

DAMBAI COLLEGE OF EDUCATION



ANTI-SEXUAL HARRASSMENT POLICY

DACE/ASHP001/2020

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ANTI-SEXUAL HARRASSMENT POLICY

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1. INTRODUCTION

Sexual harassment is a complex unlawful and distasteful phenomenon that violates the rights of persons, affect their behaviours, perceptions and norms of the society. Over the years, pervasiveness of sexual harassment has become a major concern of national and international bodies. As a violence against women, sexual harassment is ubiquitous and insidious because culprits see it as a ‘normal’ behaviour and not an assault against victims. Several conventions and recommendations affirms that sexual harassment is a serious manifestation of sex discrimination and a violation of human rights, and should be an integral part of legislation or policy formulation.

The College will not in any way tolerate any form of sexual harassment given the devastating effects that it can have on individuals, families, the College community and the society.

The College is committed to developing educational environment that promotes equality, diversity of values and upholds a working, learning and social environment in which the rights and dignity of all members (staff and students) of the College are highly respected. The College seeks to use this Anti–Sexual Harassment Policy to create an academic environment where both staff and students feel safe, secure and can develop in dignity and respect for all. This policy provides guidelines to addressing sexual harassment within the College community.

2. POLICY STATEMENT

The right to education and work are absolute rights of every citizen. The right to safe living condition, learning and working environment and equal treatment at the workplace are important factors to consider. The right of students and employees alike to learn or work can be seriously affected by menaces of sexual and gender based violence when they are subjected to any form of sexual harassment within their learning and working environments. Every human being has the fundamental right to work, learn or live in a dignified environment with respect for one another and behaviour that is courteous and considerate. Sexual harassment is one of the serious violations of the fundamental rights of all persons irrespective of their sex, religion, ability, class, ethnicity among others. It is described as a form of sex-based discrimination that has serious consequences

on individuals and their families, organisation and society (International Labour Organisation [ILO], 2013). Currently, it is an evolving subject that borders on safety and health of people, which creates unacceptable learning and working conditions. Studies show that sexual harassment predominantly affects women than men. Some of the consequences of sexual harassment are that individuals cannot render efficient and productive services or output that will promote organisational and work performance. Victims of sexual harassment suffer from psychological and behavioural changes, stress and conditions related to physical and mental illness. The constitution of Ghana and International policies condemn sexual harassment and criminalizes it. Therefore, Dambai College will not accept and compromise any form of sexual harassment within its community. The College seeks to affirm its stand by enacting and implementing this Anti-Sexual Harassment Policy.

3. OBJECTIVES

The objectives of the policy are to:

- a. identify what constitutes sexual harassment in the College.
- b. prohibit and sanction sexual harassment and sexual misconduct offences.
- c. prevent sexual harassment and misconduct through education and awareness creation.
- d. investigate allegations and reports of incidents of sexual harassment and sexual misconduct in the College.
- e. administer appropriate disciplinary measures when a violation is found to have occurred as provided by this Policy.
- f. ensure that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face victimisation, retaliation or stigmatization.

4. SCOPE

The policy shall be applied to all Student teachers, Staff, all residents in DACE community and other stakeholders of the College.

5. SUPPORTING PROCEDURES

A. Implementation and Guiding Principles

- i. The Anti-Sexual Harassment Policy shall in principle be referenced and put into action with other College documents such as the College of Education Statutes, Student Handbooks, Code of Conduct and Gender policies and other related regulations.
- ii. The Anti-Sexual Harassment Policy shall be made available to student teachers and staff and other stakeholders in various forms such as student handbook, flyers, brochures and through electronic media such as the College's Website among others.
- iii. Measures shall be put in place to guarantee the creation and maintenance of an environment that provides conducive work and study atmosphere in which all staff, student teachers and other stakeholders of the College are treated with respect and dignity without infringing on their sexual right.
- iv. Effective institutional bodies on sexual harassment shall be put in place to deal with issues related to sexual harassment and general misconduct; Gender Committee, Safe Space Focal Persons, Disciplinary Committee, and Grievance Committee among others.
- v. An organisational framework shall be established to integrate the objectives of the Anti-Sexual Harassment Policy into the College's Strategic Plan.
- vi. Steps shall be taken to respond promptly and effectively to reports of sexual harassment and sexual abuse in the College.
- vii. Steps shall be taken to administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy.

