



AFE BABALOLA UNIVERSITY, ADO-EKITI (ABUAD), EKITI STATE, NIGERIA

ABUAD SEXUAL HARASSMENT PROHIBITION POLICY (ASHPP)

3rd February, 2021

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Preliminaries

The Policy is formulated primarily to eliminate sexual harassment in Afe Babalola University Ado-Ekiti, promote a conducive atmosphere for academic activities, protect staff and students against sexual harassment and advance the vision of the Founder/Chancellor and values of Afe Babalola University, Ado-Ekiti, Nigeria

Approved by the Senate of the Afe Babalola University, Ado-Ekiti on this 3RD day of February 2021

PART I – OBJECT AND SCOPE

1. Title

This Policy shall be known as the **Afe Babalola University Ado-Ekiti Sexual Harassment Prohibition Policy**.

2. Objectives of the ABUAD Sexual Harassment Prohibition Policy

The objectives are to:

- a. promote ethical standards among staff and students of Afe Babalola University, Ado-Ekiti;
- b. protect the sanctity of the student-lecturer fiduciary relationship of authority;
- c. create for all staff, students and service providers a safe and secure work and learning environment free of sexual harassment;
- d. ensure among its entire staff, students and service providers, respect for both sexes, and a transparent operating system in academic and other matters devoid of demands for sexual gratification;
- e. discourage gender-based violence and ensure it does not exist in the University; and
- f. discourage sexualisation of individuals and sexist languages
- g. redress complaints of sexual harassment in the University.

3. Binding Force

This Policy shall have binding force on:

- a. all academic and non-academic staff of the University;

- b. all students of the University;
- c. all contractors and service providers to the University;
- d. all visitors/guests to the University; and
- e. other group of persons in the University, including but not limited to dependants of staff.

4. Implementation Mandate

All organs within the University shall strive to:

- a. implement this Policy consistently without fear or favour, regardless of position, sex or status;
- b. create awareness and disseminate information on what constitutes sexual harassment;
- c. report incidents of sexual harassment, investigate and apply appropriate sanctions;
- d. educate staff and students about their rights to seek redress in cases of sexual harassment;
- e. ensure that victims of sexual harassment get remedies and do not suffer academic or other setbacks;
- f. ensure that victims who report cases of sexual harassment are not discriminated against or stigmatized;
- g. discourage any practices that could trigger sexual harassment such as inappropriate dressing; and
- h. discourage relationships, which may involve a conflict of interest such as dating between a staff and a student, between postgraduate and undergraduate. If they exist, the University shall encourage disclosure by any person privy to such relationship.

PART II - MEANING

5. Sexual Harassment

Sexual harassment includes:

- a. any unwholesome conduct of a sexual nature that makes the victim feel offended, humiliated and/or intimidated;
- b. any conduct of a sexual nature, made either explicitly or implicitly, which is unwanted, and unwelcomed by the recipient such as unwelcome sexual advances and requests for sexual favours;

- c. such conduct that suggests that a person in authority is using that position to exert threat, and undue influence on the victim;
 - d. a situation where a person is asked to engage in sexual activity as a condition for receiving any favour from a person in authority;
 - e. physical contact such as patting, kissing, hugging, stroking, fondling, or inappropriate touching;
 - f. verbal conduct which includes:
 - i. sexual comments on appearance, body shape, age, private life, etc.;
 - ii. targeting a person with sexual comments, stories, and jokes;
 - iii. repeated and unwanted social invitations for dates or physical intimacy;
 - iv. insults based on the sex of the person;
 - v. sending sexually explicit messages (by phone or by email);
 - vi. demanding for sexual favours in exchange for employment, promotion, admission or any other benefits;
 - vii. denying an individual his or her entitlement for refusal to succumb to sexual advances;
 - viii. demanding for sexual favours in exchange for grades;
 - ix. sexually motivated ogling of a person(s);
 - x. sexist comments and dirty talks directed at someone or persons;
 - xi. asking personal questions about sexual life;
 - xii. turning academic and occupational discussions into sexual discussions, thereby precluding or restricting appropriate teaching methods and research; and
 - xiii. compelling persons to narrate sexual fantasies, preferences or history among others.
 - g. Non-verbal conduct/Visual Conduct which includes:
 - i. display of sexually explicit or suggestive material;
 - ii. sexually-suggestive gestures;
 - iii. visual and audio conduct of sexual nature;
 - iv. taking and sending unwholesome pictures and making recordings (videos, CDs, camera phones, etc.); and
 - v. being forced or induced to watch pornography or X-rated movies among others.
6. Anyone could be a victim of sexual harassment or a harasser regardless of gender.

