**NATIONAL COUNCIL FOR TERTIARY EDUCATION (NCTE) SEXUAL HARASSMENT POLICY GUIDELINE**

**FOR COLLEGES OF EDUCATION**

**Approved by the**

**National Council for Tertiary Education**

**March 2018**

# **Executive Summary**

Sexual harassment is any behaviour that involves unwanted sexual advances, requests and other verbal or physical conduct of a sexual nature. *Unwanted*is a critical word because a victim may consent to certain conduct not because he/she wants to, but because he/she feels pressure to do so. In College of Education (CoE) settings, harassers can be anyone from a teacher/tutor, to a fellow student, a colleague, a manager, a teaching practice mentor or a member of the community.

Student victims of sexual harassment experience physical and psychological distress and may feel pressure to avoid a class or drop out altogether. Members of CoE staff experiencing sexual harassment experience decreased morale, decreased job satisfaction and irreparable damage to interpersonal relationships at work. Clearly, unwanted sexual behavior can have serious effects on the teaching and learning process in CoEs.

Given this situation, this Sexual Harassment Policy aims to provide a robust minimum standard that all Colleges of Education in Ghana must meet. It provides specific definitions, processes and protocols that CoEs should use to reduce incidences of sexual harassment and thus improve the gender-responsiveness of their environments. It outlines five policy objectives that aim to provide:

1. A clear understanding of what constitutes sexual harassment
2. Guidelines for informal reporting systems for sexual harassment
3. Guidelines for formal reporting systems for sexual harassment
4. Guidelines for disciplinary procedures
5. Dissemination strategies to prevent sexual harassment in the future

This Sexual Harassment Policy aligns with and builds upon the gender responsive strategies outlined in NCTE’s 2018 Gender in Education policy for CoEs. By implementing both policies, CoEs will create learning environments that are safe and responsive for both female and male students, and will ensure gender responsive teachers for the future.

**DRAFT SEXUAL HARASSMENT POLICY**

**FOR COLLEGES OF EDUCATION**

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# **Chapter 1: The Context**

## **1.0 Introduction**

Ghana’s Labour Act (2003) defines sexual harassment as any unwelcome sexual advance or request made by an employer, superior or co-worker to a worker (whether they are man or woman). Although this Act was intended to prevent and protect people from experiencing sexual harassment, a number of studies have shown that it is very prevalent, both at the workplace and in educational settings. For example:

* Andoh (2011)[[1]](#footnote-1) reports that 74% of female employees and 42% of male employees in Ghana have experienced the following forms of sexual harassment within their working environment: unwanted proposals; unwanted sexual teasing, jokes or remarks; pressure for dates; unwanted love letters, cards, or telephone calls; unwanted sexual looks or gestures; inappropriate pornographic materials; unwanted touching of body parts; demand for sex in exchange for employment opportunities or benefits; and attempted or actual sexual assault or rape.
* Norman, Aikens and Binka (2013)[[2]](#footnote-2) found out that 61% of women and 39% of men were likely to be sexually harassed in Ghanaian medical schools.
* Akaab (2011)[[3]](#footnote-3) in her paper titled “Sexual Harassment for Grades in Tertiary Institutions - A Myth or Reality” reported that about 17.5% of interviewed respondents in tertiary institutions in Ghana had been victims of sexual harassment.
* Apaak and Sarpong (2015)[[4]](#footnote-4) report a high incidence of sexual harassment against female university athletes and that a majority of these female athletes (85%) are below 20 years of age.
* Agyepong’s (2010)[[5]](#footnote-5) study revealed that a disturbing 92% of female secondary school students interviewed in Kumasi had experienced some form of sexual harassment within the school term.
* Britwum and Anokye (2006)[[6]](#footnote-6) in their book titled “Confronting Sexual Harassment in Ghanaian Universities” identified sexual harassment as a serious problem on university campuses and noted that there were inadequate formal policies on sexual harassment in these public universities.

