

# **The University of Port Harcourt Sexual Harassment Policy**

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YOUTH FRIENDLY CENTRE    Office of the Vice Chancellor

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## **PREAMBLE**

Sexual harassment such as unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature, is a common form of violence that can cause enduring psychological harm. Both women and men are targets of such behaviour though women and girls are the primary targets. This document is to aid the University to prevent, report and respond to sexual assault and sexual harassment. The University is committed to providing a citadel of learning where all may search for knowledge and wisdom free from sexual harassment. Sexual harassment is serious misconduct; very serious wrongdoing and improper behaviour which may lead to dismissal.

Sexual harassment may take the form of victimisation, a hostile environment that interferes with another's performance at work or in study or an alleged perpetrator influences or attempts to influence a person's educational or employment circumstances by coercing or attempting to coerce/force that person to engage in sexual activities; i.e an alleged perpetrator influences or attempts to influence: the admission of a student to the University; or to University residences; or the access of a student to training, organisational or funding opportunities; or interferes in grading or evaluation; by coercing or attempting to coerce a student to engage in sexual activities. The University will not tolerate sexual harassment.

This Policy is in line with global best practice in 21st century Higher Education Institutions. It aims to prevent, report and respond to sexual assault and sexual harassment in the entire University. It covers staff, students and those temporarily working in the University, such as contract staff, casual staff, contractors, and consultants.

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## 1 DEFINITIONS

1.1 **Sexual harassment** is unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature that violates the rights of a person. In determining whether the unwelcomed conduct constitutes sexual harassment, consider the following factors:

- (a) The conduct was made as a term or condition of an individual's educational progress, living environment, employment, or participation in the University activities.
- (b) The conduct acceptance or refusal is used as the basis or factor in decisions affecting the victim's education, employment, living environment, or participation in the University activities.
- (c) The conduct impacts the individual's academic or employment performance or creates an intimidating, hostile or offensive environment for that individual's work, education, living environment, or participation in the University community.

1.2 **'Alleged perpetrator'** means a person alleged to have committed an act of sexual harassment;

1.3 **'Complainant'** means a person: who lodges a complaint under this Policy or against whom an act or acts of sexual harassment as defined in the Policy has or have been allegedly perpetrated;

1.4 **'Case Officer'** means the person assigned to present the University's case in formal internal disciplinary proceedings, who may also be the person assigned to investigate the matter;

1.5 **'Quality Assurance and Quality Control/ Servicom Unit'** means the complaints and redress unit of the University;

1.6 **'Confidentiality'** means ensuring that information is accessible only to those authorised to have access to it;

1.7 **'Employee disciplinary procedure'** means the disciplinary procedure that applies to a category of staff;

1.8 **'Employee'** means an employee of the University



1.9 '**Manager**' means any employee of the University with managerial, supervisory or warden's responsibilities;

1.10 '**RO**' means the Reporting Office, as may be designated by the Vice-Chancellor from time to time;

1.11 '**Unique Student handbook**' means the rules on the conduct of students given to the students at the beginning of each session;

1.12 '**Security Unit**' means the security unit of the University

1.13 '**NPF**' means Nigerian Police Force;

1.14 **Unwelcome sexual** conduct includes physical, verbal and non-verbal conduct/behaviour. Such conduct/behaviour may be direct or indirect through phones and android devices or images.

1.14.1 **Unwelcome physical conduct** ranges from touching to sexual assault and rape;

1.14.2 **Unwelcome verbal conduct** includes insinuations or suggestions of a sexual nature, sexual advances, sexual threats, sexual comments, sex-related jokes/ insults, inappropriate enquiries about a person's sex life, graphic comments about a person's body, whistling of a sexual nature and the exchange of sexually explicit material by electronic means or otherwise.

1.14.3 **Unwelcome non-verbal conduct** includes gestures, indecent exposure and the display or delivery of sexually explicit images by electronic or other means.

1.15 '**SHA**' means Sexual Harassment Adviser;

1.16 '**Student**' means a registered student of the University.