7. All forms of sexual harassment created in Clause 5 (a-g) is prohibited whether it takes place within the University premises or outside, including at staff/students social events, academic trips, training sessions or conferences sponsored or approved by the University.
8. For the purpose of proving the commission of any of the offences in Clause 5 (a-g) of this Policy, it shall not be necessary for the Complainant to prove the intention of the accused person or the condition under which the act of sexual harassment was carried out.

PART III – INDEPENDENT SEXUAL HARASSMENT PROHIBITION COMMITTEE

11. Composition

- a) The Vice- Chancellor shall constitute in consultation with Senate of the University a Sexual Harassment Prohibition Committee to be known as the **Independent Sexual Harassment Prohibition Committee**.
- b) The Committee shall investigate and handle all sexual harassment complaints between staff and students, a senior and junior staff; supervisor, and employee, et cetera.
- c) The Membership of the Committee shall be made up of at least Seven (7) staff members of the institution, drawn from all Colleges, which shall at any material time consist of at least:
 - i. two (2) academic staff members;
 - ii. two (2) non-academic staff members
 - iii. two(2) students' representative ; and
 - iv. a representative of the Registrar who shall serve as the secretary to the Committee

At least three (3) out of the members must be female and at least one (1) must be a legal practitioner, and at least one (1) must be counsellor of senior cadre.
- d) The Chairman of the Committee shall not be less than the rank of a Senior Lecturer or a Professor in case the allegation involves a person above the rank of Senior Lecturer.
- e) The Secretary to the Committee shall not be less than the rank of a Senior Registrar.

- f)** The Chairman and members of the Committee shall hold office for such period, not exceeding two (2) years, from the date of their appointment as may be specified in writing by the Vice Chancellor.
- g)** Members of the Committee shall be persons of high moral standing and good reputation.
- h)** The Committee shall be independent and impartial in all its dealings, proceedings and affairs.
- i)** The Vice- Chancellor in consultation with the University's Senate shall not hesitate to remove from the Committee any member who:
 - i. contravenes the provision of this Policy; or
 - ii. is found to have been convicted for an offence of any enquiry into an offence under any law; or
 - iii. has been found liable in any disciplinary proceedings; or
 - iv. has abused his position to render his continuance in office prejudicial to the public interest
- j)** Upon removal of such member from the Committee either on the ground of misconduct, or others situations such as resignation or ill health, the vacancy so created shall be filled by the Vice Chancellor in consultation with the University's highest management board.
- k)** Quorum shall be formed at every sitting of the Committee by five (5) members.
- l)** In the absence of the Chairman, members present shall select one of their number to be Chairman for the purpose of hearing the complaint brought before it
- m)** The Committee shall conduct its proceedings/investigations with utmost thoroughness, fairness and in compliance with the rules of natural justice.
- n)** Decision of the Committee shall be by a simple majority, rendered in writing and signed by all members of the Committee who participated in the inquiry, and submitted to the Vice Chancellor.
- o)** The Committee shall maintain a seal or stamp which must be kept in the custody of the Secretary.
- p)** The Secretary of an Independent Sexual Harassment Prohibition Committee shall communicate the final decision of the Committee in writing and within seven (7) working days of giving the decision to all parties to a sexual harassment complaint, whether they participated in the Committee's proceedings or not.

PART IV – COMPLAINTS/REPORTING PROCEDURE

12. The procedure for filing-complaints and reporting shall be as follows:

(a) A person wishing to file a complaint shall submit a written statement to the Chairman of the Committee on Sexual Harassment or any of the persons designated to receive complaints in Colleges. The complaint shall specify:

- i. The name of the individual(s) against whom the complaint is made
- ii. The nature of the alleged misconduct
- iii. The specifics of the offending incident (s) with precise details (what happened, who was present (if any), when, where, any reasons why they believe the action was taken)
- iv. The name, signature and date should be put down by the person making the complaint

(b) The University's response to an allegation of violation of the Policy shall be determined by the nature of the alleged violation and the totality of information available at the time of the alleged incident.

