UNIVERSITY OF PROFESSIONAL STUDIES ACCRA

ANTI-SEXUAL HARASSMENT POLICY

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1.0 INTRODUCTION

The University of Professional Studies, Accra aims at fostering an environment where its staff, students, and others will be treated with respect and dignity. The University has zero tolerance for sexual harassment and seeks to create and maintain a congenial atmosphere for work and study. Sexual harassment tarnishes the image of the University and threatens the careers, educational experiences, and well-being of students, faculty, and staff. This policy is intended to educate the University community, regulate its behavior to one another accordingly and thus help eliminate sexual harassment in all its forms.

2.0 AIM

It seeks to engender the creation of a working environment where all members of the University community are educated about the nature of sexual harassment and the need for its prevention, treating each other with dignity, courtesy and respect. The policy further seeks to ensure University-wide compliance with the zero-tolerance stance and encourage the thorough investigation and sanctioning of all those found to have violated the policy.

3.0 OBJECTIVES

The specific objectives of the policy are to:

- Enhance individual community members' understanding of their rights and responsibilities in relating to one another;
- Improve University-wide awareness of the nature of sexual harassment through training;
- Discourage sexual harassment in all forms;
- Ensure fair, and timely disciplinary measures in the case of violations;
- Encourage sexual harassment complaint/reports and provide appropriate procedures; and
- Put measures in place to protect all parties in an ongoing sexual harassment investigation, from victimization and/or reprisal.

4.0 SCOPE

All employees and students of the University, those who serve as agents of the University, as well as those who conduct business on the premises of the University or participate in activities at the University, are subject to this policy. The policy applies to behaviours that occur between persons that are subject to this policy. Furthermore, the intent of this policy shall be reflected in the University's relations with its contractors, encouraging the adoption and implementation of similar policies.

5.0 DEFINITIONS

For the purpose of this policy:

Behaviour - a verbal or non-verbal act, explicit, overt or suggestive.

Complainant - the person(s) who lodge a formal complaint under this policy, or person(s) who have allegedly suffered acts of sexual harassment as defined in the policy.

Confidentiality - all persons involved in a sexual harassment incident under investigation by the Anti-Sexual Harassment Committee (ASHC), are obliged not to divulge the details of the case outside of the hearing.

Formal Complaint - a written, signed and dated complaint/report submitted to the Gender Office of the University.

Officer - A member of the university community designated by the ASHC as authorized to receive and forward sexual harassment complaint/report to the Gender Office of the University.

Reporter - a person(s) who witnesses or receives an information on violations of this policy and formally reports same to the University.

Respondent - the person(s) named in a formal complaint filed under this policy as the alleged perpetrator(s) of behaviour considered to be a violation of this policy.

Staff Member - an employee of the University or a person who has agreed to be bound by the rules and policies of the University relating to employment.

Student - a person who has been admitted and is presently registered for a course or programme in the University or is classified as having an 'uncompleted' status in the University.

6.0 SEXUAL HARASSMENT

(i) Under this policy, sexual harassment is considered to be any behaviour of a sexual nature towards another person which is unwelcome, offensive and/or that which creates a hostile or intimidating work environment for the person affected, thereby violating his/her rights.

(ii) There shall be no tolerance whatsoever of acts of sexual harassment i.e. zero-tolerance, implying that all staff, students and agents of the University are obliged to formally report all behaviours considered to be sexual harassment under this policy.

(iii) Where an Officer of the University, identified as capable of receiving a complaint/report of sexual harassment fails to receive such a complaint/report, that Officer commits a misconduct and is subject to disciplinary proceedings.

(iv) Where an Officer of the University, clothed with authority to receive complaint/report of sexual harassment, receives such a complaint/report but fails to forward same to the Gender Office of the University, that Officer commits a misconduct and is subject to disciplinary proceedings.

(v) The University's duly constituted ASHC, determines what constitutes sexual harassment in any formally documented complaints/reports. In determining whether a conduct constitutes sexual harassment, the following factors but not limited to same, may be taken into account:

(a) whether the behaviour was on the grounds of sex and/or gender (regardless of the sexual orientation of either the complainant/reporter or the alleged respondent);
(b) whether the behaviour, in context, was unwelcome;
(c) the nature and extent of the behaviour; and

(d) that, previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome.