1.17 '**University**' means the University of Port Harcourt.

## **2. THE ROLE OF MANAGERS**

2.1. Every manager shall take all reasonable steps to create and uphold a setting that is free from sexual harassment. In this regard, managers should:

- (a) exhibit leadership by learning, knowing and understanding the terms of this Policy, and assume responsibility for implementing the Policy;
- (b) attend training and educational sessions on this Policy as offered by the RO;
- (c) communicate the Policy to all employees, students and third parties in their respective areas of responsibility;
- (d) ensure that all new students, staff, and third parties are informed about the Policy and given the opportunity to discuss its implications.

2.2 Every Manager shall take the appropriate action when instances of sexual harassment occur and act as per the reporting and disciplinary processes laid down in this Policy. In this regard, managers are to:

- (a) treat all complaints with utmost confidentiality
- (b) treat all concerned with utmost dignity and respect;
- (b) refer all complaints to the RO;
- (c) report to the RO when conduct in breach of this Policy is observed, and no complaint is lodged,
- (d) take steps as appropriate; in consultation with the RO to prevent sexual harassment from occurring.

## **3. COMMUNICATION**

3.1 The University shall take all necessary steps to communicate this Policy to all students, employees, and third parties on a regular basis: at the yearly orientation



programs for year one students, statutory student union meetings, university congregation meeting. Printed copies of this Policy shall be distributed to all staff and students to raise awareness about the need to prevent and report sexual harassment.

3.2 The University shall make this Policy available on its Websites.

3.3 The Vice-Chancellor shall ensure that 3.1 and 3.2 occur.

3.4 The Deans shall:

(a) communicate regularly by oral and written means the seriousness of the issue and the existence of this Policy to students, employees and third parties within their Faculties;

(b) communicate regularly with Heads of Departments (HODs) and all other managers/stakeholders in the Faculty concerning their responsibilities in the effective implementation of this Policy.

3.5 The Dean of Student Affairs (DSA) shall:

(a) communicate by written and oral means the existence of this Policy and its seriousness to students, employees, and third parties within the campus residences of the University;

(b) communicate in writing and via meetings the contents of this Policy to the various Students' Unions.

3.6 The RO shall:

(a) provide the Information, Publication and Public Relations IPPR unit with information that enables the University community be regularly informed about the implementation of this Policy;

(b) send regular e-mail to all employees, students and third parties at least once a session to give information about this Policy;

(c) report annually to the Vice-Chancellor the status and success of this Policy.



#### **4. EDUCATION AND TRAINING**

4.1 Regular continuing education and training are imperative to guarantee students, employees and third parties are conversant with the contents of this Policy in preventing workplace harassment and implement it to respond, report and prevent sexual harassment.

4.2 Within six months of the adoption of this Policy, all existing staff of the RO shall be trained appropriately.

4.3 Within four months of the adoption of this Policy, the RO shall appoint and train SHAs. This training shall be repeated for new SHAs and new members of the staff of the RO within the first four months of each new calendar year.

4.4 All SHAs shall attend update training sessions at least on an annual basis.

4.5 Within six months of the adoption of this Policy, the RO shall present workshops on this Policy for the principal officers of the University, heads of academic departments, staff in the Quality Assurance Quality Control/Servicom Department, and Campus Security Unit. Staff representative bodies and the SUG shall be entitled to nominate representatives to attend workshops offered by the RO. The RO shall repeat the programme workshops at least every year. The RO shall integrate this Policy into staff induction and student orientation programmes.

#### **5 THIRD PARTIES**

The University intends that this and related policies be upheld and respected by all who work at, or visit, the University or who take part in the University's activities at any location. Visitors to the University thus agree to abide by the rules and conditions for students and staff. Such an visitors or consultants or sundry will be deemed to have consented to be subject to the University's disciplinary jurisdiction.

