



FORD
FOUNDATION

MODEL ANTI-SEXUAL HARASSMENT POLICIES

FOR

EDUCATIONAL INSTITUTIONS
IN NIGERIA

Prepared by:
INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES
COMMISSION IN PARTNERSHIP WITH GENDER MOBILE INITIATIVE

SUPPORTED BY FORD FOUNDATION

March, 2023



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The Independent Corrupt Practices and Other Related Offences Commission (ICPC) was established in 2000 by Act No. 5 of 2000. Its mandate includes enforcement, prevention, public enlightenment and education.

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Professor Bolaji Owasanoye, SAN, OFR.

FOREWORD

Sexual harassment is usually defined as any unwelcome sexual advances, demand for sexual favours or any unwelcome conduct of a sexual nature targeted at someone in a work place or in any other professional or social situation, because of the person's gender. It also includes acts or words with a sexual undertone targeted at creating a hostile environment for individuals or for a particular individual.

The phenomenon of sexual harassment is a form of gender-based violence and it is also a form of corruption. It constitutes violence against the person targeted, and where the person doing the targeting does so by corruptly using his office to demand or obtain sexual gratification, it is not just a form of sexual harassment; it in fact amounts to an offence of using office or position for personal gratification under the ICPC Act.

It is a global malady that is, unfortunately, on its way to becoming accepted as the norm in a number of social situations where it has entrenched itself. Nowadays, there are reports of instances of sexual harassment in the corporate world, in the armed forces, in religious organizations and in educational institutions.

Where sexual harassment takes place in educational institutions, it constitutes an attack on the very fabric of society.

In all societies, schools are places for learning positive values, receiving knowledge for self-and societal improvement and for moulding the character of citizens. Where sexual harassment thrives in any educational institution, both staff and students cannot have a conducive environment to function and learn.

And in the long-run, society's confidence in such an institution becomes eroded, often irreparably so.

As we all know, the mission of the Federal Ministry of Education is:

.....to use education as a tool for fostering the development of all Nigerian citizens to their full potentials, in the promotion of a strong, democratic, egalitarian, prosperous, indivisible and indissoluble sovereign nation under God.

Undoubtedly, preventing sexual harassment in institutions of learning is a core part of this mission. Education cannot be effectively imparted or used if the institutions of learning are not conducive to staff, students and other stakeholders. The learning environment has to be learner friendly and safe.

It was in view of this that the Federal Ministry of Education formulated the National Policy on Safety, Security and Violence-free Schools. The vision of the policy:

...is to build a Nigeria in which learners at all levels, teachers, school users and the school community are protected from all forms of man-made and natural hazards threatening their wellbeing while within a learning environment.

(Federal Ministry of Education National Policy on SSV, August 2021 with support from the Education in emergencies Working Group Nigeria Partners)

In line with the mandate of the ICPC to investigate and prosecute corrupt practices, examine practices which may facilitate corrupt practices and educate the public against corrupt practices, the Commission has been working to ensure institutions of learning have a policy of zero-tolerance for sexual harassment and corruption in general.

The Federal Ministry of Education has been a keen and active participant in the development of the model sexual harassment policies for institutions of learning at the basic level (Primary and Secondary) and for Higher Institutions (Tertiary).

Both of these policy documents were developed by the ICPC with the support of Ford Foundation and participation of stakeholders; the document for tertiary institutions was in fact developed in partnership with a civil society organization-Gender Mobile Initiative.

The documents were developed with a view to adopting them as templates to guide both private and public institutions of learning in drafting their own stand-alone sexual harassment policies. This is due to the fact that beyond the provisions of statutes guiding prosecution of offenders, institutions of learning and the society at large have to encourage a culture of prevention as against the usual culture of applying punitive measures after offences have already been committed.

The policies are therefore not in any way meant to undermine any extant guidelines or statutes but are intended to work together with others to ensure that there are no loopholes in procedure through which offenders can slip with impunity.

It is in pursuance of the lofty targets of the two draft policies that the Federal Ministry of Education is committed to commending both educational institutions and directing their adoption by the National Universities Commission (NUC), National Board for Technical Education (NBTE), National Commission for Colleges of Education (NCCE), National Senior Secondary Education Commission (NSSEC) and Universal Basic Education Commission (UBEC), for use in our schools.



It is my hope that adopting and implementing of these two policies would go a long way in addressing the hydra-headed monster called sexual harassment.

Adamu Adamu
Minister of Education
March, 2023

INTRODUCTION

The ICPC Act empowers the Commission to investigate and prosecute offenders who corruptly use their office to demand, obtain or receive any property or benefit from another person (Section 8 ICPC Act) or those who use their office to gratify or confer corrupt or unfair advantage upon themselves or another person (section 19 ICPC Act).

It is important to note that even a demand for sexual gratification amounts to an offence for which an offender may be prosecuted by the Commission. This is due to the fact that sexual favours fall under “benefits” such that when a person in a position of power or authority uses this power to corruptly demand sexual favours, it is an abuse of power punishable under the Act.

About three years ago, the Ford Foundation gave a grant to the Commission with two facets- Illicit Financial Flows and Prevention of Sexual Corruption in educational institutions. Since the beginning of the project the Commission and Ford Foundation have been partnering to address the issue of sexual corruption which may also be referred to as sexual extortion or “sextortion”.

The issue of Sexual Harassment and exploitation in educational institutions, being the core component of sextortion has reached an alarming rate in Nigeria largely because of the culture of silence. This culture of silence for fear of reprisal and stigmatization has encouraged offenders to act with impunity especially in view of poorly drafted sexual harassment policies and poor implementation of good policies.

The project started with educating and sensitising Commission's staff on the issue to lay a proper foundation for the investigation and prosecution of cases which may subsequently be reported to the Commission. The staff in Public Education and Enlightenment were also trained on how to better perform their roles especially with respect to sexual harassment related issues.

The Commission also interacted with Civil Society Organisations, Media personnel and other stakeholders in the Education sector. All the engagements were quite rewarding and have led to more partnerships and interaction between the Commission and stakeholders.

The partnership between the Commission and Ford Foundation is targeted at gradually curbing the incidence and in a bid to encourage better drafting and implementation of policies, thus the Commission with the support of Ford Foundation is publishing these two policies.

The relevant stakeholders especially the Federal Ministry and State Ministries of Education have been extremely supportive of the project. We sincerely appreciate all stakeholders for their support.

We believe that these policies are very robust and though not meant to be cast in stone, we believe that Institutions of learning who use them as templates would not regret doing so but at the end of the day the adoption or adaptation of these documents would help all stakeholders move closer to achieving what we believe is our common goal, ridding the society of sexual harassment via abuse of office in particular and corruption in general.

Thank you.