B. Strategies

The College shall employ the following strategies to ensure that Sexual Harassment and Misconduct does not occur in any form amongst student teachers, staff and other stakeholders in the College community.

- i. The College shall form and train Committees i.e. Gender, Safe Space Focal, Grievance and Disciplinary Committees to form a network who will offer the needed services for staff, students and other stakeholders who may be experiencing any form of sexual harassment.
- ii. The College shall ensure that reasonable steps are taken to prevent sexual harassment by circulating relevant information to all stakeholders including student teachers, staff, co-operate partners, contractors and visitors.

- iii. The College shall establish a disciplinary committee that will specifically address any complaint on sexual harassment.
- iv. The College shall provide clear processes of enquiry, procedures for dealing with complaints and disciplinary actions against staff, student teachers and other stakeholders.
- v. The College shall offer support mechanisms for survivors of discrimination of sexual harassment.

C. Compliance

The College shall ensure compliance of the Anti-Sexual Harassment Policy by:

- i. constituting Anti-Sexual Harassment committees and empowering them to work.
- ii. receiving reports of findings and recommendations of the Anti-Sexual harassment Committee and ensuring that the recommendations are immediately acted upon.

D. Rights of a Complainant

Any member of the College Community who believes that they have been a victim of sexual harassment and/or misconduct 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.

E. Rights of a Respondent

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is final finding(s) of culpability by the Committee or a stipulated admission to the charge by that person.

F. Right for/of a Witness

A complainant and a respondent in an alleged sexual harassment or sexual misconduct matter have the right to invite or seek for the presence of a witness when necessary. The witness shall be protected from any form of abuse or discrimination.

G. Duty to Cooperate

Staff, student teachers and other stakeholders involved in any form of alleged sexual harassment case is obliged to cooperate with the College's investigating body. Refusal to cooperate or to impede an investigation may result in disciplinary action.

H. Malicious Accusations or Unfounded Complaints

The College recognises the impact of false accusations on the reputation and integrity of individuals. As such, malicious accusations shall be treated with all seriousness. Anyone who shall be found to have made a deliberate, malicious and unfounded complaint or allegation against another person shall be subjected to formal disciplinary action under the appropriate code of sanctions as prescribed in the College's statutes.

I. Oversight Responsibilities

- i. The Guidance and Counselling Unit of the College
- ii. The Gender Committee of the College
- iii. The Safe Space Focal Person(s) of the College
- iv. Grievance Committee of the College

6. INCLUSION RESPONSIVE STATEMENT

All provisions made by this policy shall apply to all manner of persons considered stakeholders of the College irrespective of their gender, ethnicity, religion, social status, ability and cultural background/affiliation in such a manner that no act of discrimination is promoted under any circumstance in any engagement of the College.

7. RESPONSIBILITY FOR IMPLEMENTATION

- a. The Principal of the College
- b. The Anti-sexual Harassment Committee
- c. The Gender Equity and Social Inclusion Committees of the College
- d. The Safe Space Focal Person (s) of the College
- a. The Grievance Committee of the College
- b. The Disciplinary Committee of the College

8. RESPONSIBILITY FOR MONITORING

- a. The Principal of the College
- b. The Grievance Committee of the College
- c. The Academic Board of the College

9. KEY STAKEHOLDERS

- a. The College Governing Council of the College
- b. The Academic Board of the College
- c. The Staff of the College
- d. The Students of the College
- e. Colleges of Education Teachers Association of Ghana (CETAG)
- f. Colleges of Education Non-Teaching Staff Association of Ghana (CENTSAG)
- g. Other Stakeholders of the College

10. EFFECTIVE DATE

16th September, 2020.

11. REVIEW DATE

2023

12. SPONSOR

The College Principal

13. AUTHOR

The College Principal

14. APPROVAL AUTHORITY

The Governing Council of the College

15. FURTHER INFORMATION

For further information or enquiries regarding this policy, please contact the following:

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16. DEFINITIONS OF TERMS

For the purposes of this Policy, the College will use and apply the definition of these terms in the context of the policy.