7.0 THE ANTI-SEXUAL HARASSMENT COMMITTEE

7.1 Composition of the Anti-Sexual Harassment Committee

There shall be an Anti-Sexual Harassment Committee, which shall be appointed by the Vice Chancellor, with the following composition:

- Senior member of the rank of Professor or Director (Chair)
- Representative of the Legal Directorate
- Representative of the Medical Directorate
- Dean of Students
- One Representative of SRC/GRASAG
- Representative of the Gender Office

7.2 Functions of the Anti-Sexual Harassment Committee

The functions of the Anti-Sexual Harassment Committee shall be to:

- Receive sexual harassment complaints/reports from the Gender Office;
- Hold meetings on such cases to effect necessary investigations of such complaints/reports;
- Document all such complaints/reports and the action taken by the committee;
- Make recommendations on such complaints/reports to the Vice-Chancellor;
- Monitor University-wide compliance with the Anti-Sexual Harassment Policy;
- Regularly review the Anti-Sexual Harassment Policy of the University;
- Ensure the training and education of the University community on matters of sexual harassment; and
- Ensure the issuance of policy directions, notices and briefs that are consistent with the events of the time.

8.0 REPORTING PROCESS

In case of emergency, incidences of sexual harassment can be immediately reported to:

- The Gender Office located at the 3rd Floor of the J. J. Martey Building or call: 0244509521
- An email may be sent using this address: quickhelp@upsamail.edu.gh

9.0 COMPLAINTS PROCEDURE

The following guidelines shall apply in the handling sexual harassment complaint/report:

a. The complainant or reporter is required to make a written statement of the alleged behaviour to the Gender Office, for it to be considered a formal complaint/report for the consideration of the ASHC. Where appropriate, the Gender Office may see to it that immediate medical care and/or counselling is provided;

b. The Gender Office notifies the Chair of the ASHC; and

c. For as long as is required, the ASHC immediately institutes care and/or protective measures for the complainant/reporter. These may include but not limited to appropriate confidential support and other resources, medical and counselling services, prevention/addressing of potential retaliatory conduct and separation of the complainants/reporter and the respondent work space.

10.0 ASHC RESPONSES/OUTCOMES

(i) On receiving a complaint/report, the ASHC is required to institute an investigation, causing all relevant persons to appear before it to assist with the investigation;

(ii) Within seven (7) days of the close of its investigations, the ASHC shall prepare a written draft report of the outcomes of its investigations, including any recommendations, adhering to the following:

1. The Committee's draft report shall contain:
    i. a summary of the complainant's/reporter's allegations;
    ii. a summary of the respondent's statements in response to the allegations;
    iii. a description of the relevant information provided by witnesses or obtained from documents including comments submitted in response to the draft

report; and

iv. the Committee's analysis and findings.

2. The Committee's final written report shall be sent to the Vice-Chancellor within fourteen (14) days of the completion of its draft written report 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.
3. The Vice-Chancellor shall study the report and the recommendations of the ASHC and make final decisions on the recommendations.

11.0 CONFIDENTIALITY

Due to the sensitive nature of harassment issues, the University will make every effort reasonably possible to preserve an individual's privacy and protect the confidentiality of information. Persons found to have violated the 'Confidentiality' rule are deemed to have misconducted themselves and are subject to disciplinary proceedings.

12.0 VICTIMIZATION

Where an individual makes a complaint/report in good faith, gives evidence in proceedings or gives notice of intention to do so, they should not be victimized or subject to sanctions. Victimization as a result of making sexual harassment allegations will be regarded as a serious breach of discipline and will result in a formal investigation. Persons found to have violated the 'No Victimization' rule are deemed to have misconducted themselves and are subject to disciplinary proceedings.

13.0 FALSE COMPLAINTS

If, following an investigation, a complaint is found to be untrue and malicious or reckless, the relevant disciplinary procedure may be invoked against the individual who is found to have been

acting in a reckless or malicious manner or knowingly abused the University Policy on Anti-Sexual Harassment.

14.0 WITHDRAWAL OF A FORMAL COMPLAINT

A complainant/reporter may withdraw a case that has been filed any time after filing and during the process of the investigation. In such a case, the complainant/reporter shall state in writing the reasons for withdrawal of the complaint and append his/her signature to the statement.

Where the ASHC has a course to believe that the case is being withdrawn as a result of retaliatory measures against the complainant/reporter, then the Committee reserves the right to investigate the circumstances surrounding the withdrawal.

15. 0 CONTACTING THE POLICE

The complainant/reporter has the liberty, at any time during the process of reporting and the subsequent investigations, to make a formal report to the police. Where such an option is chosen, the ASHC and the Gender Office shall cooperate fully with the police.