Victims of sexual harassment can suffer significant psychological effects, including anxiety, depression, headaches, sleep disorders, nausea and lowered self-esteem. In tertiary education settings, student victims of sexual harassment experience physical and psychological distress and may feel pressured to drop a class or change their major. Members of staff experiencing sexual harassment in tertiary institutions experience decreased morale, decreased job satisfaction and irreparable damage to interpersonal relationships at work.

Overall, sexual harassment causes tense and unproductive learning and work environments. The University of Ghana was the first tertiary institution to develop a specific policy for sexual harassment in 2010; however, the number of other universities to follow suit have been limited[[7]](#footnote-7). Other tertiary level institutions like Colleges of Education (CoE), have varying levels of policy development regarding sexual harassment, and if a policy does exist, it is somewhat vague and insufficiently disseminated[[8]](#footnote-8).

Given this situation, this policy aims to provide a robust minimum standard that all Colleges of Education in Ghana must meet. It provides specific definitions, processes and protocols that CoEs should use to reduce incidences of sexual harassment and thus improve the gender-responsiveness of their environments. Although this policy has a focus on CoEs, other tertiary institutions[[9]](#footnote-9) are encouraged to adopt this policy in order to adequately address and reduce sexual harassment amongst their staff and students. If this policy proves successful in CoEs, subsequent policy reviews should aim to widen its scope to formally include all tertiary institutions (see section 5.2).

# **CHAPTER TWO: POLICY FRAMEWORK**

## **2.0 Introduction**

Ghana’s 2018-30 Education Strategic Plan aims to eliminate all forms of discrimination, to enhance the right to education and to promote gender equality and empowerment within education. However, the lack of an explicit sexual harassment policy can limit the Ministry of Education’s ability to achieve these goals. Thus, this policy aims to provide an approach to reducing sexual harassment that is practical and simple enough for non-gender experts to effectively use.

## **2.1 Policy Goal**

The goal of this Sexual Harassment Policy for Colleges of Education is to provide clear definitions, processes and protocols surrounding sexual harassment in order to reduce and prevent its occurrence.

## **2.2 Policy Scope**

This Sexual Harassment Policy is aligned with and builds upon the gender responsive strategies outlined in the 2018 Gender in Education policy for CoEs. It specifically aims to provide clear definitions, reporting processes, disciplinary protocols and dissemination guidelines for CoEs; however, other tertiary and pre-tertiary institutions are encouraged to use and adapt relevant strategies for their contexts.

## **2.3 Policy Principles**

In alignment with the 2018 Gender in Education policy for the tertiary level, the following principles guide this policy:

* 1. **Mutual Co-existence:** Ghanaian men and women should co-exist peacefully, respectfully and improve gender relations.
	2. **Non-Discrimination**: As enshrined in the 1992 Constitution of Ghana, neither Ghanaian men nor women should be discriminated against in terms of access to the resources that the nation offers to its citizens.
	3. **Non-Violence**: Ghana’s Labour Act (2003) and Domestic Violence Act (2007) prohibits sexual harassment, intimidation by inducing fear in another person, behaviour or conduct that harms another person, endangers the safety, health or well-being of another person, undermines another person's privacy, integrity or security, or detracts from another person's dignity and worth as a human being.
	4. **Fairness and confidentiality**: All activities and strategies regarding sexual harassment cases should be dealt with fairly, promptly and in a confidential manner.
	5. **Political Will**: Government and all stakeholders in the education sector should have the political will to eliminate sexual harassment.

## **2.4 Policy Basis of the Sexual Harassment in Education Policy**

The Government of Ghana has passed national legislation and has ratified various international conventions that seek to promote gender equality and reduce gender based violence. Signing these conventions and declarations is a clear indication that the Government is committed to pursuing gender equality in development. The following documents have been identified in the Gender in Education Policy for CoEs (see section 2.4) and as such, also serve as the basis for this Sexual Harassment policy.

