



SUSTAINABLE PROCUREMENT, ENVIRONMENTAL AND SOCIAL STANDARDS ENHANCEMENT (SPESSE)

UNIVERSITY OF BENIN

SEXUAL HARASSMENT POLICY

FEBRUARY, 2020

The Policy Statement

The Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE), University of Benin, is committed to providing a safe environment for all her staff and students free from discrimination on any ground and from harassment at work including sexual harassment. The Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE) will operate a zero tolerance policy for any form of sexual harassment in the workplace, 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 and rustication. 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.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. The Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE) recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcomed by the person against whom the conduct is directed.

All sexual harassment is prohibited whether it takes place within the Sustainable Procurement, Environmental and Social Standards Enhancement premises or outside, including at social events, business trips, training sessions or conferences sponsored by the Sustainable Procurement, Environmental and Social Standards Enhancement project.

1. PREFACE

The Sexual Harassment Policy for the Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE) is premised on several international and regional normative standards to which Nigeria is signatory. These include:

- i. The Beijing Platform of Action, paragraphs 1-8 recognize sexual harassment as a form of violence and discrimination against women and calls on multiple actors including governments, employers unions and civil society to ensure that governments enact and enforce laws on sexual harassment and that employers develop anti-sexual harassment policies and prevention strategies. In addition, the Beijing Platform of Action sets out three strategic objectives under critical area of concern one, on ‘the human rights of women’, as follows:
 - Promote and protect the human rights of women, through the full implementation of all the human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
 - Ensure equality and non-discrimination under the law and in practice; and
 - Achieve legal literacy.
- ii. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which is aptly described as the Women’s Bill of Rights because it placed women at the centre of human rights concerns, was adopted by the General Assembly of the United Nations and endorsed by 186 members in 1979. Nigeria signed CEDAW in 1985, ratified it in 1989 and adopted its Optional Protocol in 1999. Articles 7-16 of CEDAW direct State Parties to, “take appropriate measures to eliminate discrimination against women in all fields specifically inequality under the law, in governance and politics, the workplace, education, healthcare and in other areas of public and social life”. Further, CEDAW Recommendation 19 Article 11 on equality in employment, states that ‘Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the workplace’; and its Committee’s General Recommendations No. 19 on violence against women, provides that State parties should include in their reports information on sexual

harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace.

- iii. Articles 12-13 of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, obligates State Parties to:
- Eliminate all forms of discrimination against women and guarantee equal opportunities and access in the sphere of education and training;
 - Protect women from all forms of abuse (including sexual harassment):
 - Ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in education and the workplace.

In the past few decades, while significant progress has been made in advancing gender equality through the aforementioned landmark UN agreements inter alia like the Beijing Declaration and Platforms of Action and CEDAW, women still face significant discrimination especially in accessing education and employment. Gender equality is not only a basic human right, but its achievement portends enormous socio-economic benefits. Empowering women is closely associated with economic progress, productivity and growth of nations. Yet gender inequalities remain deeply entrenched in most societies including Nigeria - women lack access to productive resources, decent work and health care. They are under-represented in economic decision making processes and suffer violence and discrimination including sexual harassment and abuse.

More than a decade ago, students at Jahangirnagar University, Bangladesh were the first to call for a Sexual Harassment Policy. In June 2009, using the sexual harassment guidelines for the first time, the High Court ruled in favour of few female students of that University who had been sexually harassed by their teachers. By ratifying CEDAW and making official commitments at the 1995 Beijing World Conference on women, Nigeria has endorsed the international standards of women's rights which require protection from sexual harassment.

Consequently, in response to several treaties and conventions endorsed by Nigeria, the Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE) commits to the formulation, adoption and implementation of policies that would enhance the productivity of its human resources; its status as a reputable

centre that protects the rights of individuals; and the effectiveness of the learning and working environment.

The Sustainable Procurement, Environmental and Social Standards Enhancement (SPESSE) strives to provide a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that all persons covered by this policy will treat one another with respect.

