



# CAPE COAST TECHNICAL UNIVERSITY

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## SEXUAL HARASSMENT POLICY

2016

## **Introduction**

Sexual Harassment is an unwelcome behavior which is frowned upon in the academic environment because of its intimidating nature or inappropriate promise of rewards in exchange of sexual favours. It is embedded with diverse unacceptable behaviors ranging from seemingly mild transgressions and annoyances to actual sexual abuse or sexual assault.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. It is must noted that sexual harassment may also occur between people of the same sex. What is of concern in this policy document is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Cape Coast Technical University considers such behavior, whether physical or verbal to be breach of its standards of conduct as enshrined in The Technical Universities Act; 2016.

The Technical Universities Act; 2016. Act 922, (Section 6) states that the functions of a Council of a Technical University shall include:

(j): ensure the creation of an environment of equal opportunities for members of that

Technical University without regard to ethnicity, sex, race, religious belief or political affiliation.

Every member of the University including agents of the university with which there exist some relationship in business, service or professional have a right to work in an environment free from the demoralizing effects of harassment or unwelcome offensive or improper conduct. Sexual harassment based on age, race, ethnic background, sexual orientation, gender or religious beliefs must not be tolerated at any level in the institution. In the light of the fact that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcomed by the recipient, Cape Coast Technical University will seek to prevent such incidents and take corrective action when sexual harassment occurs.

### **The Purpose of the Sexual Harassment Policy Statement**

The Cape Coast Technical University is committed to creating an awareness of sexual harassment menace while providing an atmosphere that is free from the fear of any form of sexual harassment in the community and its environs. The individual's submission to or rejection of sexual harassment advances is used as the basis for academic or employment decisions which invariably affects that individual. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment. The University seeks to encourage members to conduct themselves in a manner that will eliminate the tendencies for sexual harassment and also support victims of sexual harassment to seek redress without fear of reprisal.

## **The Sexual Harassment Policy Statement**

The Technical University of Cape Coast is committed to providing a safe environment for all its students and staff free from discrimination on any ground and from harassment at work including sexual harassment. All incidents of sexual harassment will be taken seriously and treated with respect and in confidence. Five (5) key policy statements have been identified and outlined in this policy document.

### **Policy 1: Sexual Harassment**

#### Physical conduct

Unwelcome sexual advances in the nature of physical contact including inappropriate touching, patting, pinching, stroking, kissing, hugging and fondling.

#### Verbal conduct

Requests for sexual favours including persistent use of sexually degrading words or sounds to describe a person, his/her appearance, age, private and on stories or jokes with sexual backgrounds. Repeated and unwanted social invitations for dates or physical intimacy. Insults based on the sex of someone and condescending or paternalistic remarks as well as sending sexually explicit messages by phone or by email.

#### Non-verbal conduct

Display of sexually explicit or suggestive material and sexually-suggestive gestures including but not limited to whistling and grinning.

## Sexual Assault

The forcibly and aggressive requests for sexual favours and acts as in being forced to give or receive oral sex or putting a penis, object or other parts of the body into someone's mouth, anus or vagina. It also includes use of weapon(s) to threaten the victim and rape. (SAPAC,2016)

## **Policy 2: Abuse of Authority**

A demand by a person in authority for sexual favours which includes the use of threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favours will affect her reputation, education, employment, advancement, or standing in the institution

## **Policy 3: Hostile Environment**

Hostile environment exists when one's behavior within a workplace creates an environment that is difficult for another person to work in. Common among such sexual harassment include sexually-suggestive photos like pornographic pictures or cartoons displayed in the workplace, use of sexual language, sexual remarks or jokes and the physical interference with movement.

It is important to note that sexual harassment that creates a hostile or abusive work environment can include behavior of supervisors,

coworkers, and non-employees at a work site or work- related site. A hostile environment may also be created when management acts in a manner designed to make an employee quit in retaliation for some action.

#### **Policy 4: The Importance of Consent in Sexual Harassment**

Consent to any sexual activity is pivotal to the reduction and prevention of sexual assault and coercion. Consent is a voluntary, sober, enthusiastic, informed, mutual and verbal agreement. It is an active agreement and cannot be coerced. Both people should be involved in the decision to have a sexual activity of any sort.

