

Tertiary Institutions
In Imo State

Prepared by

The Centre For Social Awareness, Advocacy And Ethics (CSAAE)





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# Proposed SEXUAL HARASSMENT POLICY







CSAAE Publications C-Pub

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Published by

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### **PREFACE**

The Centre for Social Awareness, Advocacy and Ethics (CSAAE) envisions a better society where all can flnd support and encouragement to work hard, live in dignity and feel proud to belong. The Centre pursues this vision through three program areas:

- An ethics program that promotes ethical leadership, professional and business ethics.
- An advocacy program that advocates for good governance, human rights, rule of law and anticorruption.
- A socioeconomic program that fosters entrepreneurship, youth and women empowerment, quality primary education and healthcare as well as sustainable environment.

Given the devastating impact of sexual harassment on human dignity and integral human development, the Centre has developed a sexual harassment policy to end sexual harassment in tertiary institutions in Imo state and foster harmonious coexistence among individuals of diverse sexes, ethnicities, religions, disciplines, and backgrounds in the universities.

We believe that if adopted and implemented as recommended, this policy will foster the emergence of a culture of mutual respect between staff and students as well as the emergence of an environment conducive to robust academic pursuit and scholarly endeavours.



The 1999 Constitution of the Federal Republic of Nigeria (FRN) as amended, firmly prohibits discrimination based on gender. According to section 42 of the Constitution, no citizen of Nigeria, regardless of community, ethnic group, place of origin, circumstances of birth, sex, religion, or political opinion, should face discrimination solely because of these factors.

Sexual harassment (SH) represents a dire form of gender discrimination posing grave challenges within the Nigerian university system. It not only jeopardizes the integrity of institutions but also undermines efforts to foster a conducive learning environment. The impact of SH is profound, affecting the dignity of survivors and perpetrators, jeopardizing careers, educational experiences, and the overall well-being of the university community. It exploits power imbalances within professional relationships, occurring irrespective of gender or status. SH is unlawful, violating the university's core values,

fundamental human rights, and stands as a reprehensible form of violence against individuals. In fact, the Violence Against Persons (Prohibition) Act (VAPP) of 2015 expressly prohibits sexual harassment in any form.

This policy document outlines the University's commitment to maintaining a safe and respectful environment free from sexual harassment. It articulates the fundamental assumptions, core principles, and scope of the policy, providing clear definitions and addressing the nature of sexual harassment. It details the responsibilities of the university, the process for reporting harassment, and the methods for handling grievances. Additionally, it covers procedures for internal grievances, disciplinary actions, and retaliation, while emphasizing education, training, and whistle-blowing mechanisms. The document also includes guidelines for monitoring, evaluation, and periodic policy review to ensure continued relevance and effectiveness. The appendix provides supplementary information to support the policy's implementation.



- i) The University staunchly upholds individuals' right to privacy and typically refrains from involvement in the private lives or behaviours of its community members, except when such matters impact its effective functioning, risk management, or reputation.
- ii) The University maintains that interactions between staff and students must uphold a strictly professional standard. Moreover, recognizing the fiduciary responsibility and entrusted relationship between staff and students, both parties carry ethical obligations. Exploitation or attempts to exploit this trust, to favor or harm any involved party, by either staff or students, is strongly prohibited.
- iii) The University acknowledges instances where its staff have engaged with undergraduate and postgraduate students in ways that disrupt pedagogical norms and jeopardize student

well-being and the institution's reputation. Even if some of these relationships were consensual, the substantial power imbalance between staff and students raises doubts about the legitimacy of claimed consent.

- iv) The University is dedicated to fostering an environment where everyone involved in its academic programs and associated endeavors can collaborate, study, and reside without encountering any form of abuse, harassment, exploitation, or intimidation.
- v) Sexual harassment is never mutual or acceptable. It is an abuse of power that is rude, demeaning, and psychologically damaging to its survivors. In educational settings, its persistently high rates disrupt students' ability to learn and succeed, impacting their educational experiences and shaping their future values and behaviors. Moreover, when directed at staff by peers or students, it creates an unsafe workplace, hindering the collaborative and interdependent nature of a university's teaching and learning environment. Overall, sexual harassment undermines academic integrity, jeopardizes community safety, and tarnishes an institution's image.
- vi) The University strongly views sexual harassment as a form of misconduct. As a result, it commits to swift and effective responses to all reported cases, taking necessary actions to prevent, rectify, and, if required, discipline such behavior.
- vii) Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether or not it is unwanted.