Prof. Bolaji Owasanoye SAN, OFR
Hon. Chairman ICPC



**MODEL ANTI-SEXUAL HARASSMENT POLICY
FOR BASIC – (PRIMARY AND SECONDARY)
EDUCATIONAL INSTITUTIONS**

Prepared by the

**INDEPENDENT CORRUPT PRACTICES
AND OTHER RELATED OFFENCES COMMISSION
(ICPC)**

IN COLLABORATION WITH STAKEHOLDERS

**with the support from
FORD FOUNDATION**

MODEL SEXUAL HARASSMENT POLICY FOR PRIMARY AND SECONDARY SCHOOLS IN NIGERIA

Important Notes to guide drafting a model SH policy:

1. Adopting a Sexual Harassment Policy for Primary and secondary schools may be approached from different angles. One approach is that the Ministry of Education (MoE) whether at the state or federal level OR a Local Government Education Board (LGEB) adopts an overarching policy such as the one presented below and extend its applicability to all schools under its jurisdiction and administrative control, whether private or public. A second approach is that the MOE or LGEB adopts a Model Policy which will be adapted and contextualised by individual public and private schools within the jurisdiction.

2. Important questions to ask in assessing the robustness and adequacy of any school-based SH policy include:¹
 - Policy against SH - Is there an explicit policy statement against SH?
 - SH definition - Is a definition of SH given?
 - SH examples - Are examples of sexually harassing behaviours given?
 - School response - Does the policy state that the school will take action to stop the harassment?
 - Grievance procedure - Is a formal grievance procedure identified?
 - Investigation intentions - Does the school indicate that claims will be investigated?
 - Investigation timeline - Does the policy indicate a timeline for the investigation of reports?
 - Reporting contact - Is a person within the school identified as the SH contact person?
 - SH consequences - Are consequences identified for sexual harassers?
 - Policy education - Does the policy state how individuals are educated about SH and the policy?

¹LF Litchy et al, "Sexual Harassment Policies in K-12 Schools: Examining Accessibility to Students and Content", December 2008 *Journal of School Health* 78(11):607-14

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**MODEL SEXUAL HARASSMENT POLICY FOR PRIMARY
AND SECONDARY SCHOOLS IN NIGERIA**

PREAMBLE

Sexual harassment is harmful conduct and it is unacceptable; hence, it will not be tolerated. It constitutes violence against the person targeted. Where sexual harassment takes place in the context of educational institutions and targets students, it also creates a hostile environment for all students, thereby negatively affecting school climate. Where the perpetrator is a teacher, sexual harassment constitutes an abuse of power. Safe school climate promotes better teaching, learning, and psychological processing among teachers and students. Behaviours which contribute to a negative school climate, such as sexual harassment, are in direct conflict with the primary goals of schools— to teach effectively and to enhance student learning. Preventing sexual harassment in schools and redressing victimization is therefore essential to ensure that all students are opportune to learn and thrive in non-discriminatory and safe environment.

The *[insert name of state]* Ministry of Education is committed to providing a safe, positive, and productive learning and working environment in all primary and secondary schools under its jurisdiction and administrative control. To this end, it adopts this Policy as part of the preventive measures to ensure that there is no place for sexual harassment in its learning and related work environment. By this Policy, the Ministry pledges to establish appropriate grievance procedures that will be responsive and effective to address all breaches of this policy, by providing for prompt and equitable resolution of complaints.

1. Interpretation

- *Commissioner* means the Commissioner for Education or such person designated by the Governor as having responsibility of overseeing education and incidental matters in the state.
- *Ministry* means *[insert name of state]* Ministry of Education
- *School* means private or public primary or secondary school under the jurisdiction and administrative control of the Commissioner of Education
- *School Board* means the board saddled with the responsibility of primary and secondary school regulation and administration in the state.

2. Scope of Policy

- a) This policy is applicable to all staff, students, parents/guardians and volunteers working at or attending educational facilities, as well as any other person who works subject to the control of the management of a school within the jurisdiction of the *[insert name of state]* Ministry of Education.

- b) This policy covers conduct that takes place in schools, on school properties, school sponsored events and activities taking place outside school, on school buses, vehicles, and at school bus stops provided that a school relationship exists between the alleged harasser and the victim.
- c) The school does not have an obligation to investigate incidence of sexual harassment outside the scope of this policy affecting its students, but it has the duty to report such incidence to appropriate law enforcement authorities.
- d) This policy also applies to instances where electronic technology or communication is used to bully or harass any person sexually.

3. Objectives

The objectives of this Policy are to:

- a) create a working and learning environment that is free from sexual harassment, where all members are treated with courtesy, dignity, respect and are not subjected to discriminatory treatment in any form;
- b) promote appropriate standards of conduct at all times;
- c) implement strategies to ensure that all members of the school community know their rights and responsibilities in this area;
- d) encourage the reporting of prohibited behaviour;
- e) provide an effective complaints procedure based on principles of natural justice;
- f) treat all complaints in a serious, sensitive, fair, timely and confidential manner; and
- g) provide a guarantee against victimisation or reprisal.

4. What is sexual harassment?

- Sexual harassment is conduct that is:
 - a) sexual in nature,
 - b) unwelcome, and
 - c) denies or limits a student's ability to participate in or benefit from a school's education program or a staff's ability to function properly in his assigned duties
- A Conduct is unwelcome if the student or staff did not request or invite it and considered the conduct to be undesirable or offensive. A student's submission to the conduct or failure to complain does not mean that the conduct was welcome.
- Minors and children with special needs are at all times incapable of consenting to any form of sexual conduct or activity. A minor is any person under the age of 18 years.
- Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school

employees, other students, and non-employee third parties, such as a visiting speaker. Both male and female students can be victims of sexual harassment.

- The conduct can occur in any school programme or activity and can take place in any part of the school premises, on a school bus, or at other off-school premises or locations, such as a school-sponsored field trip, educational programme at another location or online.
 - The conduct can be verbal, nonverbal, or physical.
- Examples of conduct amounting to sexual harassment are provided in **Appendix A** of this Policy.

5. Prohibition

Sexual harassment is prohibited in all primary and secondary schools and educational facilities within the jurisdiction of *[Insert name of state]* Ministry of Education.

6. Responsibilities of school

- a) Every school shall ensure that this Policy is adapted and included in its institutional Codes of Conduct/Handbooks for students, staff, volunteers and other persons working or acting under the control of the school management.
- b) Every school shall, at the beginning of every academic year, designate at least three school officers comprising of at least one member from both gender, which may or may not include the school counsellor, as the School Sexual Harassment Complaints Investigators (SSHCI).
- c) The Investigators shall be persons who possess such relevant qualification, skill and competence required for investigating sexual harassment complaint and shall be responsible for collecting and responding to incidents of sexual harassment and shall work jointly as an Investigation Team.
- d) However, where the complaint is made against any person designated as Investigator, another person shall be appointed to replace the affected Investigator in investigating the complaint.
- e) Every school that becomes aware of an alleged incident of sexual harassment shall, regardless of whether the victim files a formal complaint or requests action, conduct prompt, impartial and thorough investigation to determine what happened and take appropriate steps to resolve the situation.
- f) At the end of each academic term, every school shall conduct a general survey on sexual harassment by issuing questionnaires which guarantee anonymity, to each student in order to elicit information on incidents and prevalence of sexual harassment in the school.

