



National Council for Tertiary Education

Leading Tertiary Education to Greater Heights

Living free from sexual harassment in public colleges of education

What NCTE's sexual harassment policy means in practice

The NCTE sexual harassment policy provides a robust and practical minimum standard that all Colleges of Educations (CoEs) in Ghana must meet to enhance the right to education, promote gender equality and empowerment in education, and to eliminate all forms of discrimination in education.

All Colleges of Education, from staff through to students should:

- Clearly understand what sexual harassment is
- Have formal and informal reporting systems in place and related guidance available
- Have a disciplinary process in place and related guidance available
- Know how to prevent sexual harassment in the future.

The policy builds on strategies outlined in NCTE's 2018 Gender in Education policy and provides a uniform approach to addressing and reducing sexual harassment for all Colleges of Education. Other tertiary institutions are also encouraged to adapt and adopt this policy.



What is sexual harassment?

Sexual harassment is any behaviour that involves unwanted sexual advances, requests and other verbal or physical conduct of a sexual nature. It can occur regardless of whether the harasser considers the behaviour to be offensive or not.

Anyone can sexually harass someone, and anyone can be sexually harassed, but power and consent play a critical role here. Someone who experiences sexual harassment may consent to certain conduct because they feel pressure to do so, not because they want to. People who may once have been reciprocal in actions, can change their mind.

Types of sexual harassment you should be aware of:

- ❗ **Hostile environment:** Unwanted conduct which creates a hostile environment where students and/or staff members feel uncomfortable or unsafe.
- ❗ **'This for that' (quid pro quo):** When a student or staff member are promised, directly or indirectly, academic, financial or career benefits in exchange for sexual favours. A tutor demanding a sexual favour in return for a good grade is another example of this.
- ❗ **Retaliation:** When a student or staff member is punished with a negative action related to their academic or professional career for rejecting sexual advances, reporting or assisting someone else with reporting sexual harassment.

Consequences

Unwanted sexual behaviour can have serious effects on teaching and learning in colleges, causing tense and unproductive environment in which to work and learn.

Students who experience physical and psychological distress may feel pressure to avoid a class or drop out altogether. Members of CoE staff experiencing sexual harassment experience decreased morale and job satisfaction, and irreparable damage to interpersonal relationships at work.

Examples to look out for

Actual, or attempted, rape or sexual assault is the most serious form of harassment and against the law.

Hostile environment harassment

When unwanted sexual conduct makes someone's environment unpleasant or uncomfortable.

- ! Unnecessary and unwanted nicknames
- ! Intrusive sexually explicit questions
- ! Spreading rumours about a person's sexuality or sexual activity including speculation about previous sexual experience
- ! Remarks of a sexual nature about someone's clothing or body
- ! Unnecessary, inappropriate unwanted touching
- ! Suggestive stares, sounds or gestures (winking, licking lips etc.)
- ! Sexually explicit jokes, internet images or pornographic materials
- ! Unwanted contact via telephone, texting, email and social media
- ! Unwanted propositions of a sexual nature – even if they began as reciprocal
- ! Spying on someone engaged in intimate behaviours (undressing, bathing, sexual activity).



‘This for that’ harassment

When someone in a position of power promises (directly or indirectly) that they will take positive action or decisions to support a student teacher or colleague in exchange for sexual favours. These promises include:

1. High grades, letters of recommendation or participation in an activity;
2. Job offers, promotion, housing, allowance, recommendation or good appraisal).

Retaliation harassment

When someone is subjected to negative consequences for rejecting an unwanted sexual advance, reporting sexual harassment or assisting someone else through a sexual harassment complaint. These consequences include:

3. Poor evaluations, low grades, social exclusion or poor treatment in the classroom;
4. Poor evaluations, failure to hire or promote, transfers, social exclusion and poor treatment in the workplace.



The role of Colleges of Education

College leadership and management are required to:

- Appoint two Safe Space focal people – ideally one male and one female member of staff – to be the first point of contact for reporting. Ideally, at least one will be the Gender Champion or a member of the Gender Committee.
- Inform students and staff of who these people are and their role.
- Work with the focal people to ensure records of mediations are stored safely and securely.
- Convene a grievance committee comprising of the two Safe Space focal people and the Principal, who should be the chairperson.

The college grievance committee should be made up of the two Safe Space focal people and the Principal, who should be the chairperson. If any of these individuals feel their involvement is a conflict of interest that means they cannot be neutral then they can be replaced by another member of staff or a representative from NCTE, NTC or PRINCOF, if one is available. If the Principal is involved in the complaint, a member of the governing council should take their place.

