



**UNIVERSITY OF HEALTH AND ALLIED SCIENCES**



**SEXUAL HARASSMENT  
POLICY**

UNIVERSITY OF HEALTH AND ALLIED SCIENCES, HO



# **SEXUAL HARASSMENT POLICY**

**OCTOBER 2019**

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## 1. INTRODUCTION

University of Health and Allied Sciences (UHAS/the University) is committed to implementing an equal opportunities policy as outlined in its Mission Statement. This means that all individuals working and studying at the University are treated fairly and equally, regardless of sex, age, ethnicity, colour, religion and creed.

The University believes all members of the UHAS community have the right to a workplace free from exploitation, harassment, discrimination or any other form of hindrance to the effective execution of their duties.

The University adheres to the following Sexual Harassment Policy (the Policy) that applies to all members, staff, students and visitors. The University detests sexual harassment and will take steps to ensure that it does not occur. If it does, the victim is at liberty to seek redress without fear of reprisal.

### 1.1 Aim of the Policy

The aim of the Policy is to prevent sexual harassment and sexual abuse in any form and provide avenues for redress without fear of reprisal from the University.

### 1.2 Objectives of the Policy

The specific objectives of the Policy are to:

- a. Discourage sexual harassment and sexual abuse in the University
- b. Address promptly and efficiently reports of sexual harassment and sexual abuse in the University
- c. Apply appropriate sanctions when a violation is found to have occurred as provided by this policy

## 2. DEFINITIONS

### 2.1 Sexual Harassment

Sexual harassment occurs within a situation of unequal power relations between parties and, therefore, any policy must consider the power inequities within which any form of harassment is alleged to have occurred.

Sexual harassment has been described as:

- a. Verbal, physical, written, or pictorial communication relating to gender or sex which has the purpose or effect of unreasonable interference with an individual's performance or creates a hostile, offensive, or intimidating atmosphere for the recipient
- b. Unwelcome and irrelevant comments, references, gestures or other forms of personal attention that are inappropriate in the academic, employment, or residential setting (for example, the classroom, office or hostel) and which may reasonably be perceived as sexual overtures or denigration

- c. A request for sexual favours when submission to, or rejection of such a request might reasonably be construed as a basis for evaluative decisions affecting an individual's future
- d. Sexual imposition that is non-consensual touching
- e. Abuses of power relations such that individuals receive unfair treatment based on gender or sexuality
- f. Threat or coercion of sexual relations
- g. Sexual contact which is not freely agreed to by both parties, including rape
- h. Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess, sexual innuendos
- i. Excessive and unwanted attention in the form of love letters, telephone calls, messages, gifts, stalking
- j. Unwanted and persistent proposition for dates

It should be understood that many of the above terms are subject to interpretation. While overt forms of sexual harassment are usually obvious, more subtle forms may be difficult to recognise. Perpetrators may not realise that their behaviour is unwelcome or inappropriate. Nonetheless, conduct which leads to another person feeling harassed is not acceptable and shall render the individual responsible liable for disciplinary action.

## **2.2 Consent**

Consent is the act of agreeing to engage in specific sexual conduct. In order for consent to be valid, both parties must have unimpaired judgment and a shared understanding of the nature of the act to which they are consenting, including safe sex practices. Silence does not mean consent. If at any time consent is withdrawn, the conduct must stop immediately. Consent here excludes sexual relations between individuals of unequal power, which provide avenues for the receipt of benefits.

## **2.3 Consensual Intimate Relationship**

Intimate sexual relations between senior members and students or between senior members and staff or any other category of persons where one party is in a supervisory position over the other are not encouraged by the University since they raise concerns about sexual harassment and conflict of interest.

## **2.4 Retaliation**

The Sexual Harassment Policy is designed to ensure that retaliation for bringing a case will not occur. The Sexual Harassment Committee is charged with maintaining confidentiality at all times and in protecting all parties involved from retribution. Unfounded or frivolous charges will be discouraged.