1. Sustainable Development Goals (2015-2030)
2. African Union Gender Policy Commitments
3. The 1992 Constitution of Ghana
4. The 2003 National Labour Act
5. The 2007 Domestic Violence Act
6. The 2015 National Gender Policy
7. The 2018 Gender in Education Policy for Colleges of Education
8. Education Strategic Plan, 2018-2030 Policy Objectives

# **CHAPTER THREE: POLICY OBJECTIVES AND STRATEGIES**

## **3.0 Introduction**

This chapter outlines five policy objectives that Colleges of Education will implement and oversee, through institutional arrangements discussed in the next chapter. The policy objectives are developed out of the policy context, the situational analysis and achievements made so far in the education sector. The objectives aim to provide:

1. A clear understanding of what constitutes sexual harassment
2. Guidelines for informal reporting systems for sexual harassment
3. Guidelines for formal reporting systems for sexual harassment
4. Guidelines for disciplinary procedures
5. Dissemination and awareness strategies to prevent sexual harassment in the future

## **3.1 POLICY OBJECTIVE 1: To provide a clear understanding of what constitutes sexual harassment**

**Types of sexual Harassment**

Sexual harassment is treatment that involves unwanted sexual advances, requests and other verbal or physical conduct of a sexual nature. *Unwanted*is a critical word because a victim may consent to certain conduct not because they want to, but because they feel pressure to do so. Sexual harassment can occur regardless of whether the harasser considers the behaviour to be offensive or not. In educational settings, harassers can be a teacher/tutor, a fellow student, a colleague, a manager, a teaching practice (TP) mentor or a member of the community. Unwanted sexual behavior can have serious negative effects on victims, thus sexual harassment can have serious negative effects on the teaching and learning process as well.

There three main forms of sexual harassment: Hostile Environment, Quid Pro Quo and Retaliation.

1. **Hostile environment harassment**

Hostile environment sexual harassment is when **unwanted conduct makes a student’s or a staff member’s environment unpleasant or uncomfortable**. In these cases, the perpetrator can be anyone - a superior, a fellow student, a fellow colleague, a TP mentor, a community member.

|  |
| --- |
| **Hostile environment examples:** |
| 1. Unnecessary and unwanted nicknames such as, ‘sweetie’, ‘baby’, ‘girlfriend’
2. Intrusive sexually explicit questions, asking personal questions about a person’s sex life
3. Spreading rumors about a person’s sexuality, sexual activity or speculations about previous sexual experience
4. Remarks of a sexual nature about a person’s clothing or body
5. Unnecessary and unwanted touching, pinching, massaging, dancing, hugging or brushing up against a person’s body
6. Sexually suggestive stares, sounds or gestures such as winking, licking lips, whistling, sucking noises or pelvic thrusts
7. Sexually explicit jokes, pictures, calendars, cartoons, internet images or pornographic materials
8. Unwanted recurrence of telephoning, texting, emailing, comments on social media, following, stalking, gift giving, proposing or asking for a date
9. Unwanted propositions of a sexual nature (including those occurring in situations that begin as reciprocal attractions, but later cease to be mutual)
10. Spying on someone that is engaged in intimate behaviors, such as undressing, bathing, sexual activity or any other activity that is considered to be private
11. Actual or attempted rape or sexual assault
 |

1. **Quid Pro Quo harassment**

Quid Pro Quo **(meaning “this for that”)** sexual harassment occurs when someone implies or states to a student, colleague or employee that an impending action or decision depends upon whether they submit to conduct of a sexual nature. For example, if a student is made to believe that her grade is dependent on whether she goes on a date with her teacher, the student is being subjected to “quid pro quo” sexual harassment. In addition to this, the same applies if a student offers a sexual favour to a tutor in return for a good grade. In these cases, sexual behaviour is used as the basis for a transaction. Even if consensual, this is not acceptable in an educational setting.

|  |
| --- |
| **Quid pro quo examples:** |
| 1. Direct or indirect promises of academic benefits (such as high grades, letters of recommendation, participation in an activity), in return for sexual favours
2. Direct or indirect promises of work benefits (such as job offering, promotion, housing, allowances, letters of recommendation, good appraisals), in return for sexual favours
 |

1. **Retaliation harassment**

Retaliation harassment occurs when **a victim suffers a negative action after they have rejected a sexual advance, made a report of sexual harassment or assisted someone else with a complaint**. Negative actions can include social exclusion, getting a poor grade or being fired, and are usually instigated by perpetrators in order to punish victims.