The grievance committee should:

- Maintain an open mind and not dismiss or disbelieve allegations before the enquiry process has been completed.
- Submit a copy of the complaint and supporting evidence to the alleged harasser.
- Arrange a formal hearing, ideally no longer than one week following the receipt of the alleged harassers' response. All parties will be required to attend the hearing.
- Ask open-ended questions and seek facts that support or disprove allegations of the accuser, harasser and witnesses
- Go over all the evidence and testimonies and discuss appropriate disciplinary action.
- Provide documentation of proceedings to the accuser, the alleged and the college.
- Attend an appeal hearing (as required)
- Provide an immediate decision and disciplinary action
- Provide documentation of proceedings to the accuser, alleged and the college.

What to expect from the reporting process

Informal reporting

1. Accuser reports incident to Safe Space focal person
2. Safe Space focal person clearly identifies and establishes type of SH, and confidentially advises, supports and leads negotiation of the reported harassment.
3. If harassment persists or has caused serious distress then...



Escalation to formal reporting

4. Notification of escalation
5. Convening the grievance committee
6. Acknowledgement of complaint (1 week)
7. Response from accused (1 week)
8. Confidential formal hearing (2 weeks after initial acknowledgement of complaint)
9. Decision taken



Appeal

Lodge written appeal (1 week after outcome of original hearing)

Response from the other party (1 week)

Appeal hearing (1 week after response received)



I'm a Safe Space focal person, what are my responsibilities?

During informal reporting

- ✓ **Ensure confidentiality and listen to people's claims in a non-judgemental way.** You should ask the accuser to tell the whole story in his or her own words and document relevant facts such as dates, times, situations and witnesses. If required, you should refer the individuals to counselling.
- ✓ **Ensure objectivity.** If you do not feel that they can be sufficiently objective or have a conflict of interest (e.g. the case involves a friend or close colleague) then you should ask the other focal person to mediate instead. If objectivity is still an issue, then an alternative member of staff should be sought to step in.
- ✓ **Identify the type of harassment.** Using section 3.1 of the harassment policy, you should ask the accuser to identify the type of harassment they have experienced and whether they have asked the harasser to stop their behaviour. If the accuser is too uncomfortable to ask or has asked, but the unwanted behaviour has continued, then you should mediate on behalf of the accuser.
- ✓ **Mediate sensitively.** Mediation with the alleged harasser should be done in sensitive and thoughtful manner. They may not realise they have done anything wrong, so the most important thing to convey is that the accuser has been made to feel uncomfortable because of the harasser's behaviour. Use examples of sexual harassment to demonstrate why the unwelcomed action can be considered sexual harassment.
- ✓ **Listen to both sides of the story.** You should ask the alleged harasser for their side of the story and ensure confidentiality. As with the accuser, you should listen with care and take notes in order to document relevant facts such as dates, times, situations and witnesses. If the harasser denies that they have done what was claimed, you should remain neutral.



- ✓ **Facilitate a resolution.** You should be clear that if the accuser isn't made to feel uncomfortable again, no further discussions will be had. If the alleged harasser agrees with this, you should communicate this verbally to the accuser and remind them to report any further unwanted behaviour or retaliation. You must ensure there is a record of the conversation and the mediation is documented and kept in a secure place.
- ✓ **Escalate to formal reporting, if required.** If the accuser is not satisfied with the outcome, unwanted behaviour continues, or retaliation occurs then they can request the matter is dealt with using the formal reporting system.

During formal reporting

- ✓ **Consult with the accuser.** The staff or student can have a preliminary meeting with you to discuss the formal complaint process, what evidence is needed and ensure they are aware of the penalties that come with false accusations. As always, you should ensure confidentiality, be sympathetic and understanding, and refer the victim for counselling if required.
- ✓ **Form part of the grievance committee.** Along with the college principal, you should sit on the committee unless you feel there is a conflict of interest that would mean you can not be objective.



Guidance on disciplinary action

Actual or attempted rape or sexual assault is a criminal offence. Call the police immediately if proven and ensure the harasser is expelled or has their work contract terminated and take steps to prevent the perpetrator communicating with or accessing the person who has been assaulted.

Hostile environment harassment	Suggested disciplinary action
Unnecessary and unwanted nicknames	<ol style="list-style-type: none">1. Verbal reprimand, warning to not repeat behaviour and a written query documenting that a warning has been given.2. Ensure harasser understands why the behaviour deserves disciplinary action (it was unwanted, inappropriate and made the accuser uncomfortable) and writes a letter of apology.3. If complaint happens again, harasser should be put on probation.
Intrusive sexually explicit questions	
Spreading rumours about a person's sexuality or sexual activity including speculation about previous sexual experience	
Remarks of a sexual nature about someone's clothing or body	

If 'this for that' means sexual activity or intercourse has taken place between tutor and student, or coercively between any two individuals, it should be grounds for dismissal without further warnings. Verbal and written reprimands, and wiping the slate after one year, are not acceptable responses.