## **2.5 Hostile Environment**

A hostile environment is one that a reasonable person would find offensive or abusive, and one that the particular person who is the subject of the harassment

perceives to be offensive or abusive. A hostile environment is determined by looking at all the circumstances, including:

- i. Whether there is an established frequency and/or severity of the alleged harassing conduct
- ii. Whether such conduct interferes with an employee's work performance, or with a student's academic performance or the full enjoyment of university programmes or services
- iii. Whether such conduct has the effect of emphasising gender or sexuality in a manner offensive to a reasonable person
- iv. Whether such conduct has the effect of creating an intimidating or offensive environment in the workplace, or inside or outside the classroom
- v. Whether such conduct has been brought to the attention of the alleged perpetrator by the alleged victim as being unwelcome and offensive

## 2.6 Offence

Any non-consensual sexual conduct is an offence. Examples of offence include:

- i. **Sexual harassment** – any unwanted sexual attention including, but not limited to threatening or offensive sexual behaviour
- ii. **Sexual imposition** – non-consensual sexual touching
- iii. **Sexual assault** – a non-consensual sexual act including, but not limited to unwelcome kissing of lips, mouth, breast, or other body parts, touching of breast, chest, buttocks, thighs, vagina, penis or their body part other than under a medically necessary procedure; it also includes vaginal penetration, anal penetration and oral sex. Penetration, however slight, includes the insertion of objects or part of the body.

It is important to note that these offenses may be:

- i. **Verbal** – including unwelcome remarks, songs, cat calls, suggestions and propositions, malicious gossip, jokes and banter based on sex, race, sexual orientation or gender
- ii. **Non-verbal** – offensive literature or pictures, graffiti, wolf whistle, indecent dressing
- iii. **Physical** – including unnecessary touching, gestures or assault

## 3. THE POLICY

University of Health and Allied Sciences is committed to a working and learning environment that is free from discrimination or intimidation. It therefore abhors any of the activities spelt out in this policy and shall take appropriate steps to ensure that they do not occur. Any form of intimidation, abuse or harassment based on gender is contrary to the ideals of UHAS and jeopardises the integrity of the University community. All members, staff, visitors and contracted persons acting on behalf of

the University shall respect the rights of others and shall refrain from any activity that corresponds to those described in this document.

Individuals shall be held personally accountable for their actions and behaviour in the event of complaints of sexual harassment against them.

The University shall follow the procedure outlined below in dealing with complaints and appeals against decisions in connection with complaints.

All heads of sections and departments, deans and directors shall be responsible for eliminating sexual harassment, and they shall report complaints or any observations they may have made which they believe constitute sexual harassment to the Chair of the Sexual Harassment Committee for further action.

## **4. GRIEVANCE PROCEDURE**

Any student or employee, who believes that he or she has been sexually harassed or been subjected to sexual harassment in violation of this Policy should use either the informal or formal procedure to file a complaint. Complainants are encouraged to use the informal procedure in the first instance. However, in certain cases, the formal procedure is strongly recommended.

### **4.1 Informal Approach**

A student or employee, who feels that he/she has been a victim of sexual harassment, is encouraged not to ignore the situation or the offending person.

In the first instance, the victim of the harassment should ask the perpetrator to stop the harassing behaviour. If this is not possible for any reason, or the harassment continues, or if it stops but the victim feels that he/she would like advice or support in order to protect his/her rights, he or she should not hesitate to seek redress.

The complainant, with or without an agent or person offering the complainant emotional support, may contact any of the following persons or offices where a form will be completed and where there are trained personnel to handle the complaint:

- a. Designated counsellors in the University
- b. Hall wardens
- c. Either the Assistant Registrar or the Dean of Students
- d. Deans or school officers
- e. Director-HR (in cases involving staff)

These individuals named above shall guide the complainant through the best process for resolving the problem. They shall listen and offer advice. Depending on the nature of the complaint, the contact person shall talk to the alleged perpetrator (offender) or bring the two parties together for mediation. Concerns brought to the contact person shall be held in the strictest confidence.

Possible actions that may result from the consultation shall include:

- a. The contacted person may invite the perpetrator for an interaction;
- b. In the case of student complaint, the Dean of Students will invite the perpetrator for initial discussion, mediation and possible caution.
- c. For complaints that involve staff, or if the perpetrator is not an employee of the University, the Director of HR shall invite the parties for initial discussion, mediation and possible caution.
- d. Depending on the outcome of the interaction, action may or may not be taken any further.

#### **4.1.2 Safety of Parties**

If the immediate safety of the parties involved is at stake, the contact person(s) shall inform the Dean of Students, if the issue has to do with a student. However, if the issue has to do with staff of the University, the Director of HR shall work out the appropriate means to address the safety of the complainant. This may include visiting the police station and/or a clinic/ hospital.

If a complaint cannot be resolved through the above options, or if, in the course of the informal procedure, the alleged perpetrator is not cooperative, then the formal procedure may be undertaken.

