Beyond the Rhetoric of Sexual Harassment Policy to Good Leadership in Higher Education Institutions: Case Study, University for Development Studies

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Abstract

Purpose: Sexual harassment has been working itself up as a social canker where women are widely abused. Regrettably, this menace has been systematically ignored by the relevant authorities. Sexual harassment has gained currency in institutions of higher learning for several reasons. The study is limited to sexual harassment of females since this is pervasive and systematic. The paper investigates the extent of sexual harassment in contemporary times, its impact on the learning environment of higher education institutions. The paper also attempts to identify perpetrators of this heinous act. The study uses the University for Development Studies as case study. The writer closely examines the Sexual Harassment Policy of the University which only became operational in 2018.

Methodology: A qualitative research design was employed. The population was the student leadership (Student Representative Council- SRC) of the multi-campus structure of the University for Development Studies (40), Simple random sampling technique was used to draw a sample size of 8 from which qualitative data was obtained using interview schedules for the four (4) Campuses of the University. Direct-observations and interviews of some key persons in the University was also employed.

Results: The study revealed some weaknesses of the policy and concludes that the policy per se does not guarantee a complete protection for victims of sexual abuses. This therefore leaves much to be desired.

Unique Contribution to theory, practice and policy: The paper therefore draws attention to this handicap that indeed, the policy may be in the right direction, but in itself not a sufficient bulwark against sexual harassment on campus. The writer therefore advocates extra guarantees or interventions for the University for Development Studies, whose policy on sexual harassment only recently became operational. Additional safeguards are recommended and above all a committed leadership to make the sexual harassment policy work.

Keywords: *Sexual Harassment, Sexual Harassment Policy, Higher Education, Perpetrators, Learning Environment*

INTRODUCTION

Sexual harassment abuses may appear to be a new phenomenon in Ghana but it may be worrying to note that sexual harassment has been as old as men and women have had to interact in the work environment (Snyman-Van Deventer & De Bruin, 2002; Rycroft, le Roux & Orleyn, 2005; Basson, 2007). According to Schultz (1998), as long as the power relationship between men and women in the workplace is unequal there will always be a potential for sexual harassment issues to exist. These days, there are countless articles of varying types in the social media on sexual harassment appearing even more regularly. Perhaps this is so because of the increasing number of women entering into workplaces and an increased assertiveness of women who are now more aware of their rights (Joubert et al. 2011). Gluckman, Read and Mangan, (2017) point out that the #MeToo movement which sought to publicize allegations of sexual harassment spreading through academia has succeeded in forcing organisations to confront widespread sexual harassment and assault in their workplaces.

Dziech and Weiner (1990:151) make us understand that sexual harassment occurs in institutions of higher learning for the following reason, that *university living is male living on male terms, and women discover that one of the easiest ways to violate those terms is to raise troublesome issues that call attention to gender*. Leach (2013) demonstrates in a recent study that sexual harassment in education manifests strongly in countries with weak educational systems, low levels of accountability, high levels of poverty, and gender inequality. Again, sexual harassment is seen to be more prevalent in institutions where educators are poorly trained, underpaid, and severely under-sourced (Beninger, 2013). Sharma (2013) reminds us that sexual harassment in education settings includes the following: a) inappropriate sexualized comments or gestures; b) unwanted physical contact such as touching, pinching or groping through to threats of examination failure; or c) sexual assault and rape. Sexual harassment, could include sexual favors in exchange for good grades or preferential treatment in class. It is, however, important to understand that the perpetrators can be students, lecturers, teachers or administrative staff (Joseph, 2015). Despite the awareness of sexual misconduct many institutions still struggle with denial, with refusal to admit any existence of the problem or their legal and ethical responsibilities to confront it (Dziech & Weiner, 1990).

Statement of the Problem

The University for Development Studies (UDS) was established in May 1992 under PNDC Law 279, as the first public university in the Northern part of Ghana. Academic work really started in September 1993 with the admission of only 39 students into the Faculty of Agriculture at Nyankpala (UDS, 2008). Starting with a student population of 39 in September, 1993, the number has swelled to 19,720 (UDS, 2018) with staff strength of 1,691: comprising of 1058 non-teaching while the teaching staff are 633 (UDS, 2018).