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| **Retaliation examples:** |
| 1. Adverse academic actions or decisions (such as evaluations, low grades, social exclusion, poor treatment in class), because a sexual advance has been rejected or reported
2. Adverse employment actions or decisions (such as evaluations, failure to hire or promote, transfer, social exclusion, poor treatment in the workplace), because a sexual advance has been rejected or reported
 |

It can sometimes be difficult to prove retaliation harassment has occurred, but in cases in which a tutor has retaliated by giving a student an unjustified poor grade (because they have rejected a sexual advance, made a report of sexual harassment or assisted someone else with a complaint), proof of retaliation can be determined through the following process:

1. The student can request a marking appeal in which 8-10 ten randomly selected scripts from the same class/assignment are re-marked along with his/hers.
2. A tutor with relevant subject knowledge should be given the marking criteria for the assignment and mark the 8-10 anonymised scripts.
3. If the mark for the student claiming retaliation harassment is clearly higher than the original mark (and the marks for the other scripts remain generally the same), this is adequate evidence to claim that the tutor had engaged in retaliation harassment against the student. Such evidence can be used in a formal report hearing (see section 3.3).

In summary, the examples given for Hostile Environment, Quid Pro Quo and Retaliation harassment are extensive but not exhaustive. Other examples are likely to occur, but **the two main tests for sexual harassment are whether the behaviour is:**

1. **of a sexual nature**
2. **unwanted or unwelcomed by the victim**

**A person who believes that he/she is being subjected to unwanted behaviour of a sexual nature should first, where possible, make it clear to the harasser that the behaviour is unwelcome, that it is offensive and that it should immediately cease.** If a victim is not comfortable approaching the harasser on his/her own, or if he/she has asked the harasser to stop but the offensive behaviour continues, the following sections outline the informal and formal reporting systems for resolving the problem.

## **3.2 POLICY OBJECTIVE 2: To provide guidelines for informal reporting systems for sexual harassment**

Informal reporting systems are aimed at resolving a complaint of harassment through the confidential advice, support and negotiation of an objective third party. As discussed, the perpetrator can be anyone - a superior, a fellow student, a fellow colleague, a TP mentor/head teacher/teacher, or a community member. An informal report may resolve problems quickly and in many cases, should be used in the first instance of harassment. However, if the harassment persists or has caused serious distress to the victim, more formal reporting may be necessary.