Consent means the voluntary agreement of the complainant to engage in the sexual activity in question. The victim of sexual touching must freely consent to the act, and must understand the nature of the act being consented. The agreement is expressed by the words or conduct of another person other than the victim. The complainant is incapable of consenting to the authority. The accused by abusing a position of trust, power or authority induces the complainant to engage in the act. The complainant has consented to engage in a sexual activity, expresses by words or conduct a lack of agreement to continue to engage in the authority. Consent is never implied and cannot be assumed even in a relationship. The absence of No does not mean Yes.

#### **Policy 5: Retaliation**

Retaliation and backlash against a victim of sexual harassment are very common. This is where the individual suffers a negative action such as being given low grades, denial of work or academic opportunities, denial of promotion, unfavorable job-assignment or having their project work sabotaged. Sexual harassment retaliation takes various forms and different employment actions also constitute retaliation.

Any action by an employer that can discourage future complaints may qualify as a retaliatory act when done in response to a complaint of sexual harassment. Generally, the following employment actions following shortly after a complaint or resistance of sexual harassment may signal evidence of retaliation: termination, demotion, unfavorable transfer, pay cut, removal from the schedule, reduction of hours, suspensions, write-ups or reprimands, management hostility, harder worker, menial tasks, changed schedule designed to oppress, reduced schedule, isolation, denial of needed help, ostracism, bad review or evaluation, unexplained or unsupported customer or co-worker complaints, accusations of poor work performance, sudden increase in workload, denial of breaks, vacations or benefits.

### **Policy 6: Third Party**

The Technical University prohibits sexual harassment by third party towards members of the University community when the third party has been brought into contact with the member through a programme or an

activity of the institution. Although individuals outside the university community are not subject to discipline under the university's internal processes, the university will take prompt corrective action to eliminate sexual harassment and prevent its recurrence in those circumstances.

Any student or employee of the university who believes that she or he has been sexually harassed by an individual who is not a member of the university community during a programme or an activity should report the alleged sexual harassment to the various outfits provided or to the administrator of the school or the department responsible for the said programme or activity.

### **Policy 7: Intentionally Filing False Report**

Sexual harassment usually involves interactions between persons that may not be witnessed by other persons. Due to this, it is a known fact that reports of sexual harassment cannot always be substantiated by additional evidence. Lack of proof should therefore not discourage individuals from registering reports of harassment under this Policy. However, the university is mindful of the fact that complaints may be false. In this regard, any member of the university community who intentionally make reports that are later found to be false or made maliciously without regard for the truth to mislead university officials who are investigating or reviewing a complaint of alleged sexual harassment will be subjected to disciplinary action, up to and including dismissal for students and discharge for employees.

## **Policy 8: Time Limit**

The university can most effectively investigate and respond to alleged sexual harassment if the complaint is made as promptly as possible after the alleged sexual harassment occurs. Under this policy, a written complaint must be filed within one (1) week of the occurrence of the alleged harassment.

Where the complaint is connected to other related incidents, the time limit shall be within one of the most recent incident and within a reasonable time. The respondent will be informed of the complaint lodged against him/her within four working days of receiving a written complaint.

Depending on the gravity of the offence and its complexity, investigations of sexual harassment will normally be completed within two weeks. If for any reason the investigation cannot be completed within that time frame, both the complainant and the respondent will be informed of the reasons for the delay and an estimated date of completion.

## **Policy 9: Confidentiality**

The review of sexual harassment complaints and formal investigations will be conducted in confidentiality and to the extent permitted by law, except where the information needs to be disclosed for further investigation into the matter for corrective action to be taken.

## **Policy 10: Cooperation**

Members of the University community are expected to assist in the University's investigations of alleged sexual harassment. In the absence of cooperation, the investigation will generally be carried out based on the available information.

## **Policy 11: Complaints Procedures**

Complaints of sexual harassment can be dealt with through the normal Technical University complaints procedure, adopting specific complaints procedures to deal with sexual harassment to respond better to the needs of victims and to ensure that investigations are carried out properly. Individuals who deal with sexual harassment complaints should be trained specifically on this issue and on the nature of sexual harassment. Further, victims of sexual harassment may want to resolve the matter in different ways. Some may be happy with an informal resolution and for the matter to stop and others may want more formal measures.