Considering the current population of students and staff of UDS that has risen sharply, there is good reason to be concerned with all manner of anti-social behaviour, especially, those related to sexual harassment and violence of one kind or the other. Twenty-five (25) years on, UDS just developed and made operational a policy on sexual harassment in the third quarter of 2018. This delay may have sent the wrong signals about Management's seriousness about sexual crimes in

the University. The importance of a sexual harassment policy cannot be overlooked in education institutions and workplaces. This paper examines whether the policy has an understanding of what sexual harassment really mean in today's usage, its importance on the learning environment of higher education institutions, like the universities and who the real perpetrators may be. Using the University for Development Studies as case study, the writer examines the challenges and containment of sexual harassment issues in the University especially with the patronage of the defined structures the policy sets out to deal with sexual crimes.

LITERATURE REVIEW

Understanding Sexual Harassment

There have been conscious efforts both at the national and international stages to eliminate sexual harassment but there is no single definition of what constitutes this anti-social behaviour. Broadly speaking, sexual harassment is seen as a form of violence against women and considered a discriminatory treatment while national laws may tend to focus more on the illegal conduct *(*Dziech and Weiner, 1990). The United Nations, in her *General Recommendation 19* to the Convention of the Elimination of all forms of Discrimination against Women defines sexual harassment as including:

> "such unwelcomed sexual determined behaviour as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or by action. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment" (Webb, 1994:1).

From results of studies carried out by scholars like Cortina, Lonsway, Magley, Freeman, Collinsworth, Hunter and Fitzgerald (2002) it is evident that women's strong fears for personal safety and perceptions of negative treatment on campus are well founded. Cortina et al. (2002) explain that women enter into academia expecting to find challenge, acceptance and respect but instead they encounter a climate of indifference, hostility, exploitation and other worse situations. Findings from studies done by Cortina et al. (2002) and others have shown that many universities have had to implement policies and procedures to create a safer and more hospitable environment for women or female students. Consequently, evidence has shown that such measures fell short of their desired goals and calls for additional interventions beyond the conventional policies to prevent sexual abuses. Many universities and UDS in particular, have instituted polices prohibiting sexual harassment and have developed formal procedures for formal complaints. Some universities have counseling units which among others offer advice and medication for addressing sexual harassment. Compare to the total number of sexual harassment cases that really occur only a few complaints are really heard. There is a challenge in getting victims to come forward and use the laid down systems to seek justice. Many believe that there may never be an increase in actual complaints of abuses and therefore have left many to think that there is more to it than putting in place intervention procedures (Dziech & Weiner, 1990).

METHODOLOGY

A qualitative research design was employed. The population was the student leadership (Student Representative Council- SRC) of the multi-campus structure of the University for Development Studies (40). Simple random sampling technique was used to draw a sample size of 8, from which qualitative data was obtained using interview schedules for the four (4) Campuses of the University. An interrogation was made of the sexual harassment policy of the University for Development Studies together with portions of the 1992 Constitution of the Republic on harassment matters. Interviews were conducted for the Faculty Officers of the four (4) Campuses and selected members of the Students Representative Council on matters of awareness and implementation of the sexual harassment policy for the University. Direct-observations were also employed.

FINDINGS AND PRESENTATION

Sexual harassment and its effects on work and studies

The University for Development Studies (UDS, 2018) abhors and has clearly states that "Sexual harassment is unlawful and distasteful" and "violates the rights of self-determination and bodily integrity of the affected person(s). This creates fear and anxiety with immediate and lasting effects on the affected. The effects of sexual harassment could be personal and social" …. therefore … "The University for Development Studies (UDS) as an institution committed to promoting" …... "an environment that is conducive to work and study"

The University intends to use some stated objectives to achieve the needed environment that will promote conducive work and study by a) identifying what constitutes sexual harassment, b) preventing sexual harassment and misconduct through education and awareness creation.

c) investigating allegations and reports of incidents of sexual harassment and sexual misconduct in the University d) administering appropriate disciplinary measures when a violation is found to have occurred as provided by this Policy to deter potential sexual harassment and misconduct offenders, and e) ensuring that victims of sexual harassment and sexual misconduct or anyone who participates in the investigation does not face victimisation, retaliation or stigmatisation.