**The following steps should be taken to institute an informal reporting system for sexual harassment:**

1. **Appoint two ‘Safe Space’ focal people** - Every institution should appoint a female and male member of staff as Safe Space focal people, who will act as the first point of contact for informal reporting. In the case of CoEs, these focal people could be the Gender Champion and a member of the Gender Committee. All students and staff should be made aware that these focal people aim to provide support and a safe space to informally report cases of sexual harassment.
2. **Ensure confidentiality and sensitivity** - The Safe Space focal people should ensure confidentiality and listen to the victim’s claim in a non-judgmental way. She/he should ask the victim to tell the whole story in his or her own words. [The focal people should listen with care](https://www.thebalance.com/want-to-become-a-better-listener-1918650) and take notes in order to document relevant facts such as dates, times, situations, witnesses, and anything else that seems relevant. The focal people should refer the victim for counselling if required.
3. **Ensure objectivity** - If a Safe Space focal person does not feel that she/he would be sufficiently objective to deal with the case (particularly if it involves a close friend or colleague), then the focal person should ask the *other* focal person to mediate instead. If objectivity is still an issue, the two focal people should assess whether there is another member of staff who could step in.
4. **Identify the type/degree of harassment** - After hearing the story, the focal person can use Section 3.1 to help the victim identify the type of harassment they have experienced (hostile, quid pro quo, retaliation), and confirm whether or not the victim asked the harasser to cease the behaviour. If the victim has been too uncomfortable to ask, or has asked but the unwanted behaviour has continued, the focal person should mediate with the harasser on the victim’s behalf.
5. **Ensure sensitive mediation** - Mediation with the alleged harasser must be done in a sensitive, thoughtful and confidential way. The harasser may not realise he/she has done anything wrong. It is often best to give the benefit of the doubt, or at least speak to the harasser as if he/she is being given the benefit of the doubt, rather than being accused of harassment. What needs to be conveyed to the alleged harasser is that the victim has been made to feel uncomfortable because of his/her behaviour. It may be helpful to use the examples of sexual harassment in the Section 3.1 to demonstrate how/why the unwelcomed action can be considered sexual harassment.
6. **Listen to both sides of the story** - The focal person should ask the alleged harasser for their side of the story and ensure confidentiality. [The focal person should listen with care](https://www.thebalance.com/want-to-become-a-better-listener-1918650) and take notes in order to document relevant facts such as dates, times, situations, witnesses, and anything else that seems relevant. If the harasser denies that they have done what was claimed, the focal person should remain neutral.
7. **Facilitate a resolution** - The focal person should state that as long as the victim isn’t made to feel uncomfortable again, no further discussions will be had. If the alleged harasser agrees with this, the focal person should communicate this verbally to the victim and document the mediation so that there is a record of it. These records should remain confidential and in a secure place. The focal person should also tell the victim to immediately report if the unwanted behaviour continues or if the harasser retaliates in any way.
8. **Escalation to formal reporting, if needed** - If the victim is not satisfied with the outcome of the informal mediation, if the unacceptable behaviour continues, or if retaliation occurs, then the victim may request that the matter be dealt with under the formal reporting system.

## **3.3 POLICY OBJECTIVE 3: To provide guidelines for formal reporting systems for sexual harassment**

Formal reporting systems are aimed at resolving a complaint of harassment through an investigation and documentation of evidence. As discussed, the perpetrator can be anyone - a superior, a fellow student, a fellow colleague, a TP mentor/head teacher/teacher, or a community member. Formal investigations are thorough, decisions are made by an objective committee, and appropriate disciplinary action is taken. All students and staff should be made aware that formal complaints should be lodged for serious offenses and/or continued unwanted sexual harassment, because the disciplinary action is a robust and fair way to prevent harassers from committing offenses again.