#### **6 THE ROLE OF THE REPORTING OFFICE**



6.1 The RO's shall provide a comprehensive sexual harassment response for the University. This response will include the provision of supportive and protective measures to the complainant, whether or not disciplinary proceedings are instituted.

6.2 Supportive measures may include, but are not limited to:

- (a) crisis counselling;
- (b) emergency medical services, para-legal advice and other relevant services;
- (c) measures to mitigate the impact of sexual harassment or the reporting thereof upon the complainant.

6.3 Protective measures may include, but are not limited to:

- (a) no-contact orders, where appropriate;
- (b) change of University student residence, where appropriate;
- (c) change of academic classes and academic concessions, where appropriate;
- (d) special leave (staff) or leave of absence (students), where appropriate.

6.4 While the primary aim of this Policy is to assist complainants who allege sexual harassment, an alleged perpetrator may at any stage approach the RO for advice on the application and interpretation of this Policy. In such instances the RO shall:

- (a) provide the alleged perpetrator with a copy of this Policy and of the University's disciplinary rules;
- (b) advise the alleged perpetrator of her/his right to obtain legal representation and of





the availability of counselling;

(c) advise the alleged perpetrator that the University may choose to follow the University disciplinary rules even if the complainant does not wish to do so;

(d) explain to the alleged perpetrator the protective measures available to the complainant.

## **7. SEXUAL HARASSMENT ADVISORS**

7.1 The RO shall appoint and train SHAs, drawn from employees of the University,

7.2 A SHA shall have the following responsibilities:

(a) to receive complaints of sexual harassment from the RO;

(b) in consultation with the Case Officer, to assist, support, consult and liaise with complainants, alleged perpetrators and those initiating complaints into sexual harassment;

(c) to provide reports and records to the RO on all referred cases;

(d) to represent the best interests of a complainant, or alleged perpetrator in formal communications with the RO where such representation is required;

(e) to liaise with the case officer with regards responsibilities that may arise from disciplinary hearings;

(f) to support the educational work of the RO where practical and reasonable.

7.3 The SHAs should, as a group, be diverse in terms of gender, qualifications and background.



7.4 While a complainant will be entitled to ask for another SHA to be assigned to his or her case; every effort should be made to ensure that the same SHA deals with a case all through.

7.5 The RO shall:

- (a) provide general support and guidance to the SHAs;
- (b) monitor cases;
- (c) ensure that the SHAs are suitably trained.

## **8 ADVISORY PANEL**

8.1 For any report of sexual harassment made under this Policy, or in general; the RO may appoint an Advisory Panel to assist the RO with information, suggestions and expertise.

8.2 An Advisory Panel may consist of the following persons:

- (a) the SHA representing a complainant or victim;
- (b) the Case Officer assigned to the complainant or victim;
- (c) a representative of the Dean of Student Affairs, if the complainant or alleged perpetrator is a student;
- (d) a representative of the Deputy Vice-Chancellor (Administration), if the complainant or alleged perpetrator is a staff member;
- (e) a person, not necessarily a staff member of the University, with expert knowledge



in the field.

## **9 RESPONSE TO A COMPLAINT**

9.1 Complaints of sexual harassment must be brought to the attention of the RO as soon as is reasonably possible.

9.2 If a complaint is brought to the attention of a manager, the manager shall notify the RO immediately.

9.3 Sexual harassment may be brought to the attention of the RO by the complainant or any other person aware of the sexual harassment. However, if the incident is of a serious nature, the complainant is encouraged to inform the RO in person.

9.4 Any complaint of sexual harassment will be recorded in writing by the RO and will be assigned to a case officer. The case officer will manage the complaint.