Formation of Campus Sexual Harassment Committees and awareness Creation

An interview with the Campus Officers of the four Campuses of UDS revealed their awareness of the Sexual Harassment Policy and the formation of Sexual Harassment Committees to adjudicate on matters on sexual harassment. Indeed, Faculty Officers for the four Campuses of the University were each interviewed on phone about their awareness and existence of a sexual harassment policy in the University. For all of these Campus Officers their responses were identical: *"yes, we are aware of its existence and Committees".*

When asked how they were informed about the Policy, they said all Campuses were officially informed by the Office of the Registrar: *"the Registrar officially communicated to us about the Sexual Harassment Policy, and in addition added copies of the policy for our attention, and directing us to form the necessary Committees".*

On the formation of Sexual Harassment Committees on the various campuses.

It was clear that apart from the Navrongo Campus which said the committee was yet to be constituted the other campuses, namely Tamale, Nyankpala and Wa Campuses confirmed the existence of the committees on their Campuses. In response to the question on whether these Committees had investigated any cases since their formation, they had this to say:

Nyankpala Campus: "Yes, the Committee just finished investigating their first case".

Tamale Campuses: "We are yet to have our first case investigated".

Wa Campus: "No. We are yet to investigate a case"

Navrongo Campus: "No, we are yet to have our first case" (Committee was yet to be constituted)

When the Campus officers were asked how students were educated on the policy, the response was unanimous: "We used a slot in the orientation programme to educate the First-year students however for the continuing students we have informally done that through their lecturers especially the Heads of Departments but also through the counselling units".

Faculty officers also said: "We have also encouraged all students, through notices, to go to the University's website to download and read more about the policy".

The Faculty Officers again were asked why there seem to be no patronage of the committees set up to deal with sexual harassment? They all responded that: "We don't know. This doesn't mean there aren't cases of sexual crimes of one kind or the other"

On students' awareness of the existence of Sexual Harassment Committees on the Campuses

The SRC had this to say about their knowledge of the policy: "We are aware of the Policy on Sexual Harassment and Committees; we were officially informed about it and we were also encouraged to go onto the UDS website where it is uploaded"

When the SRC was asked about how they were educated on the policy this is what the SRC said: "the First years were given some education on it during their orientation programme on arrival, however when we wanted to use another forum at about the same time to educate the continuing students the Management advised us to organise a general forum at another time for that purpose but we are yet to do so".

When the SRC was asked whether victims of Sexual harassment used the facilities created in the policy to address their cases they said: "students are reluctant to use the committees or facilities because they feel uncomfortable because of victimisation. Students have the feeling that proceedings will be bias against them (students) and so students feared a backlash on them and so they just allow things go".

Reporting Sexual Harassment

The Sexual Harassment Policy provides two ways of reporting a harassment case:

Informal approach, where the issue in a way the issue is resolved between parties or reported to the appropriates committees through a trusted person or done through the University counsellor.

Formal approach, here the victim officially makes a direct complaint to the appropriate authorities (Committee).

The SRC indicated that students had some misgivings about the approach: they claim

"Students are a bit doubtful about both approaches because they don't trust they will work genuinely and even whether any justice will be done and so fear of victimisation".

When asked why they were doubtful of the outcomes they said *"Students think the committees will not judge against their own (staff) and so students fear repression against them should there be a judgement against them".*

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

Discussion

Addressing Sexual Harassment in Higher Education and UDS in particular

These days, it has become mandatory for colleges and universities to develop policies and programmes to respond to sexual harassment challenges on campuses. The University for Development Studies and many other institutions of higher learning like the University of Ghana (UG) have developed sexual harassment policies intended to respond to abuses in the event of complaint of sexual harassment (UG, 2010). Dougherty (2017) points out that sexual harassment policies are complicated and therefore cautions that like the systems theory, solutions need to match the complexity of the problem in order to make it effective. Dougherty (2017) underscores the complicated nature of a policy for sexual harassment but contents that it is only a first step that needs to be followed by persistent training, a willingness to listen to victims and readiness to take drastic action without fear or favour.