1. **Preliminary consultation -** To deal with a grievance formally, the victim (staff or student) can have a preliminary meeting with a Safe Space focal person to discuss the formal complaint process and what evidence is needed (see point 2). The focal person should ensure confidentiality, be sympathetic, understanding and refer the victim for counselling, if required. The focal person should also make sure the victim is aware that false accusations are sanctionable.
2. **Notification of complaint** - The victim should submit a formal written notice of the grievance to the Safe Space focal people. The grievance should include supporting evidence, which includes: 1) dates/times/locations of harassment; 2) what type(s) of harassment was/were experienced (hostile, quid pro quo, retaliation, or other) – descriptions should be as detailed as possible; 3) witnesses (if there was no witness who observed the harassment, a witness can be used to at least verify the victim’s dates/times/locations); 4) material evidence, if available (like emails, text messages, letters, recordings, etc.); 5) documents from any informal reporting/mediation that may have been attempted.
3. **Convening the Grievance Committee** - Formal hearings should be dealt with by a Grievance Committee, which includes the two Safe Space focal people (one female, one male) and the CoE Principal (who should be the chairperson). If any of these individuals feels they would not be sufficiently objective to deal with the case (particularly if it involves a close friend), they can be replaced by a neutral member of staff or a neutral 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 his/her place.
4. **Acknowledging receipt** - The Grievance Committee should acknowledge the victim’s complaint within one week of receipt. At the time of acknowledging the complaint, a copy of the complaint and supporting evidence should be forwarded to the alleged harasser involved in the grievance. The alleged harasser should be given one week to submit to the Grievance Committee a written response to the complaint, along with any supporting evidence and/or witnesses (as discussed in point two). A formal hearing will then be arranged, ideally no later than one week following receipt of this response. All parties (including named witnesses) will be required to attend the hearing. Victims have the right to be accompanied by a colleague or friend throughout the formal grievance meeting.
5. **Hearing format -** The formal hearing should not be made public and should provide confidentiality to all those involved. During the meeting the Grievance Committee should ask the victim to tell the story in his/her own words. The alleged harasser or witnesses should not be present in the room during this time. The committee should ask open-ended questions and seek facts that support or disprove allegations. The committee should use the same approach when individually interviewing witnesses for the victim, the alleged harasser, and witnesses for the harasser. The committee members should each take individual notes.
6. **Decision*-*** At the end of the hearing, the Grievance Committee should go over all evidence/testimony to come to a decision and discuss appropriate disciplinary action. Suggested disciplinary action for different types of harassment, as well as false accusations, are detailed in section 3.3. Once a decision has been made, documentation of the proceedings and result should be given to the victim, the harasser and the college to keep in its records.
7. **Grievance Appeal Procedure -** Individuals have the right of appeal any decision reached. Grounds for appeal are if new evidence or a new witness can be brought forward to challenge the committee’s original decision. An appeal should be lodged in writing to the CoE Principal no later than one week from the date of notification of the outcome of the original hearing. The notice should include the new evidence/witness and reasons why they were not included in the original case. If the Principal is satisfied with the rationale for why the new evidence/witness was not originally included, a copy of the notice for appeal will be submitted to the other parties involved. The other party has one week to respond to this new evidence/witness and the appeal hearing should be arranged within one week of receipt of this response. The appeal will be heard by the same Grievance Committee who attended to the original hearing.
8. **Appeal hearing format -** The appeal hearing should be conducted in a similar manner to that of the original hearing, but will only consider the new evidence/witness and rationale for why they were not included in the original case. All other parties will be given the opportunity to respond.
9. **Decision of the appeal hearing -** At the end of the appeal hearing, the Grievance Committee should provide an immediate decision and any appropriate action required. Once a decision has been made, documentation of the appeal proceedings and result should be given to the victim, the harasser and the college to keep in its records. The decision reached at the appeal hearing is final

## **POLICY OBJECTIVE 4: Discipline**

Grievance Committees should use their best judgement, as well as any institutional disciplinary policies, to guide their decisions on application of disciplinary measures. The table below also outlines some suggestions for disciplinary measures based on the types and frequency of harassment that can occur.