- g) The Headteacher/Principal of every school shall provide reports on the aggregate complaints of sexual harassment and document the responses to these complaints bi-annually to the Ministry of Education through the School Board or such other body by whatsoever name called.
- h) An analysis of data obtained from the general survey on sexual harassment and intervention strategy shall form part of the bi-annual report which the Headteacher/Principal issues to the Ministry of Education.
- i) The Headteacher/Principal shall promptly remove all vulgar or sexually offensive graffiti on the school premises.
- j) With support from the Ministry, every School shall provide in-service training for all their staff within 3 months of the adoption of this policy and refresher training during the first week of each school year thereafter.
- k) Every school shall carry out awareness campaign and sensitisation about the policy to students and parents.
- l) Every school shall ensure it puts in place sufficient security measures for staff and students, including closed-circuit television or other standard security measures as preventive measures against sexual harassment. Extra measures should be included for students with special needs.

7. Responsibilities of Ministry

- a. The Ministry shall widely disseminate this Policy to the public using all media of communication including publication on the websites of the Ministry.
- b. The Ministry have overall responsibility for ensuring compliance by all schools within the State and to this end shall establish a special unit with responsibility for all matters related to this Policy.
- c. The Ministry shall make the reports available to the public on the website and/or upon request.

8. Reporting sexual harassment

- a. Anyone who witnesses or becomes aware of an incident of sexual harassment should report it; the individual who reports need not be the victim of the harassment. All employees, students, parents and volunteers are strongly encouraged to report any incident of behaviour they consider to be sexual harassment.
- b. Where the person complaining or making a report of sexual harassment is a student, he or she may make an informal complaint, that is, an unwritten complaint or report to any responsible school employee, such as: teacher, principal, administrator, security officer or professional staff member such as, school counsellor.
All staff are responsible for receiving informal complaints and reports of possible sexual harassment and informing appropriate school officials of the

complaint or report. Each staff member bears part of the responsibility for ensuring a working and educational environment free of sexual harassment by promptly reporting any violation of this policy and not condoning sexual harassment in the school.

- c. A formal complaint of sexual harassment may be made in writing to the Headteacher/Principal/SSHCI or to the School Counsellor.
- d. Complaint, whether formal or informal, shall provide details of the circumstances of the sexual harassment incident that is complained of.
- e. Complaints or reports of sexual harassment or retaliation can be made by staff, students, parents/guardians, volunteers or other non-employees and may be provided verbally or in writing.
- f. Verbal reports made by or to a staff member must be recorded in writing by the staff member to whom it is made and promptly reported to the Headteacher/Principal.
- g. All staff are duty bound to report complaints promptly to the Headteacher/Principal or institutional designee when they receive such a complaint, become aware of, or witness an incident.
- h. The Ministry and schools in its jurisdiction will make reporting resources available to the school community, including, but not limited to, a **Reporting Form** which shall be made available on the Ministry's and school's websites. Use of this form is, however, not required as a condition to make a report and if a report or form is incomplete, the Headteacher/Principal or SSHCI shall take reasonable measures to contact individuals involved to determine if an investigation should be pursued.
- i. Reports may be made anonymously.
- j. The requirement to report to the Headteacher/Principal or SSHCI does not limit the authority of a staff member to respond to behavioral or disciplinary incidents consistent with Ministry's policies and procedures for behaviour management or discipline.
- k. A formal complaint may also be made to the Local Education District Board (LEB) or the Ministry of Education or a law enforcement agency in the event that the Principal is the perpetrator or where there is undue delay in investigating the allegation.

9. Processing complaint

Upon receiving a written or verbal complaint of sexual harassment from any student, staff, parent/guardian or any other person, the SSHCI shall:

- a) Explain the school's responsibilities and options available to the complainant and/or victim; how the procedure(s) for processing complaints work and offer the opportunity to use them.
- b) Before commencing investigation, take steps to assess the need to restore the sense of safety of the victim (target) or other complainants, witnesses or

other persons involved in the investigation of the allegation, in order to protect them from possible further incidents, intimidation or retaliation. Responses to promote safety during investigation may include, but shall not be limited to, creating a personal safety plan with the victim (target), which shall be in writing and may include predetermining seating arrangements for the victim (target) and/or the alleged perpetrator in the classroom or other parts of the school premises or on the bus, where applicable, altering the alleged perpetrator's schedule and preventing access to the victim (target) and identifying a staff member who will act as a "safe person" for the victim (target). Any needed response(s) or intervention(s) shall be instituted as expeditiously as possible.

- c) Provide notification of complaint and commencement of process to the alleged perpetrator, the parents or guardians of all involved students, provided that due assessment is undertaken to ensure that such notification does not endanger the health, safety or wellbeing of anyone.
 - d) Where it is assessed that the alleged harasser may be at risk pending the conclusion of investigation, make such recommendations as are necessary and institute same as expeditiously as possible.
 - e) Promptly commence and undertake a thorough and fair investigation into the reported incident providing the alleged harasser the opportunity of defending him or herself.
 - f) Maintain confidentiality of students reporting alleged incidents and witnesses to the extent possible, without undermining the school's obligation to investigate and respond appropriately to the complaint.
 - g) Record in writing all aspects of the complaint and investigation along with any safety interventions and/or disciplinary measures taken.
 - h) Conclude its investigation and submit a full written report within three weeks of receiving a complaint or such reasonable time the nature of the complaint or investigation would allow, without causing undue delay.
- 10.** The Report of an investigation shall include the formal complaint, results of the investigation stating clearly whether the allegation was accepted or denied, established or not established and the sanctions or reasonable corrective action as appropriate. The report shall be filed in the relevant employee or student's personnel file, consistent with any requirements of the law. The findings and decision(s) as to sanction or any corrective action shall be communicated in writing to the complainant and the harasser.
- 11.** Any corrective action or any other disciplinary measure shall be instituted as expeditiously as possible.

12. This report shall be submitted to the Ministry and shall be kept on file by the Ministry and the school at which the alleged incident occurred.
13. If the report of sexual harassment is received from other sources such as: anonymous letter, phone call, or media, the school shall respond using the same procedure if it is reasonable to conduct an investigation and the school can confirm the allegations. Considerations relevant to this determination may include, but are not limited to:
 - source and nature of the information;
 - seriousness of the alleged incident;
 - specificity of the information;
 - objectivity and credibility of the source that made the report;
 - ability to identify the alleged victims; and
 - cooperation from the alleged victims in pursuing the matter.However, disciplinary action cannot be taken solely based on an anonymous report. Further investigation must be involved before disciplinary action is taken.
14. All staff members, students or any other witnesses are expected to cooperate fully with the investigation of any complaints of possible sexual harassment, providing complete and truthful information to the school's investigation team.
15. If the reported incident involves students from more than one school district, the school or SSHCI first informed of the incident shall promptly notify the headteacher/principal of the other school(s) by telephone communication (and documenting the communication) so that each school may take appropriate action.

Confidentiality

16. Every School shall take all reasonable steps to investigate and respond to a complaint in a manner consistent with maintaining the privacy of all involved to whatever extent possible and in line with the standards of the law.
17. A request for confidentiality from a student shall be respected and the SSHCI shall weigh the confidentiality request against the following factors:
 - seriousness of the alleged harassment
 - age of the harassed student; and
 - other complaints that the same individual has harassed others.

