

RIVERS STATE UNIVERSITY

NKPOLU- OROWORUKWO, PORT HARCOURT



POLICY ON SEXUAL HARASSMENT

[2021]

PREAMBLE AND POLICY ORIENTATION

This guiding principles for the Rivers State University Policy on Sexual Harassment are:

- (i) Sexual harassment in Nigerian universities has been a source of concern to all stakeholders. It is even increasing in intensity now, arising from and resulting, in further deterioration of the values, morals and standards associated with universities. The Rivers State University is committed to fostering an environment free of sexual harassment and intimidation, where all staff and students can work and study together with openness, trust and respect for each other.
- (ii) Staff and students are expected to treat each other with courtesy, conducting themselves in accordance with the high ethical standards articulated in the University Law and related regulations. They should at all times avoid behaviour in the University that may create an atmosphere of hostility or intimidation. This applies to all interactions involving supervisors, peers, subordinates or students in all situations, including same sex relationships.
- (iii) In interactions with others, therefore, the University emphasizes that it is important for all to act with tolerance, sensitivity, and respect for individual differences and the fiduciary imperatives of authority, dependency, trust and human dignity. These are values or imperatives that are in

POLICY ON SEXUAL HARASSMENT

tandem with the University's motto of "Excellence and Creativity".

- (iv) Staff and students have a responsibility to communicate clearly to perpetrators of sexual harassment about behaviour they find offensive and would like to be stopped. If an action is reasonably perceived to be offensive by another, whether intended or not, it should be stopped.
- (v) The provisions herein are intended to prevent, report and redress sexual assault and harassment in the University without any exception. The Policy is in line with global best practices of Higher Education Institutions in Nigeria and all over the world on sexual harassment. It covers staff (academic and non-academic) and students.

A. DEFINITIONS AND DESCRIPTIONS OF SEXUAL HARASSMENT

There are several perspectives as to what sexual harassment is; and these include the definitions and descriptions:

- i. Sexual harassment refers to the use of words, conducts, actions, pictures or videos of a sexual nature in relation to granting favour, admission, employment, opportunities, job performance or coercion directed towards a person who finds such unacceptable.
- ii. It means improper conduct, comment, gesture, contact; or message (in any form) of a sexual nature in a continuous series of incidents that might reasonably be expected to cause offense or humiliation to another or others.
- iii. It is one that another or others might reasonably perceive as placing a condition of sexual nature on employment, conditions of employment, grades, admission, job performance or opportunities.
- iv. It is deemed to have occurred in a University when a staff or student is subjected to an unwelcomed verbal, physical or non-verbal sexual behaviour by a staff or student, even as colleagues.

It is distinguished by the following:

A. DEFINITIONS AND DESCRIPTIONS OF SEXUAL HARASSMENT

There are several perspectives as to what sexual harassment is; and these include the definitions and descriptions:

- i. Sexual harassment refers to the use of words, conducts, actions, pictures or videos of a sexual nature in relation to granting favour, admission, employment, opportunities, job performance or coercion directed towards a person who finds such unacceptable.
- ii. It means improper conduct, comment, gesture, contact; or message (in any form) of a sexual nature in a continuous series of incidents that might reasonably be expected to cause offense or humiliation to another or others.
- iii. It is one that another or others might reasonably perceive as placing a condition of sexual nature on employment, conditions of employment, grades, admission, job performance or opportunities.
- iv. It is deemed to have occurred in a University when a staff or student is subjected to an unwelcomed verbal, physical or non-verbal sexual behaviour by a staff or student, even as colleagues.

It is distinguished by the following:

POLICY ON SEXUAL HARASSMENT

- a) Words, conducts, acts, pictures, or videos of a sexual nature;
- b) From, of or by a staff student, the perpetrator;
- c) In exchange for a favour, admission, grades, opportunity, job performance or through coercion;
- d) Towards or to another staff/student, the victim; and
- e) The target person (victim), staff or student, finds it offensive and unacceptable.