**Table 1 – Sexual harassment examples and suggested disciplinary actions**

|  |  |
| --- | --- |
| **Hostile environment examples:** | **Suggested disciplinary action**  |
| 1. Unnecessary and unwanted nicknames such as, ‘sweetie’, ‘baby’, ‘girlfriend’
2. Intrusive sexually explicit questions, asking personal questions about a person’s sex life
3. Spreading rumors about a person’s sexuality, sexual activity or speculations about previous sexual experience
4. Remarks of a sexual nature about a person’s clothing or body
 | 1. Verbal reprimand, warning to not repeat behaviour (with victim or anyone else) 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 victim uncomfortable) and writes a letter of apology to the victim
3. If complaint happens again, harasser should be put on probation (see below).
 |
| 1. Unnecessary and unwanted touching, pinching, massaging, dancing, hugging or brushing up against a person’s body
2. Sexually suggestive stares, sounds or gestures such as winking, licking lips, whistling, sucking noises or pelvic thrusts
3. Sexually explicit jokes, pictures, calendars, cartoons, internet images or pornographic materials
4. Unwanted recurrence of telephoning, texting, emailing, comments on social media, following, stalking, gift giving, proposing or asking for a date
5. Unwanted propositions of a sexual nature (including those occurring in situations that begin as reciprocal attractions, but later cease to be mutual)
6. Spying on someone that is engaged in intimate behaviors, such as undressing, bathing, sexual activity or any other activity that is considered to be private
 | 1. Verbal reprimand, warning to not repeat behaviour (with victim or anyone else) 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 victim uncomfortable) and writes a letter of apology to the victim
3. Harasser should be put on probation for one year. If another case occurs during probation, termination or expulsion should be considered.
4. If there are no complaints after one year of probation, the harasser should no longer be susceptible to termination/expulsion
5. If complaints do occur again after the probation has been completed, a second hearing should be conducted. The past offense should be noted and termination/expulsion should be considered.
 |
| 1. Actual or attempted rape or sexual assault
 | 1. The police should be called immediately as this is a criminal offense
2. The harasser should be immediately terminated/expelled
 |
| **Quid pro quo examples:** | **Suggested disciplinary action**  |
| 1. Direct or indirect promises of academic benefits (such as high grades, letters of recommendation, participation in an activity), in return for sexual favors
2. Direct or indirect promises of work benefits (such as promotions, housing, allowances, letters of recommendation, good appraisals), in return for sexual favors
 | 1. Verbal reprimand, warning to not repeat behaviour (with victim or anyone else) 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 victim uncomfortable) and writes a letter of apology to the victim
3. Harasser should be put on probation for one year. If another case occurs during probation, termination or expulsion should be considered.
4. If there are no complaints after one year of probation, the harasser should no longer be susceptible to termination/ expulsion
5. If complaints do occur again after the probation has been completed, a second hearing should be conducted. The past offense should be noted and termination/expulsion should be considered.
 |
| **Retaliation examples:** |
| 1. Adverse academic decisions, evaluations, low grades, social exclusion, poor treatment in class, because a sexual advance has been rejected or reported
2. Adverse employment decisions, evaluations, failure to hire or promote, transfer, social exclusion, poor treatment in the workplace, because a sexual advance has been rejected or reported
 |
| **False accusation by victim:**  | 1. Verbal reprimand, warning to not repeat behaviour (with victim or anyone else) and a written query documenting that a warning has been given.
2. Ensure victim understands why the behaviour deserves disciplinary action (it constitutes lying and deceit) and writes a letter of apology to the alleged harasser.
 |
| If after a formal hearing it is determined that the victim has knowingly lodged a false accusation to harm, punish or defame the alleged harasser, he/she should also be subject to disciplinary action. |

##

## **3.5 POLICY OBJECTIVE 5: To provide guidelines for adaptation and dissemination**

**Adaptation and dissemination guidelines:**

1. If a CoE already have a Sexual Harassment Policy, the Gender Committee should review it and ensure that it aligns with this NCTE Sexual Harassment Policy for CoEs, particularly with regard to definitions, informal/formal reporting systems and suggested disciplinary actions
2. If a CoE does not have a completed and/or approved Sexual Harassment Policy of its own, it should disseminate and implement this NCTE Sexual Harassment Policy for CoEs
3. Once finalised, CoEs should print and disseminate the Sexual Harassment Policy to all students, staff, TP school staff and community members. If cost of printing the entire policy it cost prohibtive, CoEs should consider summarising the policy into a 1-2 page document – pulling out the most important points regarding definitions, reporting procedures and disciplinary actions
4. CoE Gender Champions and Gender Committees should ensure consistent sensitisation for all staff/students about the Policy and Safe Space focal people
5. TPCs should ensure consistent sensitisation of all TP school staff, Lead Mentors, Mentors and community members about this Sexual Harassment Policy and that they too are subject to disciplinary measures
6. CoEs should consider creating a process in which all students, staff and TP staff sign a document stating that they understand and abide by this NCTE Sexual Harassment Policy for CoEs

# **CHAPTER FOUR: INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK**

## **4.0 Introduction**

The primary responsibility and accountability for the overall implementation of the Sexual Harassment Policy for CoEs lies with CoEs themselves, as they are autonomous tertiary institutions. The National Council for Tertiary Education (NCTE), National Teaching Council (NTC) and the Principal’s Conference (PRINCOF) has oversight of CoEs and should support where necessary. This chapter discusses the roles and responsibilities of stakeholders tasked with responsibility for the effective implementation of this Sexual Harassment Policy for the tertiary sector.

