

**GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION  
(GIMPA)**



**SEXUAL MISCONDUCT POLICY**

September 2019

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**TABLE OF CONTENTS**

1.0	INTRODUCTION .....	2
2.0	PURPOSE .....	2
3.0	SCOPE .....	2
4.0	POLICY STATEMENT .....	2
5.0	PROHIBITED CONDUCTS .....	3
5.1	SEXUAL ASSAULT .....	3
5.2	SEXUAL EXPLOITATION .....	3
5.3	STALKING .....	4
5.4	SEXUAL HARASSMENT .....	4
6.0	STEPS TO RESOLVE CASES OF SEXUAL MISCONDUCT .....	5
6.1	STAGE 1: EXPRESSIONS OF PERSONAL OBJECTION .....	5
6.2	STAGE 2: WHERE TO LODGE COMPLAINTS .....	5
6.3	STAGE 3: SEXUAL MISCONDUCT INVESTIGATION PANEL (SMIP) .....	5
6.4	EXTERNAL PROCEEDINGS .....	6
7.0	SANCTIONS .....	6
8.0	NOTIFICATION OF OUTCOME .....	6
9.0	WITHDRAWAL OF COMPLAINTS .....	6
10.0	FALSE ACCUSATIONS .....	6
11.0	REPRESENTATION DURING INVESTIGATIONS .....	6
12.0	APPEALS AND REVIEWS .....	7
13.0	THE ROLE OF THE GENDER DEVELOPMENT AND RESOURCE CENTRE ON SEXUAL MISCONDUCT .....	7
14.0	DEFINITIONS .....	7
15.0	AUTHORIZATION .....	7

## 1.0 INTRODUCTION

Ghana Institute of Management and Public Administration (GIMPA) takes Sexual Misconduct seriously, and is determined to combat it effectively and fairly. This Policy on Sexual Misconduct establishes guidelines to promote a congenial work and educational environment that is free of discrimination and harassment. In accordance with the Institute's Gender Policy, this Policy will help provide a safer environment for the pursuit of academic excellence.

As a public educational institution, this Policy fulfils GIMPA's obligations under the National Anti-Corruption Action Plan (NACAP 2015-2024) which requires all public institutions such as GIMPA to develop and implement policies against sexual misconduct.

## 2.0 PURPOSE

GIMPA is committed to fostering an environment in which all members of the Institute are safe, secure and free from sexual misconduct of any form. The Institute expects that all interpersonal relationships and interactions will be based on mutual respect, open communication and unambiguous consent.

The purpose of this Policy is to highlight and make provisions to guide and regulate interpersonal relationships in the Institute. Further, it has become important to build and reinforce a deep sense of confidence in the teaching, learning and working environment of the Institute by formulating a standard policy framework in which the relationship between different categories of persons is predicated upon decent and acceptable behaviour within the Institute.

## 3.0 SCOPE

This Policy applies to the conduct of all the Institute's members (senior and junior), staff (senior and junior) and all other persons involved in the Institute's business. Complaints of sexual misconduct may be made by any of the above persons.

This Policy applies to the conduct on the Institute's premises as well as to all programmes/courses offered and activities by the Institute. It also applies to the conduct of Institute employees and students in any location where the Institute operates.

## 4.0 POLICY STATEMENT

GIMPA strictly prohibits sexual misconduct of any kind, including sexual assault, sexual exploitation, stalking, sexual violence, and sexual harassment, against any member of the Institute. Acts of either verbal or physical sexual misconduct are intolerable as they violate the values and principles of the Institute and disrupt the living, learning and working environment for students, faculty, staff and other members of the Institute. Allegations of sexual misconduct will be subjected to thorough and expeditious disciplinary action under this and any other relevant

policies and procedures of the Institute. In addition, a perpetrator may be subject to sanctions under the general laws of Ghana.

The Institute will take prompt steps to deal with cases of sexual misconduct with strict confidentiality throughout the proceedings. The Institute will further ensure that complainants are protected against victimization, bullying, retaliation and that the parties have their reputations protected during hearing processes. Parties may be represented by legal counsel should any so desire.