Requests from complainants to “just record my concerns” or “not take any action at this time” may not be honored depending on the circumstances involved.

If at any time the University feels an investigation is necessary, an investigation may proceed without the support of the potential complainant.

(c) The University recognises that victims of sexual harassment may want to resolve the matter in different ways. Some may be happy with an informal resolution and for the matter to stop; others may want more formal measures.

However, informal resolution mechanisms may be inappropriate and not acceptable by University where the allegation is serious or where the harasser is also the victim's superior.

(d) Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome

However, the University recognises that sexual harassment may occur in an unequal relationship (that is between staff and student, a supervisor, and employee; senior and junior staff) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he or she can approach any of the designated Committee members responsible for receiving complaints of sexual harassment.

(e) The victim's choice on who to approach has to be respected, as the victim can approach any designated person (s) outside his or her college or Department. Only one person cannot be designated to receive sexual harassment complaints. Having one person only to report to, limits the ability of a victim to avail himself or herself of the complaints procedure.

If for example, the harasser is also the designated person or the designated person is away on leave, the victim must have other persons to approach.

(f) When designated persons receive a complaint of sexual harassment:

(i) he or she shall immediately record the date, time and facts of the incident(s);

(ii) ascertain the views of the victim as to what outcome he or she wants;

(iii) keep a confidential record of all discussions;

(iv) ensure that the victim understands the University's procedures for dealing with the complaint, especially when the allegation is serious;

(v) discuss and agree on the next steps: **either informal or formal complaint**, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he or she is not satisfied with the outcome.

13. Informal Complaints Mechanism

(a) The informal resolution process is an abbreviated process for less complicated matters that can be quickly resolved to the satisfaction of both parties. An example of such a matter might be a single comment that the complainant deemed objectionable and either clarification or an apology would resolve the matter.

The informal process is completely voluntary, and both parties must agree to it. However, in determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of circumstances, **including the nature and frequency of the conduct and the context in which the alleged incidents occurred.**

(b) If the victim wishes to deal with the matter informally, the designated person shall:

i. give an opportunity to the alleged harasser to respond to the complaint;

- ii. ensure that the alleged harasser understands the complaints mechanism;
- iii. facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the University to resolve the matter;
- iv. ensure that a confidential record is kept of what happens;
- v. follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped; and
- vi. ensure that the case is taken up speedily and within 10 days of the complaint being made.

14. Formal Complaints Mechanism

(a) If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

A report or complaint shall be made by the victim (or anyone who advocates on his or her behalf), or a witness.

(b) The designated person who initially received the complaint will refer the matter to the **Committee** on Sexual Harassment to start a formal investigation.

(c) The Committee shall:

- i. interview the victim and the alleged harasser separately;
- ii. interview other relevant third parties separately;
- iii. decide whether or not the incident(s) of sexual harassment took place;
- iv. produce a report detailing the investigations, findings and any recommendations to the Vice Chancellor for onward transmission to appropriate Disciplinary Committee;
- v. the Disciplinary Committee then decides what the appropriate punishment shall be for the harasser based on the University regulations and make recommendations to appropriate authority;
- vi. the Disciplinary Committee shall also decide the remedy for the victim in consultation with the victim (example, an apology, a change of the lecturer to another course if it has to do with course, a re-marking of the students script if the student failed the lecturers course, change to working arrangements if a junior staff, a promotion if the victim was demoted as a result of the harassment, suspension of the staff or outright dismissal);
- vii. the Sexual Harassment Committee shall follow up with the Disciplinary Committee to ensure that the process is done within 2 weeks of filing complaints; that the Committee's recommendation are

implemented by the authority; that the behaviour has stopped and that the victim is satisfied with the outcome;

15. Limitation of Time for Filing Complaint

(a) Complaints must be filed within **30 days** of the most recent offending incident. The University reserves the right, in its sole discretion (*suo motu*), to investigate and act on complaints involving incidents that have occurred beyond the time limit.

(b) Staff or students who learnt of incidents that may be a violation of the University's prohibition against sexual harassment are expected to promptly report to the Chairman of the Committee on Sexual Harassment for investigation.