Obligations of school where sexual harassment is not reported

18. If the harasser is a teacher or another school employee and if the harassment occurs while the school employee is acting or appears to be acting in the context of his or her responsibilities to provide aid, benefits and services to students, this policy shall become applicable as soon as the school becomes aware that the incident occurred.

19. Even if the harasser is another student, a third party, or a school employee who is not acting within the context of his or her responsibility to provide aid, benefits or services to students, the school shall investigate the conduct and take appropriate steps to resolve the situation/address the complaint.

Review of outcome of school process

20. If a person who submitted a formal complaint of sexual harassment or the person against whom an allegation of sexual harassment has been made, is not satisfied with the outcome of the internal grievance process, the individual concerned or in the case of a parent where the victim is a child, may submit a written request to the Ministry for an independent review.
21. Upon receipt of this request, the Commissioner shall promptly initiate an independent review by a neutral third party, with full compliance of school, its staff and other students. This review may include interviews with the complainant, relevant school officials, students, and/or others involved in the incident.

Discipline and corrective measures

22. Following a finding that bullying, sexual harassment or retaliation has occurred, the school and/or the Ministry shall use a range of responses that balance the need for accountability with the need to teach the perpetrator (aggressor) appropriate behaviour.
23. If it is decided that disciplinary action is appropriate, the disciplinary action shall be determined on the basis of facts found by the SSHCI, including: the nature, frequency and seriousness of the conduct; the length of time the prohibited conduct has occurred; whether the perpetrator has engaged in any prior act of sexual harassment or retaliation; the age of the students involved, and the need to balance accountability with teaching appropriate behaviour.
24. As much as reasonably permissible, all consequences should be grounded in restorative justice goals and practices, which focus on resolving conflicts, repairing relationships and building community.

Retaliation

25. Retaliation or threats of retaliation that are meant to intimidate, bully or harass victims or any other person who lodged a complaint, witnesses, bystanders or persons involved in the investigation of incidents are also prohibited.
26. The procedure for investigating complaints (stated above in Paras. 9-15) shall be employed to investigate complaints of retaliation or threats of retaliation.

False reports

27. Knowingly making false and malicious reports of sexual harassment is a serious infraction which shall warrant appropriate response and/or sanction.

Prevention, Training and Professional Development

28. Each school under the jurisdiction of the Ministry will provide, at minimum, an annual professional development seminar for administrators, educators, staff, and volunteers to increase awareness of the prevalence, causes, and consequences of sexual harassment. Additional professional development shall be provided for new employees.
29. Each school shall create a guidance and counselling unit or such specialised unit to provide counseling, rehabilitation and psycho-social support for victims of sexual harassment.
30. Evidence-based anti-sexual harassment programmes will be implemented as a part of a system of positive behavioural support and school improvement efforts at all grade levels. The Ministry will collaborate with schools, families and the community to inform parents and guardians about the prevalence, causes and consequences of sexual harassment specifically and sexual violence generally, including its central role as a public health hazard and the means of preventing it.
31. The Ministry will collect and annually report disaggregated data based on enumerated characteristics, while maintaining student confidentiality, on the prevalence and characteristics of sexual harassment to be used to guide prevention, intervention and professional development programmes.

Information, Education and Communication

32. This policy shall be
 - a. displayed in a prominent location of each school
 - b. included in any Student code of conduct, disciplinary policies, student handbooks and
 - c. published on school and district websites.
33. Each school shall present, in age-appropriate language, this policy on sexual harassment as part of any student orientation program. This will include: instruction on how to prevent harassment; the process for filing complaints; the seriousness of false complaints; and the process/consequences that will result from the complaint.

34. At the start of each school year, all teachers will read and discuss this policy with their classes.
35. A copy of this Policy shall be provided to:
 - a. Each employee within two weeks of the adoption of this policy, and new employees immediately upon their employment.
 - b. All contractors, volunteers, parents and representatives.

Reporting to other law enforcement agencies or seeking judicial redress

36. This policy does not prevent a student, parent/guardian or other individual from filing a complaint with the police or other law enforcement agency or justice institution such as: the Directorate of Citizen's Rights, the Office of the Public Defender, Independent Corrupt Practices and other Related Offences Commission or the National Human Rights Commission.
37. Upon conclusion of the investigation, if elements of a crime are established, in addition to the administrative sanctions imposed on the perpetrator, the school shall forward the report to the police or other law enforcement agency with the responsibility of prosecuting such offences.
38. Any school or staff found to condone or cover up a case of sexual harassment would be liable to administrative sanctions by the relevant ministry

Review of Policy

39. This policy shall be reviewed every four years.

AUTHORITY

40. This policy was approved by the [Appropriate organ of Institution]

On this day..... 20.....

APPENDIX A

ACTS CONSTITUTING SEXUAL HARASSMENT

1. Sexual harassment involves sexual advances, request for sexual favours and other visual, verbal or physical conduct of a sexual nature, face to face or online which:
 - a. when submitted to or rejected, directly or indirectly affects a person's employment or educational opportunity or unreasonably interferes with a person's work or educational performance or
 - b. implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluation, permission to participate in any institution activity or
 - c. has the purpose of or creating an intimidating, hostile or offensive working or learning environment or
 - d. has the effect of demoralizing or offending the victim with a negative effect on the learning environment.
 - e. affects the self-esteem, confidence and self-worth of the victim.

2. Sexually harassing behaviour may be physical conduct of a sexual nature or verbal conduct of a sexual nature or non-verbal conduct of a sexual nature and includes but is not limited to:
 - a. Pressure for a dating, romantic or intimate relationship
 - b. Improper touching including hugging, massaging or kissing
 - c. Suggestive comments or jokes
 - e. Sexual innuendos such as hooting, lip-smacking
 - f. Intrusive questions about a person's life or body
 - g. Unnecessary familiarity such as deliberately brushing up against a person or feigned "accidental" brushing against sexual parts of the body
 - h. Unwanted invitations [pressures] to go out on dates
 - i. Intimidatory, inappropriate or traumatic sexual advances including requests for sex or other forms of sexual favours
 - j. Insults, profanities or taunts based on sex
 - l. Sexually explicit physical contact
 - m. Obscene phone calls
 - n. Sexually explicit emails or SMS messages
 - o. Stalking, cyber-bullying with sexual undertones
 - p. Sexual assaults



**MODEL ANTI-SEXUAL HARASSMENT POLICY
FOR TERTIARY EDUCATIONAL INSTITUTIONS**

Prepared by the

**INDEPENDENT CORRUPT PRACTICES
AND OTHER RELATED OFFENCES
COMMISSION (ICPC)**

and

GENDER MOBILE INITIATIVE

with the support from
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1. INTRODUCTION

Sexual harassment has assumed critical dimensions capable of undermining a positive learning and working environment. This prohibited act violates the dignity and rights of members of the (Institution) community. Sexual harassment can also occur as part of school rituals, such as initiation of new students, new players in team sports, or new members of fraternities, when students have to take part in sexually explicit rites as part of hazing activities. Other forms of sexual harassment and sexual assault continue to be issues of concern on campuses across the country.

Acts of this nature have been prohibited by certain legislative instruments both municipal and international, which proscribe all forms of discrimination based on sex and includes provisions that focus on sexual harassment. If left unchecked, sexual harassment can limit a person's ability to earn a living, get quality education, feel safe and secure, and otherwise take part fully in the society.