This policy is guided by the principles of

- i) Mutual respect
- ii) Impartial investigation and fair hearing
- iii) Prompt action and support systems
- iv) Zero tolerance
- v) Respect for freedom of expression including academic freedom
- vi) Integrity of the academic system
- vii) Confidentiality
- viii) Neutrality and objectivity
- ix) Protection from retaliation
- x) Effective sanctions for policy violation
- xi) Periodic reviews and updates
- xii) Inclusivity and diversity
- xiii) Prevention training
- xiv) Multiple avenues for reporting
- xv) Compliance with applicable laws



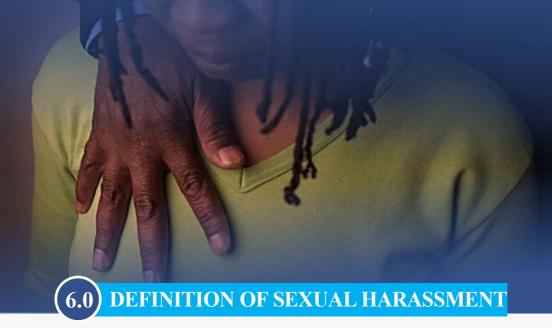
I) This policy extends to and encompasses all individuals associated with the University, including full-time and part-time students, academic and non-academic staff, representatives acting on behalf of the institution, participants in on-campus and off-campus activities, consultants, contractors, service providers, vendors, visitors, volunteers, job applicants, and affiliated personnel from external entities operating within the University's premises.

For the purposes of this policy, "employees" are defined as any individual either employed or engaged by the University on a paid or unpaid basis to carry out work for the University under any type of employment contract.



This policy sets out the University's expectations of behaviour by employees and students and provides approaches for dealing with complaints of sexual harassment. It intends to protect students and employees from inappropriate sexual behaviour which may include, but is not limited to, sexual violence, grooming, misconduct and harassment. The objectives of this policy are:

- (I) To raise awareness within the University community about the dangers of sexual harassment and foster a shared responsibility in its elimination.
- (ii) To guarantee that every individual within or visiting the University comprehends its staunch stance against sexual harassment, emphasizing its explicit prohibition.
- (iii) To construct an institutional structure that empowers survivors of sexual harassment, enabling them to assert their rights, preserve their dignity, and resist succumbing to its coercive pressures.
- (iv) To implement measures aimed at eradicating sexual harassment within the University.
- (v) To guarantee that survivors of sexual harassment receive necessary support and redress, minimizing further harm and aiding swift recovery from its effects.
- (vi) To discourage romantic and sexual relationships between staff and students.
- (vii) To prevent sexual harassment, safeguard victims, and enforce suitable sanctions, corrective measures, and remedies



Sexual harassment involves unwanted sexual advances, requests for sexual favors, or any visual, verbal, or physical actions of a sexual nature that:

- I) When accepted or rejected, either implicitly or explicitly, impacts an individual's psychological well-being, employment prospects, educational opportunities, or unduly disrupts their work or academic performance; or
- ii) Implies, either subtly or overtly, that acceptance or refusal of such behavior could influence academic or job-related judgments, access to university activities, or the allocation of any other privilege related to the University's affairs; or
- iii) The aim or impact of creating an intimidating, hostile, or offensive environment for work or learning.

# 7.0 NATURE OF SEXUAL HARASSMENT

- I) Sexual harassment encompasses both direct and indirect behaviors, such as attempting to arrange or offering someone for sexual activity. This also encompasses grooming, which involves actions that might seem legitimate initially but aim to establish a psychological or material connection for potential subsequent harassment and to discourage reporting. This form of harassment includes "online grooming", utilizing modern technology like mobile phones and the internet.
- ii) Sexually harassing behavior includes physical, verbal, or non-verbal actions of a sexual nature. (For a comprehensive list, check 8.0).
- iii) Sexual harassment can happen between individuals of the same gender or different genders.
- iv) Sexual harassment could stem from a singular occurrence or ongoing actions spanning a duration. Assessing reported behavior as sexual harassment will consider the nature of the conduct and its overall context, evaluating the situation holistically.
- v) Sexual harassment doesn't pertain to occasional socially acceptable compliments. It encompasses unwelcome behavior that's personally offensive, undermines morale, and disrupts a safe learning or working environment.



The following behaviors may constitute sexual harassment:

- 1. Unwanted sexual advances, either verbal or physical.
- 2. Unwanted sexual comments or innuendos.
- 3. Displaying or sending sexually explicit images or materials.
- 4. Requesting sexual favours or sexual activity.
- 5. Intentionally exposing oneself in a sexual manner.
- 6. Making sexually suggestive gestures.
- 7. Humiliating someone with sexually related comments.
- 8. Pressuring someone to engage in sexual activity.
- 9. Spreading sexual rumors or lies about someone.
- 10. Monitoring someone's movements or activities in a way that feels threatening.
- 11. Stalking or following someone.
- 12. Engaging in aggressive or violent behavior towards someone.
- 13. Sending or posting inappropriate or sexually explicit messages on social media.
- 14. Spreading false or harmful information about someone's sexuality.