## **4.2 Formal Approach**

The formal procedure shall usually be embarked upon in the following instances where:

- a. The alleged offender does not cooperate in the informal procedure
- b. The alleged offender has several complaints against him/her
- c. The immediate safety of the parties involved is at stake
- d. Informal mediation does not appear to stop the harassment
- e. The following types of harassment have occurred:
  - i. Sexual assault
  - ii. Threat or coercion of sexual relations
  - iii. Sexual contact which is not freely agreed to by both parties
  - iv. Sex that may appear consensual but reflects unequal power relations, and which provides avenues for the receipt of benefit (such as sex or sexual contact between a head of department and a subordinate)

## **5.0 IMPLEMENTATION OF THE POLICY**

### **5.1 Office of the Registrar**

The Office of the Registrar under the Vice-Chancellor will ensure compliance with the Sexual Harassment Policy as provided for in Statute 43 and will be responsible for the following:

- i. Constitute the Sexual Harassment Committee established under this policy and appoint a chair
- ii. Receive reports of findings and recommendations of the Sexual Harassment Committee and follow up on recommended actions

## **5.2 Sexual Harassment Committee**

Membership of the committee shall comprise a chairperson and members appointed by the Vice Chancellor plus a representative each of the association or union of the complainant(s) and the alleged perpetrator(s).

## **5.3 Functions of the Sexual Harassment Committee**

The Sexual Harassment Committee shall be responsible for the following:

- a) Plan and manage the University's sexual harassment education and programmes. This shall include wide dissemination of this policy to the University community; information on reporting lines; and training of personnel who may be responsible for responding to informal reports of sexual harassment in the University
- b) Deal with specific complaints of sexual harassment as an investigative body
- c) Design appropriate sanctions or disciplinary measures to be applied to persons who violate this Policy in accordance with the grievance procedures outlined under this Policy
- d) Maintain records of reports of sexual harassment and actions taken in response to the reports, including records of investigations, voluntary resolutions and disciplinary action, as appropriate.
- e) Prepare and submit annual report to the Registrar on its work.

## **5.4 Terms of Office of the Committee**

Committee members shall serve for a term of two years, after which they can be nominated to serve for two more years.

## **5.5 Review of the Policy**

The Sexual Harassment Committee and other relevant stakeholders shall review this Policy as deemed necessary.

## **6.0 GUIDELINES FOR LODGING COMPLAINTS**

The following guidelines shall apply:

- a. The complainant shall formally make a request to the Sexual Harassment Committee through the Dean of Students or Director-HR to take further action
- b. The Sexual Harassment Committee shall notify the alleged offender that the matter is being taken further, and that it may result in disciplinary action
- c. The Sexual Harassment Committee shall as soon as possible, but not later than 14 working days from receiving a relevant request, initiate separate investigatory meetings with the complainant and the alleged offender, together with their

agents (if any) to attempt to resolve the matter, unless both the complainant and the alleged offender agree to a joint meeting being convened.

- d. The Sexual Harassment Committee shall, within seven days of the close of hearing, submit a report of the outcome of the investigation to the Registrar for further action
- e. The committee shall further advise the complainant and the alleged offender in writing of the outcome of the investigations, including any recommendations made and/or sanctions imposed.

### **6.1 Rights of the Complainant**

Any member of staff who believes that he or she has been subjected to sexual harassment in violation of this policy is urged to report the matter and utilise the procedures described under this Policy for redress. The complainant will not be reprimanded against, or discriminated against in any way for initiating a complaint.

### **6.2 Rights of the Respondent**

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

### **6.3 Right to Representation**

A complainant and a respondent in a sexual harassment or sexual abuse matter have the right to representation by counsel.

### **6.4 False Representations**

Individuals, who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subjected to disciplinary action.

### **6.5 Dissemination of Information on Sexual Harassment Policy**

This policy shall be published and disseminated without charge to all members of the University community. It shall be displayed at conspicuous places in all faculties, departments, lecture halls and public areas as far as possible. It shall also be made available to newly recruited staff of the University and newly admitted students.

## **7. SANCTIONS**

Sanctions that may be recommended by the Sexual Harassment Committee shall include but are not limited to Statutes 45 and 46. Alternatively, the committee may apply the following:

- a. Public apology
- b. Mediation
- e. Referral to the appropriate law enforcement body

## **8. APPEALS PROCEDURE**

In the event that either the complainant or the alleged offender is aggrieved with the outcome of the investigations and/or the action to be taken, he/she has a right to appeal, which must be exercised within seven (7) days. The Vice-Chancellor shall, as soon as possible but not later than within twenty-one (21) working days, review the case and render a decision. In reviewing the case, the Vice-Chancellor, as the final arbiter, shall call for such information as he/she shall deem necessary.

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PUBLISHED BY:

**Directorate of Public Affairs**

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