reported to would:

- a. give an opportunity to the alleged harasser to respond to the complaint.
- b. ensure that the alleged harasser understands the complaints mechanism.
- c. facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant.
- d. ensure that a confidential record is kept of what happens.
- e. follow up after the outcome to ensure that the behaviour has stopped.
- f. ensure that the above is done speedily and within seven (7) days of the complaint being made.

### **4.1.3 Formal Approach**

Any student or employee who perceives herself/himself to have been subjected to a sexually harassing experience or has been subjected to some retaliation following a sexual harassment incident has the right to register a formal complaint. 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 Sexual Harassment Investigative Committee or a member of the Committee.

Furthermore, 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 members of the Committee. Such a complaint shall be handled by the University's Sexual Harassment Committee.

### **4.1.4 Evidence**

The items stipulated below may be considered as evidence during the hearing of a case:

- a. Written detailed account of the Complainant and the Respondent.
- b. Witness statements (if any).
- c. Statements of persons with whom the Complainant might have discussed the incidents or from whom advice may have been sought.

- d. Any other documents, audio-visual recordings, electronic communication including but not limited to e-mails, phone texts and WhatsApp messages.
- e. Expert technical advice may be sought, if necessary.
- f. Medical evidence, including Deoxyribonucleic acid (DNA) test results, if appropriate.

#### **4.1.5 Confidentiality**

All information disclosed to the Sexual Harassment Committee shall remain confidential to the extent permitted by law and University policy. Discussions with any representative of any office such as the Dean of Students' Affairs or a Union leader will not be considered as an official report to the University regarding the reported misconduct.

It must be emphasised that CONFIDENTIALITY is crucial to the entire sexual harassment mediation procedure. There must be no excuse for any member of the Committee, contact persons, University administration, support persons or any other interested party to violate the confidentiality of any of the participants in the process.

#### **4.1.6 Investigations, Findings and Outcome Notification**

The Committee shall prepare a written report at the conclusion of an investigation. The following shall be adhered to:

1. The Sexual Harassment Investigative Committee shall, within seven days of the close of hearing, write a draft report on the outcome of the investigations.

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2. The Committee's draft report shall contain:
  - i. A summary of the Complainant's allegations;
  - ii. A summary of the Respondent's statements in response to the allegations; and
  - iii. A description of the relevant information provided by witnesses(es) or obtained from documents, including comments submitted in response to the draft report and the Committee's analysis and findings.
3. Complainants or Respondents shall be given the opportunity to comment about their own statement or the investigation summary provided. They shall have to respond not later than five (5) calendar days after being given the invitation by the Sexual Harassment Committee to do so.
4. Following the receipt of any comments made, the Committee shall address any identified factual inaccuracies or misunderstandings, as appropriate, and make a final determination.
5. The Committee's final written report shall be submitted to the Vice-Chancellor and shall contain, but may not be restricted to the following:
  - i. A summary of the investigation;
  - ii. The Committee's findings;
  - iii. A summary of the Committee's rationale in support of the findings; and
  - iv. Recommendations and interventions.

6. The Vice-Chancellor shall study the report and the recommendations of the Sexual Harassment Investigative Committee and make final decisions on the recommendations within 14 calendar days upon receipt of the report.

#### **4.1.7 Appeals Procedure**

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

#### **4.1.8 Sanctions**

If the Respondent is found responsible for the reported misconduct, the University shall initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence and remedy its effect while supporting the University's mission and vision obligations. These sanctions should also serve to promote safety and deter students, workers and faculty from similar future behaviours.

**APPENDIX**

**TAKORADI TECHNICAL UNIVERSITY  
SEXUAL HARASSMENT COMPLAINT FORM  
(CONFIDENTIAL)**

**A. COMPLAINANT'S PROFILE**

NAME: .....AGE:.....  
CELL PHONE & E-MAIL:.....  
STATUS: STUDENT/NON-STUDENT (OTHER).....  
ADDRESS/DEPARTMENT/HALL:.....  
.....  
.....  
POSITION/REGISTRATION No. & LEVEL.....  
DATE(S) & TIME(S) OF INCIDENT(S).....

**B. ALLEGED PERPETRATOR'S PROFILE**

NAME: .....AGE:.....  
CELL PHONE & EMAIL:.....  
STATUS: STUDENT/NON-STUDENT (OTHER).....  
ADDRESS/DEPARTMENT/HALL:.....  
POSITION/REGISTRATION No. & LEVEL:.....



**C. RELATIONSHIP WITH ALLEGED PERPETRATOR**

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**D. DESCRIPTION/NATURE OF COMPLAINT**

PROVIDE A SUMMARY OF THE INCIDENT(S) IN THE BOX BELOW. YOU MAY ADD AN ATTACHMENT

**E. PREFERRED (IMMEDIATE) OPTIONS**

Medical attention

Police report

Legal action

Professional counselling

Notify family member

Other

**F. ANY OTHER RELEVANT INFORMATION  
(such as details of any previous report(s) made):**

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.....

**G. CONFIRMATION**

I confirm that the information provided on this form is a true reflection of what happened to me, and I also subject myself to investigation by the Sexual Harassment Committee for the facts to be verified an appropriate action(s) taken.

SIGNATURE OF COMPLAINANT .....

DATE:.....

SIGNATURE OF RECEIVING OFFICER .....

DATE:.....