POLICY ON SEXUAL HARASSMENT

- a) Words, conducts, acts, pictures, or videos of a sexual nature;
- b) From, of or by a staff student, the perpetrator;
- c) In exchange for a favour, admission, grades, opportunity, job performance or through coercion;
- d) Towards or to another staff/student, the victim; and
- e) The target person (victim), staff or student, finds it offensive and unacceptable.

B. FORMS OF SEXUAL HARASSMENT

For the University, the following shall constitute sexual harassment:

- i) Rape or attempted rape;
- ii) Unwelcome behaviour of a sexual nature that is committed without consent or by force, intimidation, threats, coercion, or manipulation.
- iii) Pressures for sexual favours involving deliberate touching, leaning over, cornering or pinching, massaging, kissing, undue sexual looks or gestures, letters, text messages/chats, pornographic pictures and videos, telephone calls or materials of a sexual nature and unwanted gifts;
- iv) Pressures for dates and sexual favour involving sexual teasing, jokes, remarks, questions, whistling or comments such as referring to an adult as a girl/boy, hunk, doll, babe or honey;
- v) Turning work discussions (meetings, lectures, supervisions etc.) to sexual topics, sexual innuendos or stories and asking about sexual fantasies, preferences or history;
- vi) Sexual comments about a person's clothing, anatomy or look such as "you look take away" and telling lies about a

person's sex life and relationship;

- vii) Touching someone's clothing, hair or body, hanging around a person, stalking, hugging, patting or stroking, touching or rubbing oneself sexually around another person and standing close or brushing up against a person from who sexual favour is being demanded;
- viii) Staring at someone with sexually suggestive signals, facial expressions, winking, throwing kisses, or licking lips and making sexual gestures with hands or through body movements;
- ix) Inappropriate or lewd comments said or repeated to, or around, someone such as comments about someone's body or appearance or remarks that are solicitous of sex;
- x) Saying bad things about someone (or about a group of people) based on gender identity or sexuality, gender-based or sexuality-based slurs (swear words) and jokes about sex or making fun of people generally based on their gender identity or sexuality such as "all women are...", "bisexual people are..." or "all men are...";
- xi) Blocking someone's way or movement especially in a physically threatening or intimidating way, flashing or mooning in relation to sexual demands;

POLICY ON SEXUAL HARASSMENT

- vii) Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts;
- viii) Basing employment, grading, admission, opportunity or favour decisions on the satisfaction of sexual demand, in circumstances such as a boss firing or demoting a staff, a lecturer failing a student, and an administrative staff not attending to a student, a student collecting the item of another who refused to go on a date with the perpetrator (boss, lecturer/staff, student);
- xiv) Indecent and provocative dressing such as pulling down trousers to reveal buttocks or underclothes, transparent, torn, ragged and revealing cloths, low-cut garments that overexposes cleavages and chest, sleeveless shirts in class environment, shorts and skirts that are above the knees etc;
- xv) And any other conduct which the University determines to be immoral and against the University's Code of Conduct for staff and students;

C. PROCEDURE FOR HANDLING SEXUAL HARASSMENT

The following are the steps involved in handling sexual harassment complaints in the University:

- i. A victim who complains of sexual harassment, shall submit a written sexual harassment complaint to the Vice-Chancellor stating the Name, Department, Faculty, Time and Location of the incident.
- ii. The complaint mentioned above may be made by the victim personally or by the victim's representative who may be the victim's relative, guardian, his/her Lawyer, or any person who has interest in the wellbeing of the victim.
- iii. The Vice-Chancellor shall transmit every sexual harassment complaint received from the victim to the Chairman of the Independent Sexual Harassment Prohibition Committee within five (5) working days of the receipt of such a complaint for purpose of investigation, determination and a final decision.
- iv. Upon the receipt of a sexual harassment complaint from the Vice-Chancellor, the Independent Sexual Harassment Prohibition Committee shall take immediate steps to investigate, determine and reach a final written decision on the complaint.