Informal resolution mechanisms may be inappropriate where the allegation is serious or where the harasser is also the victim's supervisor. It is important that the University's complaints procedures reflect these different needs and ways of resolving conflict. The Management of Cape Coast Technical University shall nominate some senior members both teaching and non teaching and provide them with special training to enable them play the role of counselors for each of the departments. They shall be referred to Departmental Counselors and will be responsible for

receiving complaints of sexual harassment and to assist victims of sexual harassment because sexual harassment often occurs in unequal relationships within the workplace and so victims often feel that they cannot come forward.

When a counselor receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ensure that the victim understands the University's procedures for dealing with the complaint
- keep a confidential record of all discussions
- respect the views of the victim

Throughout the complaints procedure, a victim is entitled to be helped by a counselor within the University.

### **Policy 12: Formation and Role of Sexual Harassment Committee**

The departmental Counselor who initially received the complaint will refer the matter to the Sexual Harassment Committee to instigate a formal investigation. A seven member committee will be set up to look into all cases relating to sexual harassment. The committee will comprise the Dean of Students' Affairs, the Students' Counselor, Personnel and Welfare Officer or his/her representative, two representatives of the Academic Board, a representative of SRC, and the Student Chaplain. The

Vice-Chancellor will appoint the Chairman for the committee. The committee will sit and consider the totality of the conduct: the circumstances and the context in which the alleged harassment occurred. The Committee shall record all proceedings and a comprehensive report including recommendations would be forwarded to the Vice-Chancellor for the appropriate action to be taken.

The Role of the Committee among others will be to:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim.
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within fourteen (14) days of the complaint being made

### **Policy 13: Sanctions and Disciplinary Measures**

Anyone who has been found to have sexually harassed another person under the terms of this Policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages (in case of a staff)
- transfer (in case of a staff)
- demotion (in case of a staff)
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the harasser being handed over to Law and Enforcement Agency for prosecution.

#### **Policy 14: Processing Complaints**

All complaints of alleged sexual harassment filed with the various Departmental Counselors will be investigated under the oversight of the Sexual Harassment Committee. All formal complaints of sexual harassment received will be processed under the conditions of this Policy after clearance has been sought from the Vice-Chancellor. The Committee may also determine whether an investigation is warranted without a formal complaint if the institution has sufficient evidence that

harassment might have occurred. Both the complainant and the alleged harasser will be informed of the outcome of the investigation.

### **Policy 15: Implementation of this Policy**

Cape Coast Technical University will ensure that this Policy is widely disseminated to all relevant persons within the University's community. It will be issued along with the Students handbook to fresh students and all new employees must be educated on the content of this Policy as part of their orientation and induction into the University.

### **Policy 16: Monitoring and Evaluation**

Cape Coast Technical University recognizes the importance of monitoring this sexual harassment Policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. The Chairman of the Sexual Harassment Committee and Departmental counselors dealing with sexual harassment cases will report on compliance with this Policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the university will evaluate the effectiveness of this Policy and make any changes needed.

## **SEXUAL HARASSMENT COMPLAINT FORM**

**COMPLAINANT'S PROFILE**

Name:..... Age.....

Cell Phone & Email: .....

Status: Student  Non-student  Others

Address.....

Department.....

Hall:.....

Date(s) & Time(s) of Incident(s): .....

**Alleged Perpetrator's Profile**

Name:.....

Age:.....Telephone & Email .....

STATUS: Student  Non-student  Others

Address.....

Department.....

Hall:.....

**Relationship with Alleged Perpetrator**

.....  
.....  
.....

**DESCRIPTION/NATURE OF COMPLAINT**

Provide a Summary of the Incident (s) in the Box below. You may add an Attachment if possible.

**PREFERRED (IMMEDIATE) OPTIONS**

Medical Attention

Police Report

Legal Action

Professional Counseling

Notify Family Member

Other

ANY OTHER RELEVANT INFORMATION (Such as details of any previous report (s) made):

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.....  
.....  
.....

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: .....