There is a need for educational institutions to own and drive the fight against sexual harassment, hence the need for a context-specific policy against sexual harassment. Institutions that do not take steps to prevent sexual harassment from taking place can incur major costs in decreased academic productivity and excellence, low morale, increased absenteeism, health care costs, and potential legal expenses.

There is also a need to recognize and protect the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. This Anti-sexual harassment prohibition policy document seeks to create and foster a climate of understanding and mutual respect for the dignity and worth of each person, so that each person feels a part of the community and feels able to contribute to it. The goal here is to make sure everyone can live, work and study free from harassment.

Although sexual harassment is mostly attributed to power differentials, it also occurs between persons of the same status. While sexual harassment affects both sexes, women are more affected than men in Nigeria as at today. A broader culture of sexism plays a major role in the social processes that give rise to and entrench discrimination based on sex.

The ultimate responsibility for maintaining an environment free from sexual harassment rests with tertiary institutions' administrators, educators, right groups, staff, students and other interest groups. Institutions and the society at large have the legal duty to take steps to prevent and respond to sexual harassment and human rights violations when they arise. They must strive to maintain an environment that respects human rights.

This institution of learning is committed to a working and learning environment where people can achieve their full potential free from all types of harassment. The institution recognizes the need for a society where sexual harassment and sexual violence are addressed holistically. The nature of sexual harassment may be difficult to recognize and if unchecked, can result in a culture that tolerates such behaviour. This can lead to individuals feeling isolated and unsafe. This institution of learning recognizes the importance of raising specific awareness on sexual harassment and sexual violence to promote an inclusive culture that gives room for pragmatic solutions to the menace of sexual harassment.

2. POLICY STATEMENT

“[Name of Institution] is committed to providing a safe environment for all its employees and students free from discrimination on any ground and from harassment at work including sexual harassment.

[Name of institution] will operate a zero-tolerance policy for any form of sexual harassment in institutions of learning, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

- 2.1 Sexual harassment is not mutual and is unwelcome. It is painful, demeaning behaviour and usually involves abuse of power. Sexual harassment psychologically and physically harms its direct and indirect victims. In the context of educational institutions, persistently high rates of sexual harassment disrupt students' ability to learn and succeed in their studies and have a damaging impact on the educational experience of many students. The far-reaching effects of such damage is best imagined when it is recognised that students' experiences in schools shape their lives' values and behaviour. Further, sexual harassment undermines the integrity of the educational system.
- 2.2. [Institution's name] does not tolerate sexual misconduct, including sexual harassment and it is committed to creating and maintaining a community where everyone is treated with dignity and respect and every student/employee can participate in its academic programmes and activities and can work and learn together in an atmosphere free from all forms of abuse or harassment, exploitation or intimidation.
- 2.3. [Institution's name]'s position is that sexual harassment is a form of gross misconduct and as such, it will respond promptly and effectively to reports of sexual

harassment and take appropriate action to prevent, correct and if necessary, discipline such behaviour. Every member of this institution should be aware that [institution's name] is strongly opposed to sexual harassment and that such behaviour is prohibited both by law and this policy.

- 2.4 Through this policy, [Name of institution] desires to ensure that its academic and social environments are free from all forms of sexual harassment issues, making it a safe haven to learn and build healthy communities.

3. OBJECTIVES

- I. The objectives of this policy are three-fold:
 - a. To sensitize the institution's community about the evils of sexual harassment and thereby engender collective responsibility for eradicating it.
 - b. To establish an institutional framework that encourages victims of sexual harassment to exercise their rights, maintain their dignity and resist submission to its pressures.
 - c. To take appropriate action to eliminate sexual harassment at [institution's name]

4. SCOPE OF POLICY

- I. This Policy applies to all students, staff (full-time, part-time or adhoc) of [name of Institution] who work at or visit the institution or who take part in the institution's programmes and activities at any location.

5. GUIDING PRINCIPLES

- I. This policy is guided by the principles of:
 - a. Compassion, support and assistance to survivors
 - b. Fair hearing and inclusion
 - c. Prompt attention
 - d. Confidentiality and privacy
 - e. Protection from retaliation
 - f. Effective sanctions for policy violation
 - g. Respect for freedom of expression including academic freedom
 - h. Integrity of the academic system

6. DEFINITION OF SEXUAL HARASSMENT

- 6.1 **Sexual harassment** is unwelcome sexual advances, request for sexual favours and other visual, verbal or physical conduct of a sexual nature which:

- a. When submitted to or rejected, implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with a

- person's work or educational performance or
 - b. Implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluation, permission to participate in any institution activity or
 - c. Has the purpose of or creating an intimidating, hostile or offensive working or learning environment.
- II. Sexual harassment also occurs if an individual treats a person less favourably because that person has rejected or submitted to unwanted conduct of a sexual nature or that is related to gender identity or sex and which has had the purpose or effect described in this section. In this scenario, the person who treats someone less favourably might not be the person who engaged in the unwanted conduct.
- II. Sexual harassment may occur in hierarchical relationships as between superiors and subordinates and between peers. It may also occur between persons of the same sex as persons of opposite sex. It may consist of repeated actions or may even arise from a single incident.
- III. In determining whether a reported conduct constitutes sexual harassment, due consideration will be given to the nature of the conduct and the totality of the circumstances including the context in which it occurred.
- IV. Sexually harassing behaviour may be physical conduct of a sexual nature or verbal conduct of a sexual nature or non-verbal conduct of a sexual nature and includes but is not limited to:
 - a. Pressure for a dating, romantic or intimate relationship
 - b. Unwelcome touching including hugging, massaging or kissing
 - c. Staring or leering
 - d. Suggestive comments or jokes
 - e. Sexual innuendos such as hooting, lip-smacking
 - f. Intrusive questions about a person's life or body
 - g. Unnecessary familiarity such as deliberately brushing up against a person
 - h. Unwanted invitations [pressures] to go out on dates
 - i. Unwelcome sexual advances including requests for sex or other forms of sexual favours
 - j. Feigned "accidental" brushing against sexual parts of the body
 - k. Insults, profanities or taunts based on sex
 - l. Sexually explicit physical contact
 - m. Obscene phone calls
 - n. Sexually explicit emails or SMS messages
 - o. Stalking, cyber-bullying with sexual undertones

- p. Sexual assaults
- V. Sexual harassment, however, does not refer to the occasional compliments of a socially acceptable nature. It refers to behaviour that is not welcome, is personally offensive, debilitates morale and therefore interferes with a learning environment.

6.2 **CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS**

- I. There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions and parties in such relationships assume such risks. In the context of academic institutions, such positions include but are not limited to teacher and student, mentor and trainee, adviser and advisee, coach and athlete. Conflict of interest is presumed but not exclusive to all instances when staff of the Institution is in a position to grade, evaluate, or supervise a student (whether undergraduate or postgraduate) or allocate opportunities to a student such as access to Institution accommodation and participation in work-study programme.
- II. Even when they have an appearance of being consensual, they may be less consensual than is perceived by the individual whose position confers power or authority. Indeed, the relationship is less likely to be positively perceived by the party in subordinate position especially when considered in retrospect. For these reasons, [institution's name] strongly disapproves and discourages such relationships. Further, it has the option to take any action necessary to minimize the impact of such relationships on the integrity of its system in line with the laid-down regulations.
- III. Consensual romantic relationships between members of the institution's community may begin as consensual but evolve into situations that lead to charges of sexual harassment.