2. Definitions and Interpretation

2.1 In this policy, unless the context clearly indicates otherwise:

“Applicant” means any person who is applying for any position at the University;

“Complainant” means a person who is subject to alleged sexual harassment;

“Policy” means this Sexual Harassment Policy and its annexures, which form part of all employees’ and students’ conditions of service and learning.

“sexual harassment” means any form of unwanted or unwelcome conduct of a sexual nature, whether physical, verbal or non-verbal, by a person of the same or opposite sex towards another, which:

- a) has a negative impact on the complainant;
- b) persists in spite of the complainant’s clear indication that such behaviour is unwelcomed;
- c) even if it is a single incident of harassment, can be deemed to constitute sexual harassment because of its seriousness;

“Sexual Harassment Officer” means the Director: Gender Studies, who is appointed by the University to investigate and deal with sexual harassment complaints;

“Student” means any person who is registered as a student of the Centre.

2.2 Paragraph headings are inserted for convenience only and cannot be used in the interpretation of this policy.

2.3 If any provision confers any right or imposes any obligation on any party, then notwithstanding that it is only in the interpretation clause, effect must be given to it as if it were a substantive provision.

3. Application

3.1 This policy applies to all:

- a) employees of the Centre;
- b) applicants;
- c) clients or customers;
- d) contractors, including their consultants, employees or workers;
- e) guest-lecturers;
- f) students;
- g) suppliers; and
- h) any other person who has any dealings of whatsoever nature with the Centre.

3.2 Nothing in 3(1) confers the right on the Centre to initiate disciplinary action against a non-employee for breach of this policy.

3.3 This policy applies to all Centre programmes and activities both on and off-campus, including overseas programmes, if applicable.

4. Forms of sexual harassment

4.1 The following list, which is not exhaustive, contains examples of sexual harassment:

(a) Physical conduct of a sexual nature, which includes all unwanted physical contact, ranging from touching to sexual assault and rape, or frisking or strip searches by another person.

(b) Verbal forms of sexual harassment, which include innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sexual-related jokes or

insults or unwelcome graphic comments about a person's body made in their presence or directed at them, unwelcome and inappropriate enquiries about a person's sex life, unwelcome and inappropriate comments about a person's sexual orientation, and unwelcome whistling directed at a person or group of persons.

(c) Non-verbal forms of sexual harassment, which include unwelcome gestures, indecent exposure, and unwelcome displays of sexually explicit pictures and objects.

(d) Any form of communication of a sexual nature, including exerting pressure on a person for dates and sexual favours.

(e) Quid pro quo harassment, which occurs if the employer, line manager, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee or applicant, in exchange for sexual favours.

(f) Sending or viewing jokes, pictures or other information by e-mail or the internet in which the information is sexually explicit or ridicules a person's sexual orientation.

4.2 Sexual favouritism exists if a person who is in a position of authority rewards only those who respond to her/his sexual advances, whereas other deserving employees who do not submit themselves to any sexual advances are denied promotion, merit ratings or remuneration increases.

4.3 Occasional compliments of a socially acceptable nature do not constitute sexual harassment, and nor do acceptable teaching methods aimed at eliciting debate and discussion. Mutual attraction between people also does not constitute sexual harassment and should be treated as a private concern.

4.4 The Centre views false claims as serious misconduct.

5. Reporting

Reports of sexual harassment will be taken seriously and will be dealt with promptly, but in a fair and objective manner. The nature and gravity of each instance will dictate the specific action to be taken, which may include intervention, mediation, investigation and the initiation of grievance or disciplinary processes.

5.1 Any persons who believe that they have experienced or witnessed sexual harassment or related retaliation are encouraged to report such behaviour promptly to the University of Benin's Sexual Harassment Officer or to any line manager or manager, as the Centre cannot take any action against the accused unless it is aware of such incidents.

5.2 Incidents must be reported within 30 working days after the incident. If the complainant can show good cause for reporting the incident after this period, the Sexual Harassment Officer may waive the 30-day requirement.