POLICY ON SEXUAL HARASSMENT

- v. Where the complaint of a victim is proved or made out, the Independent Sexual Harassment Prohibition Committee shall take the circumstances of the proven complaint into account and recommend any of the sanctions provided for under Section E of this Policy to the Vice-Chancellor.
- vi. Where the victim has commenced criminal proceedings against the alleged perpetrator, the Independent Sexual Harassment Prohibition Committee shall suspend all actions pending the final determination of the case and the alleged perpetrator placed on indefinite suspension in the case of a student and interdiction in the case of staff.
- vii. The Vice-Chancellor shall ensure that a victim who makes a sexual harassment complaint under this Policy is adequately protected and not subjected to any form of victimization by the perpetrator or his/her agent(s).
- viii. Any person in the Rivers State University where sexual harassment is alleged who victimizes the complainant in respect of a sexual harassment complaint under this Policy shall be liable to the same disciplinary measures as the perpetrator whom the student originally complained against.
- ix. A victim shall have access to free medical treatment in the Medical Centre of the University.

- x. A victim shall receive free Counselling in the Department of Guidance and Counselling of the University.
- xi. A victim shall have access to the Chapel of Redemption or the Catholic Chaplaincy for prayers and further counselling.
- xii. Where at the completion of an investigation into a sexual harassment complaint and the Independent Sexual Harassment Prohibition Committee finds or determines in its final decision that the complaint is false, frivolous and malicious, the Committee shall recommend sanctions to the Vice-Chancellor against the alleged victim who made the complaint, and this may include, warning, suspension or expulsion and every possible restitution to the alleged perpetrator, including a public apology from the acclaimed victim and refund of deducted salary in the case of a staff.
- xiii. The Vice-Chancellor shall implement the final decision or recommendations of the Independent Sexual Harassment Prohibition Committee if, after twenty-one (21) working days of the Committee's final decision or recommendations, a perpetrator or victim does not bring an action in court for judicial review of the final decision or recommendation.

- xiv. Where the perpetrator is not a staff or student, the University shall refer the matter to the Commissioner of Police and the Attorney-General of Rivers State for appropriate action.

D. SANCTIONS FOR SEXUAL HARASSMENT

Sanctions and circumstances under which they apply for the redress of sexual harassment are provided for in this section thus:

- i. Given that sexual misconduct can manifest itself in a range of severity, the University has established levels of severity in the order of:
 - a) Reprimand-Probation-Suspension-Expulsion for student; and
 - b) Reprimand-Suspension-Rank Demotion/Termination /Dismissal for staff.
- ii. Sanctions will consider aggravating factors such as:
 - (a) use of force, use of a weapon, or display of a weapon,
 - (b) involvement of multiple perpetrators,
 - (c) isolation -physical, social, or otherwise,
 - (d) intentional incapacitation -using alcohol, drugs, or by other means,
 - (e) intimidation or coercion,
 - (f) any history of prior sexual harassment by the perpetrator,
 - (g) perpetrator's behaviour resulting in severe and prolonged

- humiliation of the victim,
- (h) threatened academic or social consequences for refusal of requests or non-cooperation, and (i) outright or brazen refusal to acknowledge culpability or accept responsibility for clear violation of this Policy.
- iii. Sanctions will also take into consideration mitigating circumstance such as:
- (a) prior instances where alleged perpetrator's advances were welcome by the claimed victim,
 - (b) evidence of mistaken or unintentional behaviour-unintentional viewing of phone/computer screen, mistaken identity,
 - (c) perpetrator's acceptance of responsibility, show of remorse, demonstrated thoughtful understanding of policy and refined perspective, and/or articulated a plan for modified future behaviour.
- iv. A student who violates this policy is subject to the University's full range of sanctions which may range from a reprimand for mild offences to expulsion for severe cases. The minimum sanction for students found responsible for sexual misconduct

that includes genital penetration is expulsion from the University.