7. **RESPONSIBILITIES**

- I. [The institution] is responsible for taking all reasonable steps to prevent sexual harassment and ensuring its position is widely known through all levels of the institution's activities. In furtherance of this, [institution's name] will, ensure the wide dissemination of this policy, provide training on the contents and standards of this policy, introduce other measures such as gender sensitivity training for students and staff at all levels and orientation training for new students and staff on appropriate behaviour.
- II. [The institution] will ensure that appropriate procedures are identified to handle sexual harassment complaints and the specific officers responsible for dealing with complaints are identified and trained to mediate and conciliate grievances.

- III. It is further responsible for ensuring that:
 - a. Complaints are treated in an impartial, sensitive, fair, timely and confidential manner;
 - b. Sexual harassment reporting is encouraged regardless of who the offender might be;
 - c. Appropriate training is provided to those who manage and implement this policy;
 - d. Widespread awareness and understanding of sexual harassment is provided;
 - e. This policy and its procedures are monitored and reviewed regularly.
- IV. All students, staff and other persons associated with [institution's name] have the duty to comply with this Policy and as such all are encouraged to read it thoroughly and ensure that they have a good understanding of the issues surrounding sexual harassment, particularly in recognising in themselves as well as in others behaviour which constitutes sexual harassment.

8. DISCLOSURE AND REPORTING SEXUAL HARASSMENT

8.1 Disclosure

- I. A disclosure involves the sharing of information about an incident of sexual harassment with another person. Disclosures can be made to anyone.
- II. [Name of institution] recognises that a person who discloses an incident of sexual harassment may not want to make a formal report. Where, however, where it becomes aware of a disclosed serious incident of sexual harassment, it will endeavour to provide support and assistance to the complainant and/or investigate the incident even though it is not formally reported.

8.2 Formal Reporting

Formal reporting refers to providing a formal account or statement about sexual assault or sexual harassment to a person or institution that has the authority to take action. Reporting can be an outcome of disclosure, but it is not the only possible outcome.

8.3 Who may report sexual harassment?

- a. A complainant
- b. Any member of the [institution] may report conduct that may constitute sexual harassment under this policy.
- c. Any supervisor or other person to whom a report has been made.
- d. Any person who otherwise becomes aware that sexual harassment has taken place.

8.4 To whom a formal report may be made

[Institution's name] recognises the importance of providing a choice of reporting mechanisms and officers (male and female) to complainants in order that they may feel comfortable to come forward to discuss or report an incident. It also recognises that in some instances, the immediate officer to whom a report may be appropriately made may be too close to the problem to serve without bias. As such, [institution's name] ensures that a network of officers within the institution is available to receive reports. Reports of sexual harassment may be made to any of the persons or offices specified below:

- a. Academic Tutors
- b. Heads of Departments
- c. Deans of Faculties, Provosts of Colleges, Directors of Centres, Institutes and Units, Dean of Student Affairs
- d. Hall Masters/Mistresses and Hall Wardens [specify other designation as appropriate for Head of Institution]
- e. Counsellors in the Student Counselling Centres (This presupposes that every institution should have a functional guidance and counselling unit)
- f. Medical Director
- g. Deputy-Vice-Chancellors [specify other designation as appropriate for Head of Institution]
- h. Vice Chancellor [specify other designation as appropriate for Head of Institution]
- i. Institution's Independent Sexual Harassment Committee
- j. Chief Security Officer and Deputies
- k. Chaplains of the [specify], Imams of the [specify]
- l. Representatives of Student Union Groups (SUG), Congresses, and Associations within institutions.

The list of persons who can receive reports stated above is not exhaustive.

8.5 Format of a report

There is no prescribed format for reporting sexual harassment. It may be reported verbally but it is preferable that it be in writing.

I. A complaint of sexual harassment shall include:

- a. The name, address, contact number(s) and any other relevant detail of the complainant.
- b. The name, address, contact number(s) and any other relevant detail of the person (s) against whom the complaint is made.
- c. A summary of the allegation(s) within the knowledge of the complainant that constitutes the basis of the complaint being made. This shall include the nature, date, time and place where the alleged incident occurred.

- d. A report should contain every available supporting document, written or electronic. Where however the report does not contain such documents, it shall not bar the Independent Sexual Harassment Prohibition Committee from taking necessary steps to determine the complaint.
- e. A case can be reported in an anonymous manner through the available channels provided by the Institution. For example, suggestion boxes mounted in strategic places such as the Vice-Chancellor's office, SERVICOM and Gender Units can be used to receive anonymous and non- anonymous reports.

9. SUPPORT AND ASSISTANCE

- 9.1 [Name of institution] recognises that the first response a person receives when they share their experience of sexual harassment is key to their recovery as well as ensuring justice. It also recognises that anyone in the institution may be a 'first responder of a disclosure or formal report of sexual harassment, hence, it will sensitise and equip members of its community to being compassionate, empathic and supportive when a person discloses or makes a formal report to someone. More specifically it shall endeavour to ensure that every person who makes a complaint of sexual harassment is provided:
- a. Access to information about appropriate emergency health, counselling, security and accommodation providers;
 - b. Referral to internal and external support services; and
 - c. Assistance to ensure understanding of the available options, including reporting to police and making a formal report to the institution;
 - d. Information about and assistance with navigating the institution's formal report and misconduct investigation processes;
 - e. Information about, and support navigating, the institution's special consideration process if the student wishes to apply;
 - f. Regular and timely communication about the process and its resolution.
- 9.2 In some cases, students or staff who have experienced harassment may require special consideration for assignments and exams, particularly in terms of assignment extensions and examination deferrals. At the time of disclosure or making a formal report, the institution staff to whom the incident is disclosed should advise whether they have the authority to grant or support special consideration to the student. If not, the details of the staff member/s who can approve – or at least actively support – special consideration should be given to the person making the report. The staff shall also provide support to the complainant in taking the step.
- 9.3 [Name of institution] will ensure that where special consideration is sought or granted, this process will be as efficient as possible to minimise further stress and

will endeavour to protect the confidentiality and privacy of the student by limiting the circulation of any information about the nature of the special consideration as much as the circumstances allow.

10. METHODS OF DEALING WITH SEXUAL HARASSMENT

10.1 The most effective complaints procedure offers a range of options for dealing with sexual harassment. However, all the options must respect the principle that everyone involved in a dispute relating to sexual harassment is entitled to fair hearing in the investigation and adjudication of the dispute.