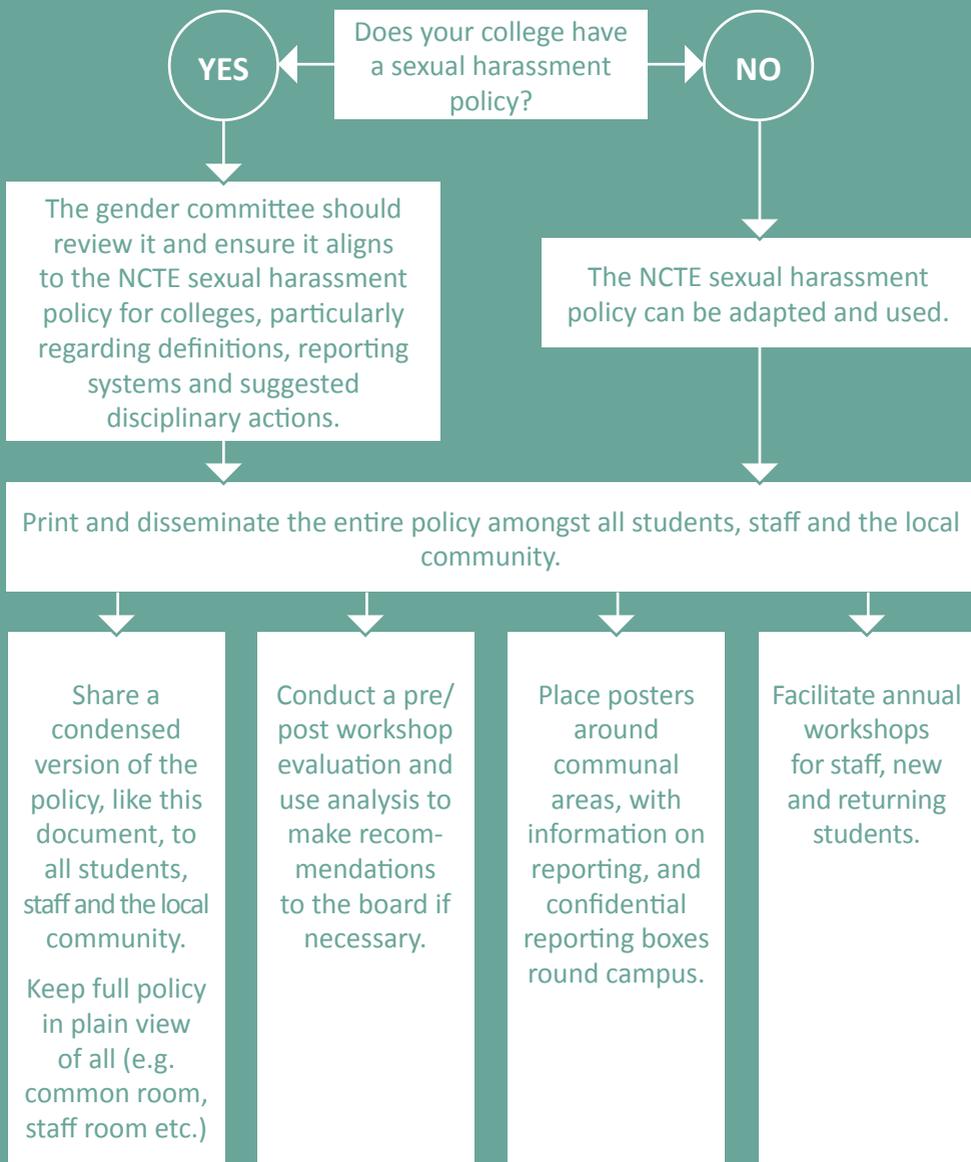
1. Verbal reprimand, warning to not repeat behaviour and a written query documenting that a warning has been given.
2. Ensure harasser understands why the behaviour deserves disciplinary action (it was unwanted, inappropriate and made the accuser uncomfortable) and writes a letter of apology.
3. Put harasser on probation for one year. If another case occurs during probation, termination or expulsion should be considered. *

Suggested disciplinary action for false accusations

1. Verbal reprimand, warning to not repeat behaviour and a written query documenting that a warning has been given.
2. Ensure accuser understands why the behaviour deserves disciplinary action (it constitutes lying and deceit) and writes a letter of apology to the alleged harasser.

* If there are no complaints after one year of probation, the harasser should no longer be susceptible to termination/expulsion. If complaints recur after the probation has been completed, a second hearing should be conducted. The past offense should be noted and termination/expulsion should be considered.

How Colleges of Education should adopt, adapt and disseminate guidelines



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