The University for Development Studies has developed its sexual harassment policy which includes procedures for formal complaints amidst informal procedures which may include counseling for both victims and perpetrators. Just as for most sexual harassment policies, especially for higher educational institutions there is always a determination to promote equity and safety intended to enhance welfare and progression of all staff and students. In UDS, the overall objective of these policies is to create a conducive environment for work and study where all members of the community irrespective of their sex, age, ethnicity, physical or mental ability, sexual orientation, religion or creed, are free from sexual harassment. The policy states among others things that "…as an institution committed to promoting equity and safety has embarked on the development of a sexual Harassment Policy for the purposes of promoting the welfare and progression of all staff and students. It is committed to the creation of an environment that is conducive to work and study, where all members of the University community; including staff,

students and third parties, irrespective of their sex, age, ethnicity, physical or mental ability, sexual orientation, religion or creed, are free from any form of harassment especially sexual harassment". The University of Ghana's policy like that of UDS "seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity" (UG, 2010) . Indeed, for all standard sexual harassment policies and for UDS in particular, attempt to define prohibited conduct, outline the procedures for reporting violations, conduct of investigations, sanctions and non-retaliatory mechanisms and establishes the Anti-Sexual Harassment Committee.

 As with most polices on sexual harassment for higher education institutions, the governing body assumes overall responsibility for ensuring compliance with sexual harassment policy. Niemann (2001), Mitchell and Sackney (2000) and Squelch (2001) argue that it is necessary that school management teams co-operate with governing bodies in taking bold steps to stop all forms of sexual harassment. After all the Labour Act 2003, Act 651 and 1992 Constitution of Ghana have both provided for the protection of employees and Ghanaians in general. The 1992 Constitution clearly provides a framework against sexual harassment. Article 12(2) provides guarantees for the enjoyment of these fundamental human rights by all Ghanaians irrespective of their place of origin, gender, political opinion, creed, religion and colour. Anti-discriminatory provision is enshrined in Article 17(2) as follows: "A person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status".

Ashe (2014) posits that facilities for redress of sexual harassment cases are crucial for the enforcement of sexual harassment policies. McCann (2005) argues that such facilities function for the filing of sexual harassment complaints, investigations, attempt conciliation and adjudicate or make recommendation. Ashe (2014), however, notes that such institutions are not sufficiently enforced both internally, within the organization's working environment and externally through the appropriate institutions.

In higher education institutions the head of the institution is the chief disciplinary officer and he/she is responsible for ensuring compliance with sexual harassment and misconduct policy (UG, 2010). In UDS, the Vice-Chancellor is the Chief Disciplinarian and through his/her Campus Principals, is responsible for ensuring compliance with the sexual harassment policy. In UDS, like in UG, the Vice-Chancellor has the authority to constitute the Sexual Harassment Committee established under the policy. The Vice-Chancellor's Office receives reports of findings and recommendations of the Sexual Harassment Committee and ensure that the necessary action are promptly taken. Apart from publishing the policy on sexual harassment and disseminating it to all members of the University Community the policy is also specifically given to newly recruited staff and newly admitted students of the University. Members of the anti-sexual committees are given training in the handling of abuses brought before it. "All Members of the Anti-Sexual Harassment Committee shall receive appropriate training about sexual harassment and sexual misconduct and how to apply this policy and the grievance procedures in order to discharge their duties in an efficient and sensitive manners" (UG, 2010).

Sexual harassment in the University for Development Studies

The UDS does not accept sexual harassment in any form as the institution understands it. Staff, students and other stakeholders have been charged with the responsibility to ensure that sexual harassment does not occur. The sexual Harassment Policy clearly states that persons found to have sexually harassed another person will be liable to disciplinary action that may include an apology, transfer of duties or dismissal. From the look of things, it does not students are patronising the structures provided by the Policy for one reason or the other. Dziech and Weiner (1990) point out that compared to the total number of harassment cases that really occur only a few complaints are really heard. There is a challenge in getting victims to come forward and use the laid down systems to seek justice. Many believe that there may never be an increase in actual complaints of abuses and therefore have left many to think that there is more to it than putting in place intervention procedures. In the experience of UDS it is evident from the confession of the SRC that students are not comfortable with the system and fear for victimization.