10.2 The following are the primary methods for dealing with sexual harassment in [institution's name]. Some are informal while others are formal methods. They need not be followed in a specific order. However, recognising that early informal methods are often effective in correcting questionable behaviour, they are encouraged by this Policy.

a. Consultation

Consultation about sexual harassment shall be available from the Deans of Faculties and Provosts of Colleges, Dean of Student Affairs, Heads of Academic Departments and Academic Tutors, Counsellors in the Student Counselling Centres, Hall Wardens/Mistresses/Masters, Chaplains of the [specify], Imams of the [specify], Director, Medical Centre and the Institution's Ombudsperson.

b. Direct Communication

An individual may act on sexual harassment concerns personally by addressing the other party directly in person or by writing a letter describing the unwelcome behaviour, its effect and asking that it be stopped. Any of the persons named in paragraph "a" above and who is consulted may help an individual plan what to say or write and can likewise counsel any person who receives such communication. A reprisal against any individual who in good faith initiates such a communication violates this policy.

c. Third Party Intervention

When third party intervention is used, the third party or third parties will meet with each of the persons involved, try to clarify perceptions and attempt to develop a mutually acceptable understanding that can ensure that they are comfortable with each other in their future interactions. Formal mediation sessions may be explored in appropriate cases.

Possible outcomes of third-party interventions include explicit agreements about future conduct, changes in classes or other reliefs as may be appropriate e.g., apologies and a commitment not to engage in such behaviour again. The third-party intervener will establish a follow-up programme to ensure the behaviour does not reoccur.

- 10.3 Even if the case is being resolved informally, so long as it is handled by any of the specified officers, it is the responsibility of the third-party intervener to prepare a detailed report on the proceedings and outcome and submit it in confidence to the [Head of Institution] and although these proceedings may be deemed informal, depending on the seriousness of the case, incidents of sexual harassment which constitute serious misconduct will be pursued for possible disciplinary action.

11. INTERNAL GRIEVANCE, APPEAL AND DISCIPLINARY PROCESSES

- I. Where all the earlier mentioned processes fail or are not preferred by the complainant, the formal internal grievance process may be invoked. The applicable procedure generally consists of the following:
- a. The complainant or any person acting on behalf of the complainant submits a written or electronic statement via channels provided by the institution in strict confidence to [Head of Institution] describing the specific offensive acts or acts, the time, location and circumstances under which they took place, and any other information or document relevant to the case. The complaint should identify the alleged harasser as well as any witnesses to the act(s) or anyone else to whom the incident has been mentioned and remedies sought by the complainant. The statement must be signed and dated by the complainant.
 - b. Upon receipt of a complaint of sexual harassment, the Head of Institution shall transmit the complaint to the Chairperson of the Independent Sexual Harassment Prohibition Committee within 14 working days from the date the complaint was received.
 - c. Upon receipt of a complaint of sexual harassment, the Independent Sexual Harassment Prohibition Committee shall take immediate steps to investigate, determine and reach a final written decision on the complaint within 45 working days from the date of receipt of the complaint from the Head of Institution.
 - d. 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.

- e. The fact that a complaint does not contain supporting documents shall neither prevent the receipt of the complaint nor bar the Committee from taking necessary steps to determine the complaint.
- f. The Committee shall ensure the alleged harasser is provided with a copy of the complaint specifying the identity of the complainant in order to advise him or her of the allegation;
- g. In the determination of a complaint of sexual harassment, the Sexual Harassment Prohibition Committee shall be guided by the need to ensure equality of all parties to a complaint and the guarantee of substantial justice in each complaint.

II. COMPOSITION OF THE INDEPENDENT SEXUAL HARASSMENT PROHIBITION COMMITTEE

- a. The Sexual Harassment Prohibition Committee shall have of a total of seven (7) persons.
- b. The membership of the Sexual Harassment Prohibition Committee shall consist of at least two (2) students, two (2) academic staff members of the institution and two non-academic staff members.

The total membership shall include at least three (3) females.
- c. An administrative head of an institution shall also ensure that at least one (1) lawyer is a member of the Committee at any material time, provided that there are lawyers who are staff members of the Institution.
- d. The Chairman and members of the Sexual Harassment Prohibition Committee shall hold office for a period not exceeding two (2) years from the date of appointment as may be specified in writing by the administrative head.
- e. Any five (5) members of the Sexual Harassment Prohibition Committee shall form a quorum. The members present shall select an ad-hoc Chairman and/or Secretary for the purpose of hearing the complaints brought before it if the substantive Chairman and/or Secretary are absent.
- f. The final decision of the Sexual Harassment Prohibition Committee shall be by a simple majority; rendered in writing and read openly to the parties of a complaint by the Chairman of the Committee. If the parties or any of the parties are absent, such decision can be transmitted through the established channel for reportage.
- g. A decision of the committee is submitted to the head of the institution and both the complainant and the alleged harasser shall be informed of the decision. Where the Head of the Institution is the alleged harasser, the decision shall be submitted to the governing body of the institution.

- III. The institution shall provide information on the kind of support available to the victim and how to access it such as trauma counselling, psychosocial, academic support and protection against reprisals.
- IV. The complaint must be brought within [6 months] of the action complained of. Informal resolution efforts will not automatically extend the time limit for filing a grievance or appeal although in appropriate circumstances, the period used for such informal resolution efforts may be considered in granting extension of time.
- V. Depending on the complexity of the case, a complainant and the alleged harasser will be periodically contacted within [14 days] about the status of the investigation in respect of the complaint made, whether action is being taken and what type of action is being taken.
- VI. Either the complainant or the alleged harasser who is dissatisfied with the outcome of a proceeding may appeal to [the Institution's appellate body]² within [10 days].
- VII. In appropriate cases, other disciplinary action may be commenced and the applicable disciplinary procedure will depend on the status of the individual whose conduct is in question and the discipline will depend on the severity of the conduct and may lead to termination of employment.

12. EXTERNAL MECHANISMS

Where sexual harassment is prohibited by law, in addition to the internal processes, a complainant may pursue complaints directly with any appropriate formal agency authorised to receive such complaints by law. However, a violation of this policy may exist even when the conduct in question does not violate the law.

13. OTHER PROCEDURAL MATTERS RELATING TO THE GRIEVANCE PROCESSES

I. Investigation

- a. [Name of institution] will ensure that an investigation is carried out in a timely manner by appropriately trained individuals and where necessary, will permit adjustments to be made to the disciplinary procedure to address any actual and/ or perceived imbalances between the complainant and the alleged harasser, e.g. balancing the interests of protecting the complainant from additional trauma when giving evidence and the need to uphold fundamental principles relating to fair hearing such as right of the person accused to hear the evidence against them and right to “test” that evidence.
- b. If significant facts are contested, an investigation will be undertaken. The investigation will be conducted in a way that respects, to the extent possible,

²Such appellate body may be a Senate Anti-Sexual Harassment Committee or a standing Institution Anti-Sexual Harassment Committee or the Vice-Chancellor. Again, it must be ensured that such committee comprises of a broad representation of key stakeholders e.g. academic staff, non-academic staff, student representatives, Institution Governing Council representatives.

the privacy of all persons involved. For example, unless significant differences exist in the information obtained during this stage of the investigation, third party witnesses will not be brought into the investigation. Both the complainant and the alleged harasser will be briefed once the investigation is completed and a determination including sanctions (where appropriate) is made.