9.5 The RO will also assign an appropriate and available SHA to the case.

9.6 The steps to be taken by the case officer on receipt of a complaint should include but are not limited to, the following:

- (a) advise the complainant that there are formal and informal procedures which can be followed;
- (b) explain the formal and informal procedures to the complainant;
- (c) advise the complainant that he/she may choose which procedure should be followed by the University;
- (d) advise the complainant that the SHA assisting him or her may not be called as a witness during any formal procedure;
- (e) reassure the complainant that she or he will not face any adverse consequences in



choosing to follow either the formal or informal procedure;

(f) advise the complainant that he or she is not bound by the outcome of the informal procedure and will have the right to appeal directly to the VC within ten working days of the conclusion of that process;

(g) advise the complainant that the matter will be dealt with confidentially;

(h) if applicable, advise the complainant that no negative inference on his/her credibility will follow as a result of late reporting;

(i) provide the complainant with information about counselling available as well as information on how to access independent counselling services;

(j) in appropriate circumstances, advise the complainant of her or his right to refer the matter to the NPF and obtain further legal advice outside the University.

9.7 If a complainant, after consultation with the NPF, does not wish to pursue the matter, and the complaint is judged by the RO to be of a serious nature, the RO must refer the matter to an Advisory Panel. The RO, in consultation with an Advisory Panel, shall consider all relevant information, including but not limited to the following:

(a) the risk to other persons in the University;

(b) the severity of the sexual harassment;

(c) the history of the alleged perpetrator with regard to previous cases and complaints of sexual harassment.

9.8 If it appears to the RO and the Advisory Panel that there is a significant risk of harm to other persons, they may advise the Case officer to follow a formal procedure, irrespective of the wishes of the complainant. In such an event the complainant must be advised accordingly and the RO, in consultation with the Advisory Panel, must prepare a written recommendation to the Vice-Chancellor. The recommendation shall include (but



not be limited to) the following:

- (a) a description of the alleged sexual harassment or assault;
- (b) the complainant's reasons for his/her unwillingness to pursue the matter further or to be called as a witness;
- (c) compelling reasons in support of a formal procedure.

## **10 INFORMAL PROCEDURES**

10.1 An informal procedure is a process, managed by the RO, in which relationships between a complainant and alleged perpetrator(s) are explored with the consent of both, the aim of which is the resolution of a complaint in a manner that is satisfactory to all complainant and alleged perpetrator(s).

10.2 The complainant has the right to pursue formal proceedings after the conclusion of informal proceedings. The choice to pursue informal proceedings shall not in any way diminish the force of the original complaint.

10.3 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.

10.4 An informal procedure may be followed by a formal procedure if the RO in consultation with an Advisory Panel believes that there are compelling reasons for this as specified in paragraph 9.

10.5 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.

10.6 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 SHA, before such proceedings;
- (b) with the consent of the complainant preparatory interviews with the alleged perpetrator may be held in the 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 officer, complainant alleged perpetrator and SHA.

10.7 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 case officer and SHA will facilitate the terms, conditions and acceptance of such an apology;
- (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 officer in consultation with the SHA.

10.8 Every endeavour must be made to conclude the informal procedure within fourteen days of the incident being reported to the RO.

10.9 Strict confidentiality regarding the process, participants and report will be maintained throughout this process.



10.10 No part of the informal procedure may be used as evidence in a subsequent hearing following the outcome of this process.

## **11 FORMAL PROCEDURES**

11.1 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.

11.2 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 officer will establish whether the complainant requires any further advice or support as contemplated in (the section dealing with the RO).

11.3 If the complainant wishes to proceed with a formal procedure, he or she shall advise the case officer of this, and prepare and sign a written statement providing full particulars of the alleged sexual harassment.

11.4 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 RO.

## **12 FINAL FORMAL PROCEDURES**

### **11.5 Students**

Where the formal procedure is to be followed, the RO will report the matter to the Vice-Chancellor and the legal team. The Vice-Chancellor mandates the case officer appointed to present the case to Court as required. The Powers of the committee is now extended to permit University Student Disciplinary committee to sanction as required.

### **12.2 Staff**



Where the formal procedure is to be followed, the existing approved disciplinary procedures for staff is followed. The RO must be contacted before instituting disciplinary action for sexual harassment. The RO shall assist as required. The disciplinary committee shall be trained to effectively handle sexual harassment matters.

### 12.3 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.

30 March 2018

