



Fogarty International Center
Advancing Science for Global Health



HEPI-TUITAH

GRANT No: R25TW011210

SHarPResT



Topic 5

Sexual Harassment policy

Informal and formal procedures

Informal procedures

- An informal procedure is a process where the victim wishes for something to be done but is not ready to lodge a formal complaint. It is a process in which the relationship between the complainant and the alleged perpetrator is explored by the ASHC and with the consent of both. The aim is to reach an amicable settlement or resolution of a complaint in a manner that is satisfactory to both the complainant and alleged perpetrator. The choice to pursue informal proceedings shall not in any way diminish the force of the original complaint. If an amicable settlement or resolution is reached, then the complainant shall not pursue formal proceedings after the conclusion of informal proceedings.

Informal procedures cont'd

- The alleged perpetrator has the right to refuse participation in informal proceedings and may exercise this right during any stage of the informal process. No negative inference shall be drawn from a refusal to consider, participate or withdraw from the informal process.
- An informal procedure may not take place if the ASHC in consultation with University Secretary's office or Dean of Students' office believes that there are compelling reasons for the complaint to be of a serious nature.
- In an informal procedure only the following information is recorded:
 - a) The fact that the informal procedure took place;
 - b) The names of the participants;
 - c) The date, time and location of the alleged incident;
 - d) The outcome of the informal procedure.

Informal procedures cont'd

- Informal proceedings require the written consent of both the complainant and the alleged perpetrator, and
 - a) The availability and implications of informal proceedings shall be explained to the complainant by the appointed case facilitator before such proceedings begin;
 - b) With the consent of the complainant preparatory interviews with the alleged perpetrator may be held in the presence or absence of the complainant and with any other person or persons that may provide information to assist with the informal process;
 - c) The structure, procedure and facilitation of any informal procedure will be agreed upon beforehand by the case facilitator, complainant and alleged perpetrator.

Informal procedures cont'd

- The informal procedure may include: -
 - a) An approach to the alleged perpetrator with or without revealing the identity of the complainant (depending on the choice of the complainant) with information that certain forms of conduct constitute sexual harassment;
 - b) A discussion where the objective is to give the alleged perpetrator an opportunity to apologise. The terms, conditions and acceptance of such an apology will be facilitated by the Case Facilitator;
 - c) The presentation of the case in confidence to a group of not more than four persons (including the Case Facilitator), to consider suggestions and to make recommendations that may achieve a resolution based on an agreement between the alleged perpetrator and the complainant. The choice of participants in the discussion will be at the discretion of the Case Facilitator in consultation with the Chairperson of the ASHC.

Informal procedures cont'd

- Every endeavour must be made to conclude the informal procedure within twenty-one **(21) days** of the incident being reported to the ASHC.
- Strict confidentiality regarding the process, participants and report will be maintained throughout this process.
- Alternatively an informal complaint may be made to any academic member of staff, personal tutor, Administrator or Work supervisor. It is made in those cases where the victim wishes for something to be done (e.g. warn the harasser or transfer the harasser to another department or change the victim's dissertation supervisor) but is not ready to lodge a formal complaint. In any case, the alleged perpetrator must be notified of the complaint lodged against him/her. An informal complaint may be put on the record of the accused party with their consent and may be used in future as evidence of repeated unwanted conduct should the need arise.

Informal procedures cont'd

- In situations where the accused party does not want the complaint placed on their file record the ASHC will forward the matter to the TMC to be handled in the formal process as the settlement will have failed.
- Regardless of the outcome of the Informal process in all circumstances for the finality of the process, the ASHC will make a report to the TMC with its recommendations so that the TMC may put the same into effect.

Formal procedures

- A complainant wishing to follow a formal procedure, he or she shall advise the case facilitator of their intention, present a written statement which should include the date, time and place of the incident(s), the behaviours and person(s) involved in the incident(s), his or her response to it, and the names of any witnesses to it. The formal processes for the presentation of the complainant's case within University Disciplinary Processes for staff and for students will be initiated through the ASHC.
- A complainant may choose to initiate formal proceedings, either with or without first following an informal procedure. The purpose of formal proceedings is to test the complainant's allegations through the disciplinary process.

Formal procedures cont'd

- If a complainant, following an informal procedure that does not result in a mutually acceptable outcome, does not wish to follow a formal procedure, the case facilitator will establish whether the complainant requires any further advice or support as contemplated in (the section dealing with the ASHC).
- If the complainant wishes to proceed with a formal procedure, he or she shall advise the case facilitator of this, and prepare and sign a written statement which should include the date, time and place of the incident(s), the behaviours and person(s) involved in the incident(s), his or her response to it, and the names of any witnesses to it.
- The formal processes for the presentation of the complainant's case within University Disciplinary Processes for staff and for students will be initiated through the ASHC through a detailed report of findings and recommendations to the DOS for students and US for staff and third parties as seen below.

Formal procedures cont'd

- **For Students**

Where the formal procedure is to be followed, the ASHC will report the matter to the Dean of Students and the matter will be dealt with in accordance with the terms of the existing University Disciplinary regulations for students. The ASHC through the Chairperson or any representative and the Case Facilitator will provide such assistance to the Dean of Students and the Students Disciplinary Committee when required.

- **For Staff Members**

Where the formal procedure is to be followed against a staff member, the existing approved disciplinary procedures for staff will be used in accordance with the valid Human Resource Manual at the time. The University Secretary through the Director of Human Resource may consult the ASHC and Case Facilitator before instituting disciplinary action for sexual harassment. The ASHC through the Chairperson or any nominated member and Case Facilitator shall assist the management representative where this assistance is required.

Formal procedures cont'd

- **Employees or agents of contracted-in Third parties**

Where the formal procedure is to be followed, the disciplinary procedures agreed between the University and the contracting-in third party will be used. The ASHC will offer such assistance to the University Secretary and the management of the third party concerned as may be required.



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*Please channel your questions to the
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