Who are the Predators of Sexual Harassment?

Sexual harassment at the higher education level involves sex in exchange for good grades or leaked examination questions. In some cases, it may support the chances of gaining admission into an institution of choice. "The price of resistance is likely to be failure or exclusion" in the mind of Leach (2013). The predators in these acts of sexual harassment could be any one from either lecturer, administrative staff to male students. In reaction to Leach's (2013) report, Sharma (2013) state that student sexual violence outnumbers that perpetrated by staff but she agrees that a corrupt system   tolerate high levels of student on student violence as well as abuses by staff.

When students are apprehensive with the mode of reporting as expressed by the SRC for one reason or the other this could surely give rise to considerable underreporting of sexual violence perpetrated against them, for fear of victimization. This is so despite students' awareness of the existence of the channel of reporting sexual crimes in UDS. Therefore, students may not be willing to come forward to report cases of sexual harassment. The fear of being failed in examinations, stigmatization or ridicule or even the idea that nothing would indeed be done to the perpetrators tend to perpetuate sexual harassment. Unfortunately, these acts may regrettably become accepted as 'normal' in many education institutions in many countries of the world especially in Africa. Where the acts occur in higher education environment lecturers meticulously stage the blame on female girls for dressing provocatively or scheming an invitation. A case in view is one provided by The Nigerian Daily Post Newsletter (2018) where a professor, by name Richard Akindele of Obafemi Awolowo University (OAU) was implicated in a sex-for-marks saga. The lecturer was alleged to have demanded five sessions of sex from one Monica Osagie, a postgraduate student of the institution, to award her a pass mark in a course she failed. The sex scandal was described as one that brought considerably damaged to the academic community. In a statement issued by the Lecturer in question, he said "I have evidence and proof that she naked herself and harassed me sexually and I have a naked picture she sent to my WhatsApp contact, pressing that she wanted to have sexual intercourse with me. I have known this lady to be a bad behaved lady and as if she is a psychotic person". Soon after the allegations of sexual impropriety were made against the Professor, he went into hiding. After calls from stakeholders in the university system an

investigation was conducted into the scandal and in June 20, 2018 the alleged lecturer was dismissed (The Nigerian *Daily Post* Newsletter, 2018).

Effects of Sexual Harassment on Victims and the Environment

Sexual harassment and violence in education institutions is an abuse of power by teachers or lecturers including administrators and this undoubtedly can corrupt the education system. It also leaves in its trail irreparable consequences for affected education institutions. For instance, Dranzoa (2018) argues that sexual harassment as a gender-based violence in higher education is a sign of institutional failure where victim's academic careers may be destroyed. Dranzoa's (2018) study revealed that both lecturers and students are aware of the devastating consequence of sexual harassment on victims and the school's environment. It is highly probable that in UDS and elsewhere, such abusive behaviour is capable of shattering the dreams of students and could cause the reputation of the University to fall. Belluck (2018) tells us that "there is no evidence to suggest that current policies, procedures, and approaches have resulted in a significant reduction in sexual harassment," and therefore argues that it "undermines work and well-being in a whole host of ways, "triggering symptoms like depression, sleep disruption, cardiac stress, and post-traumatic stress disorder.

Conclusion

There are good reasons why UDS must move beyond the rhetoric of this first step of basic legal requirement, of a sexual harassment policy, to establish other support mechanisms or interventions to effectively create that conducive academic environment. In America, for instance, women in virtually every industry came forward with their experiences of sexual harassment, thanks to the #MeToo Movement in the USA began in 2017, exposing the filth of sexual harassment under the surface of corporal America. UDS must realised that these additional mechanisms can be integrated into the University system as a supplementary measure to properly address the menace of sexual harassment. For instance, one of the objectives UDS intends to pursue in this Sexual Harassment Policy is to embark on an education and awareness creation to give a greater meaning to the policy but also let victims know they issues will be properly addressed. Nevertheless, there are other mechanisms that need to be incorporated into or considered alongside the policy to allow it function the way it should. According to Dranzoa (2018), sexual harassment and gender-based violence in higher education are signs of institutional failure. Education enterprises flourish better when the necessary environment is created to address potential occurrences of sexual harassment. There should also exist, appropriate procedures to resolve such incidences when they occur. More importantly, all education institutions must strive to create a good school culture of self-discipline among community members. Victims of sexual violence often see their academic careers sadly truncated or even destroyed altogether. The ultimate effect is that a vicious cycle of poverty and moral decadence is sustained. Fortunately, the fight against sexual harassment and gender-based violence received a big boost when stalwarts of this fight like Mackinnon, an anti-sexual harassment advocate, could celebrate the "#Me too" Movement in the US along with others.