5.3 Any manager who experiences, witnesses or receives a written or oral report or complaint of sexual harassment or related retaliation must promptly report it to the Sexual Harassment Officer.

5.4 The Sexual Harassment Officer must treat all reports of sexual harassment as confidential.

5.5 The Sexual Harassment Officer must inform complainants that they may elect to resolve the problem on a formal or an informal basis. Where appropriate, the Sexual Harassment Officer may also recommend counseling or other appropriate support services to provide the complainant with assistance.

5.6 Although it is for the complainant to decide whether to follow either the formal or the informal route, the Centre reserves the right to act as complainant itself and to institute formal proceedings against an employee. The Sexual Harassment Officer must ensure that whichever option has been elected is followed to its full and logical conclusion.

5.7 Regardless of whether the formal or informal route is followed, it is recorded that the intention is to stop the offending behaviour, resolve the complaint, protect all parties' rights and reputations until a decision has been reached, and to resolve the matter in a manner that is timely and equitable to all parties concerned.

5.8 The Sexual Harassment Officer disregards anonymous complaints.

6. Investigation

6.1 The Sexual Harassment Officer, undertakes a preliminary investigation to establish whether there is enough evidence to substantiate the allegation.

6.2 This investigation begins within 10 working days after the allegation was reported to the Sexual Harassment Officer and is completed in the shortest reasonable period of time, but not later than 10 working days after the investigation was begun.

6.3 The preliminary investigative report becomes part of the record and may be used in either the informal or formal proceedings as defined below.

6.4 If the Sexual Harassment Officer determines through the preliminary investigation that the allegations of sexual harassment cannot be substantiated, the Officer may decide that a formal hearing process under the disciplinary code is not justified. It is, however, still possible to pursue the matter through the informal resolution process.

6.5 If complainants wish to appeal against the Sexual Harassment Officer's decision not to use the formal hearing process, they may direct their appeal to the Deputy Vice-Chancellor: Administration, who will discuss the decision with the Sexual Harassment Officer. The resulting decision is final.

7. Informal process

7.1 In some instances, it is more effective to deal with a sexual harassment complaint informally than formally.

7.2 The informal process involves either intervention by the Head of Department, or the Faculty Dean, or a mediation session arranged by the Sexual Harassment Officer.

7.3 In a direct intervention, the Head of Department, Manager, the Faculty Dean or any other University official takes action to eliminate the factors that caused the original complaint. Such action may assume many forms, but in each instance the official must contact the Sexual Harassment Officer to determine if the allegation had any substance and to decide on measures to resolve the matter.

7.4 If the parties agree to mediation, the Sexual Harassment Officer arranges for a mediator who is mutually acceptable to them. The mediator consults with and advises both the parties about the mediation process. If the mediation results in a mutually acceptable agreement, copies of the agreement are forwarded to the Gender Studies Director for review and monitoring. If the mediation does not result in an agreement, the case is returned to the Sexual Harassment Officer at the earliest opportunity for a formal hearing.

7.5 If it is not possible to comply with paragraph 6.2, every effort must be made to finalize the mediation process within 30 calendar days from the day of first referral.

8. Formal process

8.1 Complainants may file a formal written complaint immediately after an incident or after efforts to reach an informal settlement have proved unsuccessful.

8.2 The complaint is lodged on the form set out in Annexure A.

8.3 The Sexual Harassment Officer sends a copy of the complaint, signed by the complainant, to the accused of sexual harassment within five working days of the finalization of the investigation referred to in paragraph 6.

8.4 The Sexual Harassment Officer sets a date for a disciplinary or a grievance hearing within 10 working days of receipt of the complaint.

8.5 The disciplinary hearing is completed within 10 working days after its beginning, unless all the parties agree otherwise in writing.

8.6 The accused's silence at or absence without good reason from a disciplinary or grievance hearing does not prevent the hearing from proceeding. The accused's failure or refusal to respond may result in the hearing proceeding solely on the basis of the complainant's testimony.