- c. The Independent Sexual Harassment Prohibition Committee shall, in writing, notify the parties of a complaint, in person, a request for their written response or appearance for hearings with regards to a lodged complaint.
- d. All hearings on a complaint of sexual harassment by the Independent Sexual Harassment Prohibition Committee shall be closed to the public and records of relevant documents including evidence securely archived and preserved by a designated member of the Independent Sexual Harassment Prohibition Committee.
- e. Where a respondent who has been duly notified of a complaint lodged against him or her neglects or refuses to participate in the investigation process, the Independent Sexual Harassment Prohibition Committee may proceed with its determination of the complaint.
- f. The Independent Sexual Harassment Prohibition Committee may within its discretion discontinue further conduct/investigation of a case where the complainant fails to cooperate with the Committee in the exercise of its functions.
- g. A complainant may, in writing or through other available channels provided by the Institution, withdraw a complaint brought before the Independent Sexual Harassment Prohibition Committee at any stage before the final decision.
- h. **Time frame**
Any investigation of sexual harassment shall be conducted and completed within [45 working days] of receiving a formal report of the incident.

14. CONFIDENTIALITY

- I. The officials of [Institution's name] responsible for implementing this policy will keep confidential the names and details related to sexual harassment complaints unless disclosure is necessary as part of the disciplinary, corrective or record-keeping process.

15. PRECAUTIONARY MEASURES/ACTION

- I. When a formal report of sexual harassment is received, [name of institution] will consider whether urgent precautionary measures should be put in place, pending an investigation or other process. Where considered necessary, it will impose at an early stage, precautionary measures on a

- student or staff who is alleged to have engaged in sexual harassment. Such measures may include:
- a. imposing no-contact directives on the alleged harasser which may entail making appropriate arrangements to ensure separation of the complainant and alleged harasser in delivery of teaching and supervision (e.g., moving the respondent into another tutorial group or laboratory group).
 - b. suspending the alleged harasser from their studies in the case of a student or employment duties in the case of a staff.
 - c. excluding/restricting the person concerned (e.g., prohibiting the person concerned from going to certain accommodation blocks, using the sports facilities or from attending a placement).
- II. Any decision to impose a precautionary suspension on a student or to place a staff member off duty can have serious consequences. Hence, to mitigate the risk to safety of any person based on the report made and the risk of injustice recognising that the report has not been investigated and may not be substantiated, [name of institution] will impose only reasonable and proportionate precautionary measures after undertaking a risk assessment of the case taking into account the interests and welfare of the complainant and the alleged harasser, ascertaining the potential effectiveness and impact of precautionary measures on persons other than the parties, the type of misconduct, the circumstances of the incident, the circumstances of the individuals involved.
- 16. RECORD-KEEPING**
- The [specify relevant office] shall keep confidential records of reports of sexual harassment and the actions taken in response to those reports for the purpose of strategic planning for preventing sexual harassment but no identifying information may be retained in cases where the individual accused of sexual harassment is not informed that there was a complaint.
- 17. SANCTIONS AND PENALTIES**
- I. Where it is determined that an allegation of sexual harassment in breach of this Policy is proved against any person, appropriate sanctions and penalties will be imposed taking into consideration the circumstances of each case including the severity of the offence, degree of harm to complainant, the record of previous disciplinary history of the harasser, non-adherence to interim directives such as no-contact orders and on-going threats to the complainant or the Institution community, use of drugs or force in the commission of the act.
- II. Sanctions and penalties shall include but not be limited to:
- a. Caution
 - b. Reprimand
 - c. Probation and counselling

- d. No-contact directive
 - e. Campus access restriction
 - f. Verbal or Written Warning
 - g. Counselling or Therapy
 - h. Loss of privileges
 - i. Loss of oversight, teaching and supervisory responsibilities
 - j. Probation, Demotion, Loss of pay increase
 - k. Revocation of Offer of Admission, Employment or License to trade (in the case of vendors on Campus)
 - l. Termination of Contract for Contractors
 - m. Rustication (*Student-specific*)
 - n. Expulsion
 - o. Withholding of degree (*Employee*)
 - p. Denial of privileges including pay increment, promotion, denial of appointment to administrative positions and removal from administrative positions including debarment from such positions
 - q. Termination of appointment
 - r. Dismissal
- III. Where a complaint against a student or a member of staff is not upheld, and no disciplinary action is taken against them, [name of institution] recognises that the complainant and the person may continue to require assistance and support and will endeavour to continue to provide the parties access to the relevant support services.

18. RETALIATION

- I. This policy prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment or participates in any manner in an investigation or resolution of a sexual harassment report.
- II. Retaliation is a serious violation for which the offender may be subject to disciplinary measures irrespective of the merits of the sexual harassment allegation.
- III. Retaliation includes threats, intimidation of any kind, reprisals and or other forms of adverse actions related to employment or education.

19. INTENTIONAL FALSE REPORT

- I. Sexual harassment frequently involves interactions between persons that are not witnessed by others. This often means that allegations may be difficult to prove but lack of corroborating evidence or “proof” should not discourage reporting under this policy.

- II. However, individuals who make reports that are later found to have been intentionally or maliciously false or without regard for the truth, will be subject to disciplinary action. Such measures shall be without prejudice to the obligation of a person who falsely accuses another to publicly clear the name of the person against whom the false complaint was made.
- III. This provision does not apply to reports made in good faith, even if the facts alleged in the report are unsubstantiated on investigation. Insufficient evidence or lack of evidence shall not be sufficient to establish false, vexatious or malicious reporting. Each case must be handled on its own merit.

20. EDUCATION AND TRAINING

- 20. 1(I) [Institution's name] believes that the single most effective deterrent against sexual harassment in the institutions of learning is awareness hence, (institution name) is committed to:
 - a. Implementing educational and training programs for the Institution's Community, which may include mandatory education and training on sexual harassment and sexual violence.
 - b. Producing and disseminating sexual harassment and sexual violence policy document at the beginning of every academic session.
 - c. Organizing awareness and sensitization campaigns on sexual harassment at least twice in an academic session.
 - d. Establishing Community Anti-Sexual Harassment Campaign Day.
- II. Persons who are aware of conduct which constitutes sexual harassment are less likely to behave in a manner that is offensive to their colleagues. Also, persons who are aware of their rights and avenues of recourse will be more assertive and forthcoming in putting a stop to the offensive behaviour. Hence, as part of its commitment to providing a harassment-free working and learning environment, [name of institution] will take effective steps to widely disseminate this policy to members of its community through publications in print and online, websites, new employee orientations, student orientations and other appropriate channels of communications.
- III. To promote compliance with this policy and familiarity with its reporting mechanisms and procedures, the [*specify relevant offices e.g., Human Resources Unit, DSA, Counselling Units, Faculty Offices*] shall make educational materials available to all members of the [institution's] community.
- IV. All individuals designated to receive reports will be provided with structured training relating to handling sexual harassment allegations.

21. DOCUMENTATION

The {specify relevant office} will track reported cases of sexual harassment and report at least annually to the [*specific head of institution*] concerning the number, nature, trends and disposition for purposes of accountability and transparency

22. REVIEW AND EVALUATION

This policy shall be subject to periodic review [3-5 years] based on periodic evaluation of its implementation.

23. AUTHORITY

This policy was approved by the [Appropriate organ of Institution]

On this day..... 20.....