16. Filing a False Complaint

Any student or staff who knowingly files a malicious and false complaint under this policy, or who knowingly provides false information to or intentionally misleads University officials who are investigating a complaint, shall be subject to disciplinary and/or corrective action.

17. The University takes all allegations of harassment seriously and is committed to providing an environment free of harassment.

PART V- PROVISION FOR WHISTLE- BLOWING

18. a) Whistle-blowing encourages people to voluntarily disclose information about Sexual harassment cases in the University.

b) The Whistle blower shall report any case of misconduct relating to Sexual harassment to the Independent Sexual Harassment Prohibition Committee, and the Committee shall carry out independent investigation.

c) The complaint of the whistle blower shall be in writing.

d) The Whistle blower is not under any obligation to disclose his or her identity, and the Committee is bound to respect that.

e) Information given by the whistle blower shall be treated with utmost confidentiality.

f) The interest of the whistle blower shall be well protected against any form of retaliation.

PART VI – SAFEGUARDS FOR VICTIMS

19. Confidentiality

The University shall make every reasonable effort to maintain the confidentiality and privacy of all parties involved to the extent allowable by law. All parties (complainant, respondent, witnesses/support persons) are expected to be respectful and confidential during the process of an investigation.

20. Support of Victims

(a) The University recognises that because sexual harassment often occurs in an unequal relationships within the workplace, victims often feel that they cannot come forward. Afe Babalola University understands the need to support victims in making complaints.

(b) Throughout the complaints procedure, a victim is entitled to be helped by a counselor within the University. The University may choose to nominate a number of counselors among its counselors and provide them with special training to enable them to assist victims of sexual harassment.

(c) No one shall be victimized for making a complaint.

21. Prohibition against Retaliation

a) Retaliation against persons who participate in the complaint procedure is a violation of the University's Sexual Harassment Policy.

b) Retaliation exists when action is taken against a participant which affects his or her employment or academic work which is motivated in whole or in part by his or her participation in the investigation and trying process of the harasser (s).

c) Retaliation may be found even where the underlying complaint is found to have no merit.

d) Persons who feel that they have been subject to retaliation may file a complaint under the Policy procedure to the Sexual Harassment Committee.

e) The University, in its discretion, may also sanction any person found to the filling a complaint in a bid to retaliate.

PART VII- SANCTIONS AND IMPLEMENTATION

22. The University recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between a student and a staff, between a supervisor and employee, et cetera and is therefore treated as a misconduct.

(a) Anyone, including employees of the University, students, staff, casual workers, contractors or visitors who sexually harasses another will be disciplined in accordance with the regulations of the University.

(b) In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of circumstances, including the nature and frequency of the conduct and the context in which the alleged incidents occurred.

(c) This Policy shall be applied consistently in the University and sanctions shall be applied based on each conduct.

(d) Anyone who has been found to have sexually harassed another person under the terms of this Policy is liable to any of the following sanctions which are based on the gravity of the misconduct:

- i. Reprimand (verbal or written warning);
- ii. Adverse performance evaluation/demotion;
- iii. Transfer to another unit;
- iv. Suspension;
- v. Dismissal;
- vi. Any other disciplinary action which the University may deem fit; and
- vii. Civil/Criminal action in a Court of competent jurisdiction.

(e) Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical conduct such as violence/assault, shall result in the immediate dismissal of the harasser.

(f) Guests and other persons/friends who violate the Policy while residing in the University are subject to sanction, which may include removal from campus and termination of contractual agreements (if any) and civil/criminal action in a court of competent jurisdiction.

23. Implementation of the Policy

(a) The University shall ensure that this Policy is widely disseminated to all staff and students. All new employees must be given this policy as part of their orientation.

(b)The University shall organise a training course on the content of this Policy. It is the responsibility of the University Management including but not limited to the Principal Officers, Provosts, Directors, Heads of Department, Student Affairs Officer, Chief Security Officer to ensure that all staff/students in their units are aware of the Policy.

24. Monitoring and Evaluation

The importance of monitoring this sexual harassment policy cannot be over emphasized. Thus, the Committee responsible for dealing with sexual harassment cases shall report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made at the end of every academic session. This will help the University to evaluate the effectiveness of this policy and make any changes where necessary.

25. Glossary

Committee means Independent Sexual Harassment Prohibition Committee.