This Policy applies equally to all, regardless of the sex, sexual orientation, gender identity, or gender expression of any of the individuals involved.

## 5.0 **PROHIBITED CONDUCTS**

The Institute prohibits all forms of sexual misconduct. An attempt to commit an act identified in this policy, as well as assisting or wilfully encouraging any such act, is also considered a violation of this Policy. An act may violate one or more sections of this Policy. The Institute prohibits the following forms of sexual misconduct:

### 5.1 **Sexual Assault**

This includes:

- 5.1.1 Sexual penetration without consent. This includes but is not limited to penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ when consent is not present; or performing oral sex on another person when consent is not present. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or by any part of the body.
- 5.1.2 Sexual contact without consent (e.g., fondling): This includes but is not limited to knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts, or buttocks, when consent is not present, contact done directly or indirectly through clothing, bodily fluids, or with an object to cause or induce a person, when consent is not present, to similarly touch or fondle oneself or someone else.

### 5.2 **Sexual Exploitation**

This means taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means or devices):

- 5.2.1 Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
- 5.2.2 Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
- 5.2.3 Recording any person engaged in sexual or intimate activity in a private space without that person's consent;

- 5.2.4 Distributing sexual information, images, or recordings about another person;
- 5.2.5 Recruiting, harbouring, transporting, providing, or obtaining another person for the purpose of sexual exploitation; and
- 5.2.6 Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

### 5.3 **Stalking**

Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury to themselves or to others, or experience substantial emotional distress. Stalking often involves individuals who are known to one another or who have a current or previous relationship, but may also involve individuals who are strangers. Stalking behaviour generally addressed under this Policy typically includes one or more of the following elements:

- 1) Is sexual or romantic in nature;
- 2) Is committed by a Claimant's current or former partner of an intimate, romantic or sexual relationship; or
- 3) Is related to the Claimant exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived sex, gender, sexual orientation, gender identity, or gender expression of the Claimant.<sup>1</sup>

Conduct that can amount to stalking may include action(s) directed at another, whether done directly or indirectly through others or via other methods or means such as social media. Stalking involves but is not limited to one or more of the following:

- 1) Following a person with an intent to cause sexual misconduct;
- 2) Being or remaining in close proximity to a person
- 3) Entering or remaining on or near a person's property, residence or place of employment
- 4) Monitoring, observing, conducting surveillance of a person
- 5) Threatening a person directly or indirectly
- 6) Communicating to or about a person
- 7) Consistently giving unwelcome gifts or objects to, or leaving items for a person
- 8) Interfering with or demanding a person's property, and
- 9) Engaging in other unwelcome contact

### 5.4 **Sexual Harassment**

Sexual harassment means any unwelcome act(s) of a sexual nature including sexual advances, requests for sexual favours and/or other verbal or physical conduct, including written

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<sup>1</sup> Source : *University of Michigan Policy & Procedure on Student Sexual & Gender-Based Misconduct & Other forms of Interpersonal Violence*

communications of an intimidating, hostile or offensive nature, or action taken in retaliation for the reporting of such behaviour, when:

- 1) Submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment or academic work; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment, promotion, transfer, selection for training, performance or academic evaluation decisions; or
- 3) Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment or substantially interferes with an employee's work performance or a student's academic performance. Verbal sexual harassment may include, but is not limited to:
  - a) sexual innuendo, comments and sexual remarks about clothing, body, or sexual activities;
  - b) humour and jokes about sex that denigrate women or men in general;
  - c) sexual propositions, invitations, or other pressure for sex;
  - d) implied or overt threats of a sexual nature; and
  - e) making gestures of a sexual nature.

## 6.0 **STEPS TO RESOLVE CASES OF SEXUAL MISCONDUCT**

### 6.1 **Stage 1: Expressions of personal objection**

At the earliest opportunity, the victim of sexual misconduct should express an objection directly to the alleged offender and request an immediate end to the misconduct. Should the victim feel unable to do this, or if this approach does not end the impugned behaviour, the victim has the right to activate the Institute's internal complaint procedures.