- 15. Unwarranted physical contact, such as touching or groping.
- 16. Refusing to stop unwanted sexual behavior even after being asked to do
- 17. Making sexual jokes or comments about someone's appearance.
- 18. Using offensive sexual language or making offensive jokes.
- 19. Making sexually related jokes or comments about a person's personal life.
- 20. Commenting on someone's clothing or appearance in a sexualized manner.
- 21. Deliberately invading someone's personal space.
- 22. Making inappropriate comments about someone's body.
- 23. Posting or sharing private or sexualized images of someone without their consent.
- 24. Engaging in bullying or harassment of a sexual nature.
- 25. Sending or sharing sexually explicit material online.
- 26. Sending sexually explicit emails, texts, or instant messages.
- 27. Posting sexually explicit material on a website or social media site.
- 28. Using social media to pressure or manipulate someone into sexual activity.
- 29. Retaliating against someone who rejects sexual advances.
- 30. Coercing someone into participating in sexual activity.
- 31. Threatening to release intimate or private information about someone.
- 32. Taking sexual advantage of someone who is under the influence of alcohol or drugs.
- 33. Making advances or contact when the person is sleeping, unconscious, or incapacitated.
- 34. Making advances or contact that are unwanted or unwelcome.

- 35. Ignoring or not taking seriously someone's requests to stop.
- 36. Making unwelcome or inappropriate advances in the workplace.
- 37. Persisting in advances even after being asked to stop multiple times.
- 38. Using authority or position of power to make sexual advances.
- 39. Offering or threatening to offer something in exchange for sexual favors.
- 40. Discriminating based on sexuality
- 41. Exhibiting a pattern of sexual harassment behavior over time.
- 42. Using blackmail or extortion to force someone to participate in sexual activity.
- 43. Using fear or coercion to force someone to participate in sexual activity.
- 44. Manipulating someone by using their emotional vulnerability.
- 45. Lying to someone in order to make sexual advances.
- 46. Intentionally making someone feel afraid or intimidated for sexual reasons.
- 47. Unwelcome touching.
- 48. Sexual innuendos such as hooting, sucking, lip-smacking
- 49. Intrusive questions about a person's life or body.
- 50. Compelling or requesting a person to narrate sexual history, preferences or fantasies
- 51. Unnecessary familiarity such as deliberately brushing up against a person
- 52. Incessant unwanted invitations (pressures to go out on dates)
- 53. Requests for sex or other forms of sexual activities.
- 54. Feigned "accidental" brushing of sexual parts of the body
- 55. Sexually explicit physical contact
- 56. Obscene phone calls

- 57. Sexual assaults / rape
- 58. Forcing or inducing a person to watch or make pornographic or X-rated movies or take such pictures
- 59. Unwarranted redirection of academic or occupational discussions into sexual discussions.
- 60. Observing, photographing, videotaping, audio recording or making any other visual records of sexual activity or nudity where there is a reasonable expectation of privacy without the knowledge and consent of all parties.
- 61. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.

# 9.0 CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS

- i) While the University respects privacy and typically doesn't intervene in relationships without power imbalances, it scrutinizes romantic or sexual relationships between staff and students. Such relationships may pose conflicts of interest and challenge the obligations of the parties to the University. Conflict of interest is generally assumed but not limited to situations where University staff are responsible for grading, evaluating, or supervising students (undergraduate or postgraduate) or when allocating opportunities, including access to university housing or participation in work-study programs.
- ii) A staff member who is currently married to or engaged in a committed romantic or sexual relationship with a student at the time of this policy's implementation, or was already in such a relationship upon employment by the University, or intends to commence and maintain a committed romantic relationship after this policy's implementation, must provide written disclosure of the relationship to the Vice-Chancellor or the designated officer/office. Failure to disclose such a relationship will be considered non-compliance with this policy and may result in disciplinary action.
- iii) If seeking an exemption for a relationship initiated after the policy's enactment, the process may include interviewing and providing appropriate counseling to the individuals involved.
- iv) The University is obliged to take necessary measures to address potential conflicts of interest in all cases where an exemption is requested for such relationships.