## **4.1 Institutions and their key roles in the implementation of the Sexual Harassment Policy**

Below is a table that shows the key institutions and stakeholders identified as central to the implementation of the Sexual Harassment Policy and indicates their specific roles in the implementation process.

**Table 2 - Implementation roles/responsibilities**

|  |  |
| --- | --- |
| Institution | Implementation roles/responsibilities |
| CoE | * **Gender Champion** – leads on the sensitisation, implementation and monitoring of this policy. Should also act as a Safe Space focal person, if appropriate.
* **Gender Committee** – supports the Gender Champion in the sensitisation, implementation and monitoring of this policy. A member of the committee could also act as the other Safe Space focal person, if appropriate.
* **Principal** **and senior management team** – provide administrative support and management to the Gender Champion and Committee. Principal should act as chairperson of the Grievance Committee, if appropriate.
 |
| NCTE | * Provides guidance on and monitoring of this policy across all 40 public CoEs
* Initiates and oversees any policy reviews/revisions if needed
 |
| NTC | * Provides guidance on and monitoring of this policy, particularly as it pertains to pre- and in-service teachers
* Participates in any policy reviews/revisions if needed
 |
| PRINCOF | * Liaises with all 40 public CoEs to ensure policy dissemination
* Supports NCTE to provide guidance on and monitoring of this policy across all colleges
* Participates in any policy reviews/revisions if needed
 |
| Tertiary institutions | * Can adopt this policy to supplement, replace or provide a sexual harassment policy and strategies for their institution
 |

# **CHAPTER FIVE: MONITORING AND EVALUATION**

## **5.0 Introduction**

This section outlines mechanisms put in place to monitor and evaluate the implementation of this policy. These mechanisms should provide timely and reliable data that can be used for decision-making and future policy review. Reporting formats should be developed at various levels of data collection to support harmonisation and analysis of the data.

## **5.1 Institutions and their role in monitoring implementation of the Sexual Harassment Policy**

Below is a table that shows the key institutions identified as central to monitoring the implementation of the Sexual Harassment Policy for CoEs and indicates their specific roles in the monitoring process.

**Table 3 - Monitoring roles/responsibilities**

|  |  |
| --- | --- |
| Level | Monitoring roles/responsibilities |
| CoE level Monitoring | * The Gender Champion and Gender Committee are responsible for monitoring and evaluation of this policy within their CoE and TP schools
* Senior Management, staff and students should also contribute to monitoring and evaluation efforts, when/if applicable
 |
| District and Regional level Monitoring | * Circuit Supervisors, Regional Girls’ Education Officers and District Girls’ Education Officers are responsible for monitoring and evaluation of this policy as it applies to TP and basic schools
 |
| National level Monitoring | * NCTE, NAB, NTC, PRINCOF are responsible for monitoring and evaluation of this policy across all 40 public CoEs
 |

## **5.2 Policy Review**

On a biennial basis, a team of external, professional evaluators with local level knowledge and expertise should be assigned to assess the effectiveness of this Sexual Harassment Policy for CoEs. The evaluations should be based on robust research and relevant data. If this policy proves successful in CoEs, a policy review should determine whether this policy’s scope should be widened to formally include all tertiary institutions.

In addition to this, relevant CoE stakeholders should review the policy at least once every five years to ensure that its objectives, priority areas and strategies continue to be relevant to the prevailing issues. The review should also assess the extent to which the various stakeholders responsible for the implementation of the policy work together in a tightly coordinated fashion to minimize the duplication of effort and wastage of resources.

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