### 6.2 **Stage 2: Where to lodge complaints**

6.2.1 Any member of the Institute who receives a report of sexual misconduct may direct the complainant to lodge an official complaint to the Director of Human Resource Management or the Dean of Students who shall bring the complaint to the attention of the Rector through the Secretary of the Institute, within three (3) working days upon receipt of the complaint.

6.2.2 The Secretary of the Institute shall forward the complaint to the Rector within two (2) working days of receipt.

### 6.3 **Stage 3: Sexual Misconduct Investigation Panel (SMIP)**

6.3.1 The Rector shall appoint a Sexual Misconduct Investigation Panel (SMIP) to investigate the complaint within five (5) working days after receipt from the Secretary of the Institute.

#### 6.3.2 ***Membership of the Sexual Misconduct Investigation Panel (SMIP)***

The Committee shall be composed of a minimum of three (3) and a maximum of five (5) competent and experienced members.

6.3.3 **Terms of Reference of the SMIP**

The Sexual Misconduct Investigative Panel shall address sexual misconduct and abuse issues relating to the Institute's community. They shall investigate or address issues of Sexual Misconduct according to the laid down regulations in the policy and make recommendations to the Rector for consideration within two (2) weeks, unless otherwise extended by the Rector in writing.

6.4 **External Proceedings**

The provisions in this Policy are without prejudice to any other legal processes available to the victim.

7.0 **SANCTIONS**

7.1 Possible sanctions for breach of this policy may include (but are not limited to):

- 1) A letter of reprimand or warning,
- 2) Probation,
- 3) Suspension,
- 4) Termination of employment from the Institute, or
- 5) Any other appropriate sanction.

7.2 Possible sanctions for students include (but are not limited to):

- 1) A disciplinary reprimand,
- 2) Suspension,
- 3) Expulsion from the Institute, and
- 4) Other sanctions as specified in the Students Handbook

8.0 **NOTIFICATION OF OUTCOME**

Both the complainant and the respondent shall be simultaneously informed in writing of the outcome of the investigation.

9.0 **WITHDRAWAL OF COMPLAINTS**

The complainant may withdraw the complaint at any time.

10.0 **FALSE ACCUSATIONS**

In situations where the complaint is found to be untrue, sanctions shall be meted out to the said person ranging from reprimand to dismissal depending on the gravity of the accusation and the damage to reputation caused.

11.0 **REPRESENTATION DURING INVESTIGATIONS**

During the investigation process, a party may be represented by a lawyer or an advocate.

**12.0 APPEALS AND REVIEWS**

An aggrieved party to the proceedings may appeal to the Institute's Appeals Tribunal as per provisions in the Statutes.

**13.0 THE ROLE OF THE GENDER DEVELOPMENT AND RESOURCE CENTRE ON SEXUAL MISCONDUCT**

The Institute's Gender Development and Resource Centre shall:

- 1) Plan and manage the Institute's Sexual Misconduct educational and training programmes.
- 2) Conduct research on sexual misconduct, and
- 3) Submit an annual report on the state and management of sexual misconduct to the Academic Board.

**14.0 DEFINITIONS**

14.1 "Institute" means the Ghana Institute of Management and Public Administration (GIMPA) and its Satellite Campuses;

14.2 "Junior Member" means a person enrolled for the time being in the institute pursuing an academic qualification;

14.3 "Members of the Institute" means Senior and Junior Members;

14.4 "Staff" include Senior, Middle Level or Junior staff categories created by the Statute of the Institute;

14.5 "Senior Member" means the teaching/research and senior administrative/professional personnel who is appointed and designated as such;

**15.0 AUTHORIZATION**

This Policy was approved by Council on **Thursday, September 26, 2019 at the 40<sup>th</sup> Regular, Meeting of Council held at the GIMPA Council Chambers.**

Signature of Chairman of Council..........Date.....