# 10.0 RESPONSIBILITIES OF THE UNIVERSITY

- i) The University is accountable for proactively preventing sexual harassment and ensuring this policy reaches every aspect of its operations. Beyond training on the policy's standards, the University will implement broader measures like gender sensitivity training across all levels of staff and students. Additionally, orientation programs for newcomers will emphasize appropriate conduct guidelines.
- ii) The University will institute effective procedures to address sexual harassment complaints, designating trained officers to handle and mediate grievances efficiently.
- iii) The University is further responsible for ensuring that
  - a. Complaints are handled with impartiality, sensitivity, fairness, timeliness, and confidentiality.
  - b. Reporting sexual harassment is actively encouraged irrespective of the offender's status.
  - c. Training is offered to those responsible for implementing and managing this policy.
  - d. Awareness and comprehension regarding sexual harassment must be widely promoted.
  - e. Regular monitoring and review of this policy and its procedures must be conducted consistently.
- iv) Every individual affiliated with the University, including students, staff, and others, is accountable for adhering to this Policy. It is encouraged that all take the time to thoroughly read and comprehend the policy, familiarizing themselves with the dynamics of sexual harassment, both in identifying such behavior within themselves and in others.



# 11.1 Whomay report sexual harassment?

- i) Individuals, regardless of their affiliation with the University, have the right to report incidents of sexual harassment that contravene this policy, irrespective of whether the incident occurred on or off campus.
- ii) Reports of sexual harassment officially received by any individual must be promptly forwarded to the relevant authorities within the University.

### 11.2 To whom reports may be made

The University understands the significance of offering various reporting channels and officers, both male and female, to complainants, ensuring a comfortable environment for discussing or reporting an incident. Additionally, recognizing that in certain cases, the immediate officer might be too closely connected to the issue, the University should engage an external ethics firm where reports can be directed.

# 11.3 Format of a report

There's no mandated format for reporting sexual harassment. While verbal reporting is accepted, it's preferable to submit a written report.



The University is dedicated to an effective complaints process offering various ways to address sexual harassment. These options ensure a fair hearing for all involved in resolving disputes related to such cases, prioritizing fairness and truth in every complaint.

The University provides both formal and informal avenues for addressing sexual harassment. While not mandated in a specific sequence, this policy encourages early informal approaches, often effective in addressing concerning behavior.

### 12.1 Consultation

- i) The University must have a counsellor responsible for providing support to victims of sexual harassment.
- ii) Any survivor of sexual harassment within the University Community can seek guidance from the counselor,

### 12.2 Direct Communications

An individual can address concerns about sexual harassment directly by discussing the unwelcome behavior in person or writing a letter outlining its impact and requesting its cessation. Retaliating against someone who, in good faith, initiates such a communication violates this policy.

### 12.3 Third Party Intervention

- i) Third-party intervention should be considered. Approved third-party interveners could be individuals or organizations designated by the university for this purpose. This is strongly encouraged
- ii) When involving a third party, meetings with the complainant and accuser should be held separately, aiming to clarify perceptions and establish a mutual understanding that ensures comfort in future interactions between them.

# **12.4** Formal Mediation Sessions may be Explored in Appropriate Cases.

- i) The potential results of third-party interventions encompass clear agreements on future behavior, modifications to classes, or other suitable resolutions like apologies and a commitment to refrain from such actions in the future. Moreover, the intervener will implement a follow-up plan to prevent any recurrence of such behavior.
- ii) In instances where resolution occurs through a designated Ethics Compliance Firm, the third-party intervener is accountable for compiling a comprehensive report on the process and its resolution. This confidential report is to be submitted to the Vice Chancellor. Despite the informal nature of these proceedings, cases of severe misconduct regarding sexual harassment may warrant disciplinary action.



- 1. Should previous informal resolution attempts prove unsuccessful or unsuitable for the complainant, the formal internal grievance process may be initiated. The specific procedure will vary based on the case but typically involves:
  - i) The complainant submits a written statement confidentially to the ethics firm, detailing the specific offensive acts, including the time, location, circumstances, and any other pertinent information regarding the case. The complaint should identify the alleged harasser, mention witnesses (if any), or individuals aware of the incident. It must be signed and dated by the complainant;
  - ii) The ethics firm furnishes the alleged harasser with a copy of the complaint submitted by the complainant to inform them of the allegation;
  - iii) Alleged harasser is given the opportunity to respond in writing within 7 days of receipt of the complaint.
  - iv) An investigation by an ethics firm is initiated to ascertain the facts.