Disciplinary Committee means Junior Staff Disciplinary Committee or Senior Staff Disciplinary Committee as appropriate.

Policy means ABUAD Sexual Harassment Prohibition Policy.

Senior Cadre means staff of the rank of Senior Lecturer or above

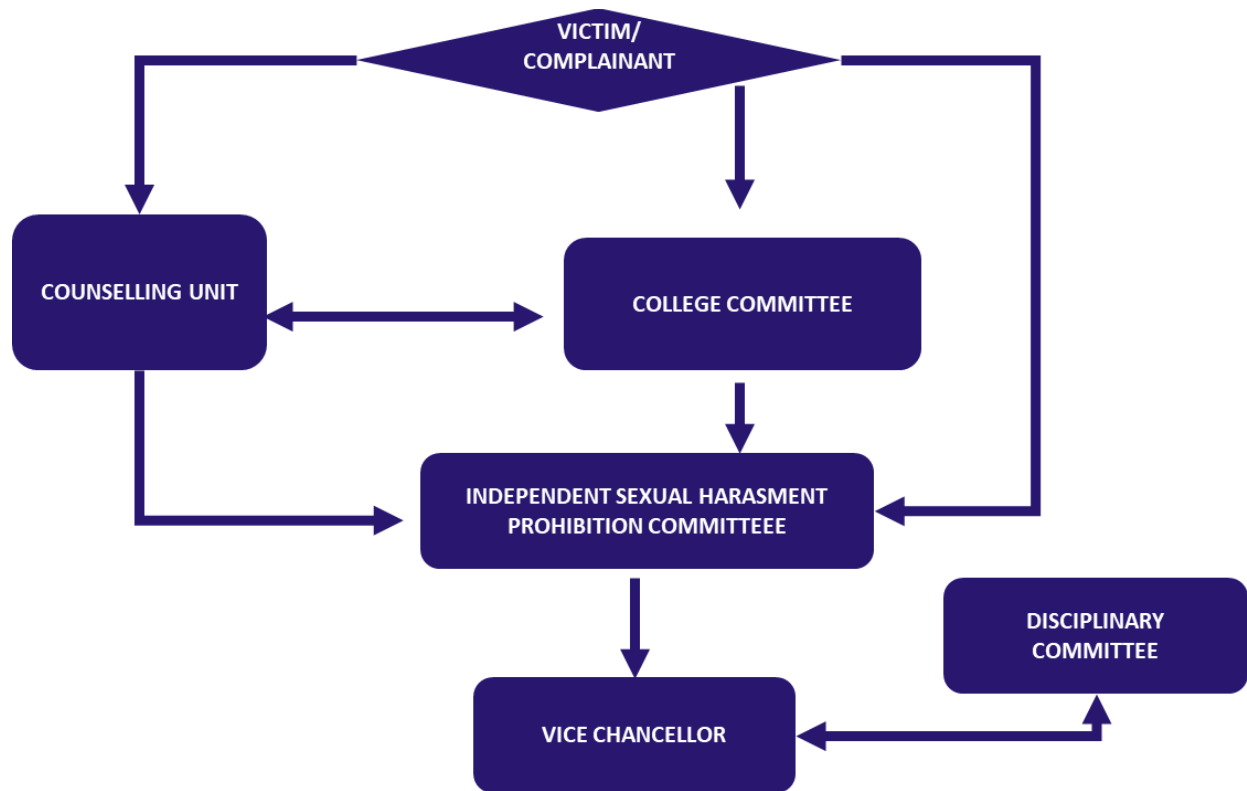
Sexual Harassment means but not limited to any form of prohibited conduct of sexual nature as explained in Part II of this Policy.

University means Afe Babalola University, Ado-Ekiti.

Prof. E. Smaranda Olarinde, FC Arb, FCAI

Ag. Vice Chancellor, ABUAD

INFORMATION FLOW CHART ON SEXUAL HARASMENT INCEDENT RESPONSE IN ABUAD



To report sexual harassment incident please contact:

1. Yetunde - 08033271042
2. Funmilayo -08104510249
3. Onomen - 07034260085
4. Pastor Olapade - 08060644312
5. Dr Olasupo Ijabadeniyi- 08037252599

Other contact lines are available in every college.