Harassment

Any behaviour or act that is unwelcomed or affects the dignity of those subjected to it. It can be:

- between female and male.
- among same sex
- among peers
- harassment of subordinate/student by a supervisor/tutor and vice versa.
- between staff and suppliers.
- other stakeholders

Physical Harassment

- Making unnecessary or physical contacts.
- Standing unnecessarily close, touching, patting, stroking, squeezing, hugging or pinching which is unwelcomed.

- Grabbing of parts of the body, brushing or rubbing one's genitalia against someone
- Unwelcomed Kisses.

Visual Harassment

- Sending or Posting on-line another person's intimate pictures/videos taken without their consent/knowledge.
- Displaying or sending e-mails and text messages of sexually explicit pictures, photos on desktop, wallpapers or pornographic sites.
- Inappropriate display of sexually attractive body features.

Gestural Harassment

- Staring, leering, ogling, winking or watching.
- Blowing kisses, waggling the tongue or licking lips.
- Making sexual expressive hand/finger movement or engaging sexual suggestive acts.

Verbal Harassment

- Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender.
- Comments of a sexual nature about an individual's body, clothing, or sexual experience
- Engagement in verbal violation of another person's dignity, or creating an intimidating, hostile, degrading, humiliating or creating offensive environment for another person.

Sexual Harassment: Any unwelcomed conduct of sexual nature that detrimentally affects the social well-being and working environment of a person.

Sexual assault: Any type of sexual contact or behaviour that occurs without the explicit consent of the recipient. It includes sexual activities such as rape, fondling and attempted rape.

Indecent assault: An offensive sexual act or series of acts exclusive of rape committed against another person without consent. Any person who has indecent contact with another or takes indecent liberties with an individual without his or her consent is guilty of indecent assault

Bullying: Offensive, intimidating, malicious or insulting behaviour, or misuse of power through any means intended to undermine, humiliate, denigrate or injure the receiver.

Victimisation: A form of misconduct a person is subjected to which is detrimental to his/her human person because they:

- made an allegation of harassment.
- assisted or supported another person in bringing forward such an allegation.
- indicated an intention to make such an allegation.
- participated in an investigation of a complaint.
- participated in any disciplinary hearing arising from an investigation.

Hostile Work Environment

The situation when unwelcomed sexual advances, demands for sexual favours, open displays of sexually suggestive materials in the workplace, unwelcomed flirtations or sexual advances, or other verbal or physical conduct of a sexual nature has the intention or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Written and Symbolic Harassment

Written or symbolic act that stigmatizes and denigrates individuals or groups on the basis of religion, creed, national origin, ethnicity, gender, disability, physical appearance or relationship.

Unnatural Carnal Knowledge: Sexual intercourse in an unconventional means with another person or animal with or without the persons consent.

Consent: The act of agreeing to engage in specific sexual conduct with both parties having unimpaired judgment and a shared understanding of the nature of the act to which they are consenting. Sexual relations between individuals in a context involving power differential, silence or withdrawal of one party and which provide avenues for the receipt of benefits cannot be considered to be consensual.

Retaliation: Any act of retribution taken against a person who has lodged a complaint with the Sexual Harassment Committee in connection with conduct prohibited under the Sexual Harassment Policy, to which they have been subjected through academic or employment decisions that are made based on individual's complaint about conduct prohibited under the Policy or participation in enforcement of the Policy. It also includes verbal, physical or written acts, which are intimidating, threatening, coercive or discriminatory.

Hostile Environment: Environment created when workers, students or lecturers are regularly subjected to any aspects of harassment attitudes or behaviours, which combine to create an overall unfriendly, negative working situation which does not foster conducive or productive and healthy workplace.

Mode of Dress: Mode of dress styles could be considered inappropriate or unacceptable act of an “unwelcomed or sexual harassment when the perpetrator deliberately and with aforethought, subjects another to demeaning, uncomfortable and/or uninvited sexually charged overtures, sometimes for transactional purposes. The College believes in the freedom of expression and as such does not dictate the mode of dressing for staff and students. However, the College also respects the fact that the appropriate attire should be worn on all occasions.