- v) The findings of the ethics firm are presented to the Vice-Chancellor, and both the complainant and the alleged harasser are informed of the decision.
- 2. Complaints should be filed within three months of the alleged incident of sexual harassment. However, extensions may be considered based on justifiable circumstances. Requests for an extension must be submitted in writing to authorized individuals handling complaints, accompanied by reasons for the delayed report.
- 3. Efforts made for informal resolution won't automatically extend the filing time limit for grievances or appeals. However, under suitable circumstances, the duration spent on informal resolution may be taken into account when considering an extension.

# 13.1 Disciplinary Action and Sanctions

In relevant instances, disciplinary proceedings may be initiated, determined by the status of the individual involved. To clarify, in appropriate cases, this disciplinary measure could result in expulsion for a student or termination of employment for an employee. Such actions might involve:

- i) Verbal or Written Warning,
- ii) Counseling or Therapy
- iii) Campus Access Restriction
- iv) No contact directive
- v) Loss of privileges
- vi) Loss of oversight, teaching and supervisory responsibilities
- vii) Probation, Demotion, Loss of pay increase
- viii) Revocation of Offer of Admission or Employment or License to trade (in the case of vendors on Campus)
- ix) Rustication

- x) Termination of Contract for Contractors
- xi) Termination of Employment
- xii) Referral by the University to Law Enforcement Agents for Prosecution

## 13.2 Appeal

Either the complainant or the alleged harasser, feeling discontent with the resolution, may appeal to the University authority within two weeks of being notified of the decision. This encompasses the ruling on the approval or denial of an extension for filing a complaint.

## 13.3 External Mechanisms

An individual can pursue complaints regarding sexual harassment with any authorized formal agency responsible for handling such complaints as per the law, alongside the internal processes. The University will extend suitable support to legitimate external proceedings. Nonetheless, a violation of this policy might occur even if the conduct doesn't breach the law.



# 14.0 OTHER PROCEDURAL MATTERS RELATING TO THE GRIEVANCE PROCESSES

# 14.1 Investigation

When substantial facts are in dispute, an investigation will ensue, conducted with utmost respect for the privacy of all involved parties. For instance, third-party witnesses won't be involved unless their information significantly alters the investigation's course. Following the investigation's conclusion and decision, both the complainant and the alleged harasser will be briefed.

# 14.2 Confidentiality

Ethics firm, counsellors and university officials tasked with enforcing this policy will maintain confidentiality regarding the names and specifics of sexual harassment complaints, except when disclosure becomes necessary for disciplinary or corrective proceedings.



- 1. This policy expressly forbids any form of retaliation against individuals who report or assist in reporting sexual harassment, or participate in any investigation related to such reports. Retaliation encompasses threats, intimidation, reprisals, or any adverse actions concerning employment or education.
- 2. Retaliation, breaching a fundamental principle of this policy, constitutes misconduct that may lead to disciplinary action against the perpetrator, regardless of the validity of the sexual harassment allegation.



- 1. Sexual harassment often occurs in private interactions, making allegations challenging to substantiate. However, lack of corroborating evidence should not deter individuals from reporting incidents under this Policy.
- 2. Those found to intentionally or maliciously make false reports, disregarding the truth, will face disciplinary action. Additionally, the person falsely accusing another must publicly retract the complaint to clear the accused person's name.



# (17.0) EDUCATION AND TRAINING

- 1. The University strongly believes that awareness is the most powerful deterrent against workplace sexual harassment. Individuals aware of what constitutes such behavior are less likely to act in ways offensive to others. Informed individuals are more empowered to assert their rights and take action to stop offensive behaviors, fostering a safer environment.
- 2. To ensure a sexual harassment-free environment, this policy will be widely shared across the University community through print publications, websites, employee and student orientations, training programs, and various communication channels.
- 3. Those designated to receive allegations will undergo training specifically related to handling sexual harassment complaints.



- 1. To ensure stronger compliance and enforcement of this policy, the University encourages third parties, beyond direct survivors, to report any breaches they become aware of.
- 2. Although encouraged to include their name in reports, third parties reporting incidents have the option of remaining anonymous. The University may choose to investigate anonymous reports based on factors like seriousness, credibility, and the possibility of confirming the allegation. Whistleblowers are urged to offer adequate information to aid investigations and provide contact details for further inquiries if needed.
- 3. The University is committed to safeguarding whistleblowers from any form of reprisal or retaliation for reporting concerns.

# 19.0 MONITORING AND EVALUATION

The Vice Chancellor will appoint or designate an office / officers responsible for tracking sexual harassment reports, maintaining statistics, overseeing policy enforcement, and submitting an annual written report to the Senate detailing the incidence, trends, and patterns of sexual harassment within the University.

# 20.0) POLICY REVIEW

The policy will undergo regular monitoring and periodic reviews, with the first review scheduled within four years of its implementation.

# About the Policy