- v. A staff who violates this policy is subject to corrective action processes which may range from a reprimand for mild offences to termination/dismissal of employment for severe cases. The minimum sanction for those found responsible for sexual misconduct that includes genital penetration is termination of employment/dismissal of staff.
- vi. Genital penetration for which the minimum sanction of expulsion for a student or dismissal for a staff applies includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.
- vii. Sanctions shall be applied in the following order:
 - a) Verbal warning (reprimand).
 - b) Written warning with memorandum to the staff employment file (probationary).
 - c) Suspension or demotion in rank where the offender persists,
 - d) Expulsion of student or termination/dismissal of staff.

- viii. Making false complaints or falsely supporting a complaint or refusing to assist in providing information relevant to a claim of sexual harassment is a serious violation of this Policy and will be treated as an instance of sexual harassment and sanctioned as appropriate.
- ix. Retaliation against an individual for alleging harassment, supporting a complainant or assisting in providing relevant information to a claim of sexual harassment is a violation, shall be considered as an instance of sexual harassment and sanctioned as appropriate.
- x. Exploitation or taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party such as photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge-or consent; purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent; sexual voyeurism; inducing another to expose

one's genitals or private areas; prostituting another student (pimping; "runs"); engaging in sexual activity while knowingly infected with a sexually transmitted disease (STD) are further instances considered to be sexual harassment and shall be sanctioned accordingly.

- xi. Sanction for indecent dressing shall be reprimand in the first instance. Repeat offenders shall not be allowed into the lecture room or can be walked out of the University through the gates. Continuous offenders shall be suspended.

**E. INDEPENDENT SEXUAL HARASSMENT PROHIBITION
COMMITTEE**

For the purpose of implementing this Policy, there shall be established an Independent Sexual Harassment Prohibition Committee with membership and functions as indicated below:

- i. The Vice-Chancellor of the Rivers State University shall establish the Independent Sexual Harassment Prohibition Committee in consultation with the Senate.
- ii. The membership of the Independent Sexual Harassment Prohibition Committee shall be nine (9) persons namely:
 - a) A Chairman who shall not be below the rank of a Professor of the University.
 - b) A Secretary who shall not be less than a Director in the University.
 - c) Two (2) Academic Staff- one (1) male and one (1) female.
 - d) Two Non-Academic Staff- one (1) male and one (1) female.
 - e) One staff from the Technologists Cadre.
 - f) Two students - one (1) male and one (1) female (one

postgraduate and one undergraduate)

- g) The student members of the Committee shall not be part of the meeting when the case under consideration is between staff.

iii. In the constitution of the Independent Sexual Harassment Prohibition Committee, the Vice-Chancellor shall ensure that at least one (1) Lawyer who is a staff of the University is a member of the Committee at every material time.

iv. The Independent Sexual Harassment Prohibition Committee shall be independent and impartial in all its dealings, proceedings and affairs. In furtherance of the above, the Committee shall adhere to the following:

- a) Submit quarterly reports (every three months) on its activities to the Vice Chancellor;
- b) Ensure that the Committee's proceedings are kept confidential in line with extant laws of confidentiality and utmost good faith;
- c) Members of the Committee shall subscribe, to the Code of Conduct prepared by the University at inauguration.

- v. The members of the Independent Sexual Harassment Prohibition Committee shall be persons of high moral standing and good reputation.
- vi. The Chairman and every member of the Independent Sexual Harassment Prohibition Committee shall hold office for a period not exceeding two (2) years from the date of their appointment as may be specified in writing by the Vice-Chancellor.
- vii. Where the Chairman or any Member of the Independent Sexual Harassment Prohibition Committee:
 - (a) contravenes the provisions of the University Policy on Sexual Harassment,
 - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him,
 - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him, or
 - (d) has so abused his/her position as to render his/her

continuance in office prejudicial to the public interest.

The Chairman or such a Member, as the case may be, shall be removed from the Committee by the Vice-Chancellor and the vacancy so created or any casual vacancy shall be filled by the Vice-Chancellor on approval by the Senate.