Recommended Mechanisms for UDS to effectively Manage Sexual Harassment

Provision of easy channels to report sexual harassment claims:

Rapists and harassers gain enormous power when victims are unable to report the incident or when institutions that are designed to protect victims fail to respond to reports. It is established that only 10 percent of victims of all sexual assaults report to the police and other authorities and even those who report just a third receive favorable action (Quina, 1999). In a good number of cases the heads of units and sections are aware they can report sexual harassment allegations to the Human Resource Department for investigations. However, if the victims are often reluctant to file an official claim through this channel at the Department their options become limited (Quina, 1999).

The University as an institution must develop alternatives reporting channels separate from those established conventionally by the institution. More trusted and respectable and high-ranking individuals especially female lecturers who are well informed can act as first point of call in the event of an allegation of sexual harassment. Indeed, using the SRC as a first point of call for victims in such matters can also give great confidence to victims than just asking them to report directly or indirectly through someone else. In this way students come to realize that their own too, are involved and who can stand behind them and help push their cause. Most female students especially the new students may feel shy, at first, to open up on sexual matters to people in authority. The University can also create an email system where an online official claim form can be accessed for the purpose of filing a case for online submission for appropriate action to be initiated. Victims' shyness inhibiting the reporting process of a sexual abuse case would be taken away.

As a long-term solution, the University or workplace can take up the responsibility of creating a healthy organizational culture of good manners and leadership for all members of the institution (Dougherty 2017). In addition, Entis (2018) recommends that heads of departments should be empowered (as bystanders) to report sexual harassment allegations to the appropriate quarters for appropriate actions to be initiated. The bystander (non-participant spectator) intervention takes away the sole responsibility of reporting the harassment from the victim and this prevents further predatory sexual behaviors

Good and Regular Training and Education

Higher educational institutions like UDS should embark on training and education for their staff which is also referred to as the bystander intervention. The University sexual harassment has envisaged special training and counseling programmes for both parties of a sexual harassment case. The regular training equips students and other employees with the ability to have to respond to inappropriate behaviors including conflicts management methods to de-escalate tension (Entis, 2018). In traditional training encounter, facilitators merely present a list of prohibited behaviors without correspondent responses. This may leave a victim very intimidated and her body language or response could be interpreted as an invitation or motivation to continue.

Elsesser (2016) cautions, however, that widely implemented organisational sexual harassment policies may produce negatives unintended consequences for employees. Indeed, sexual harassment policy could be doing more harm than good. These could be counterproductive for

both the organisation and employees. This underscores the importance of training and education in the working environment of UDS including those of other educational institutions or workplaces. Training has a crucial effect of preventing misinterpretations of policies. Dougherty (2016), however, warned that the way in which employees construct meaning around policies can prevent the effectiveness of policy. In this light, Dougherty (2016) has advised that organisations should discuss their sexual harassment policies in a clear and concise manner to ensure all employees have the same understanding of the policies being implemented because "organisations also would benefit from sexual harassment training that acknowledges the gender dynamics of harassment".

Offering professional counselling to victims

Strong patriarchal tradition, contributes to misogynistic behavior that could deny talented female students of their academic advancement. Considering that most of these females are entering higher institutions for the first time are vulnerable, innocent and unexposed and naïve and eager to adventure into their newly gained freedom and may encounter predators who may destroy their lives forever, counselling would be important at this point (Dranzoa, 2018). The University for Development already has a functioning Counselling Unit capable of providing the necessary services.

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