- viii. Any five (5) members of the Independent 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 complaint brought before it if the substantive Chairman and/or Secretary are absent.
- ix. The Independent Sexual Harassment Prohibition Committee shall conduct its proceedings with utmost thoroughness, fairness and in compliance with the rules of natural justice, exercise its discretion judiciously and fairly with regards to facts, evidence and the number of witnesses that may be allowed to testify during its proceedings.
- x. The decisions of the Independent Sexual Harassment

Prohibition Committee shall be by a simple majority; rendered in writing and read openly to the parties by the Chairman of the Committee.

- xi. All decisions, including the final decision of the Committee, shall be signed by all members of the Committee who participated in the inquiry and sealed/stamped by the Secretary with the Committee's seal or stamp which shall be kept in the custody of the Secretary.
- xiii. The Secretary of the Committee shall communicate the final decision of the Committee in writing and within (7) working days of giving the decision to the Vice-Chancellor. The Secretary of the Committee shall issue sealed/stamped certified true copies of the Committee's decisions, including its final decisions in respect of the sexual harassment complaints to any person including parties in any of its proceeding within seven (7) working days of giving such a decision, provided that the person shall apply for the certified true copies of the decision and pay such reasonable fees to be prescribed by the Committee.

- xiv. The Chairman or Secretary of the Sexual Harassment Prohibition Committee who willfully fails to comply with the provisions of this Policy shall be removed by the Vice-Chancellor upon the recommendations of other members of the Committee and the matter of failure to comply with this Policy's provision referred to the Joint University Governing Council/Senate Staff Disciplinary Committee.
- xv. The Vice-Chancellor shall provide such resources, funding, facilities, materials and support that are reasonably required for the Independent Sexual Harassment Prohibition Committee to carry-out its functions under this Policy.
- xvi. The Chairman of the Independent Sexual Harassment Prohibition Committee shall make and submit an annual report on sexual harassment complaints received and actions taken on them to the Vice-Chancellor.
- xvii. A member of the Independent Sexual Harassment Prohibition Committee shall not be removed, except in accordance with the provisions of this Policy.

- xvii. The Independent Sexual Harassment Prohibition Committee shall not be dissolved, suspended or rendered redundant or inoperative by the Vice-Chancellor or any person on any ground whatsoever, without due process.
- xix. In pursuit of its assignment, the Independent Sexual Harassment Prohibition Committee shall:
- a) create awareness on issues of Sexual Harassment in the University and its environs through Seminars, Workshops and Conferences;
 - b) mobilize staff and students to embrace the Policy;
 - c) reach out to public-spirited individuals and organizations that would add value to the activities of the Committee;
 - d) sensitize staff and students of the University (male and female) on the need to report unsolicited sexual advances to the Committee;
 - e) investigate and identify perpetrators and victims of sexual harassment and recommend appropriate sanctions to the Vice-Chancellor;
 - f) open Hotlines and other channels of communication that would encourage victims to report cases of sexual harassment; and
 - g) submit comprehensive Periodic Status Report (quarterly) on its activities to the Vice-Chancellor.

F. DEFINITION OF TERMS

- i. "Vice Chancellor" means the Chief Executive Officer of the Rivers State University or any person acting in that capacity.
- ii. "Attorney-General" means the Attorney-General of Rivers State.
- iii. "Court" means a High Court in Rivers State.
- iv. "Staff" means every employee of the Rivers State University including all academic and non-academic staff, or a faculty or non-faculty members who may have authority over or a mentoring relationship with any student and also included, coaches, supervisors of student employees, advisors and directors of student organizations, and persons who advise, mentor or evaluate students or any person who oversees any aspect of any student's academic work, security, campus life and wellbeing.
- v. "Sexual Intercourse" means penetration of a sexual nature of the vagina or anus or mouth of the staff/student by the penis or; mouth or finger of a perpetrator or through any instrument or toy by the perpetrator.
- vi. "Student" refers to any person enrolled in Rivers State University for the purpose of undergoing any training to obtain any degree or certificate.
- vii. "Perpetrator" refers to anyone who has engaged in sexual harassment in violation of this Policy.
- viii. "Victim" refers to anyone who has been a target of sexual harassment that seeks redress under this Policy.