8.7 A complainant may withdraw a charge after it has been filed, provided that the accused agrees to the withdrawal.

8.8 A complainant's failure to cooperate with the process in a timely manner may negate the University's obligation to continue with the proceedings.

8.9 The Sexual Harassment Officer makes every effort to cooperate closely with the complainant to ensure due process, but may administratively close a complaint if the complainant fails to cooperate or participate fully in the process.

9. Burden of proof

Sexual harassment is proven on a balance of probabilities to discharge the burden of proof.

10. Prohibition on retaliatory acts

No retaliatory acts may be engaged in against any employee or student who reports an incident of alleged sexual harassment, or any employee or student who testifies, assists or participates in any proceeding, investigation or hearing relating to such allegation of sexual harassment.

11. Confidentiality

11.1 The Centre and the University recognizes that confidentiality is important.

11.2 The Sexual Harassment Officer and all other employees responsible for the implementation of this policy must respect the confidentiality and privacy of the complainant and the accused to the extent that is reasonably possible.

11.3 The Centre may, however, in some instances be unable to maintain confidentiality; for example, if it is compelled by an order of court to disclose information, or if communal interests outweigh individual ones.

11.4 In sexual harassment disciplinary inquiries, all parties endeavour to ensure confidentiality and only appropriate members of management, the complainant, the accused, their representatives, witnesses and interpreters may be present.

11.5 The Centre discloses to either party or their representatives such information as may be reasonably necessary.

12. Criminal and civil charges

The complainant's right to initiate criminal or civil proceedings is not limited by this policy.

13. Additional sick leave

The Centre may grant additional sick leave or break to a complainant upon receipt of a medical certificate.

14. Time limits

14.1 All time limits outlined in this policy are aimed mainly at speeding up the resolution of complaints in order to protect the interests of all concerned.

14.2 If time limits are not adhered to strictly, they may not be used by any party to justify objections to or an appeal against findings unless a form of prejudice can be demonstrated (for example prejudice to a party's abilities to present a case).

14.3 Time limits may be waived if all parties agree to this, but bearing in mind that the case should be resolved as quickly as possible.

15. Offences

The following constitute offences under this Policy:

(a) engaging in any form whatsoever of sexual harassment (see paragraph 4);

- (b) intentionally making a false report of sexual harassment;
- (c) engaging in any form of retaliatory act;
- (d) failure by a line manager or any other manager to report sexual harassment;
- (e) failure by the Sexual Harassment Officer to treat a report of sexual harassment as confidential;
- (f) failure to comply with any other duty as set out in this Policy.

16. Maximum penalties

16.1 Any offences as listed in paragraph 15 must be handled in accordance with the provisions of the University's Disciplinary Code.

16.2 Employees may be summarily dismissed if found guilty of an offence listed in paragraph 15, but a lesser penalty may be imposed if the degree of the offence is less serious.

16.3 Students may be summarily rusticated if found guilty of an offence listed in paragraph 15, but a lesser penalty may be imposed if the degree of the offence is less serious.

17. Extension of the application of the Policy

The Policy also applies in the following instances, with the necessary changes in terms of reporting and responsibility for investigation.

17.1 Sexual harassment of an employee by a student

The employee reports the matter in writing to the Sexual Harassment Officer, who instructs the Dean of Student Affairs to undertake an investigation.

17.2 Harassment of a student by an employee

The student reports the matter in writing to the Sexual Harassment Officer, who instructs the Dean of Student Affairs to undertake an investigation.

17.3 Sexual harassment of a non-employee by an employee

A non-employee reports the matter in writing to the Sexual Harassment Officer, who instructs an appropriate person to undertake an investigation.

18. Romantic or sexual relationships

18.1 The Centre strongly disapproves of romantic or sexual relationships between employees and students, even if the relationships:

(a) are consensual;

(b) do not involve any position of authority (such as that of a lecturer who is responsible for the supervision or evaluation of the student's work).

18.2 The University also strongly disapproves of romantic or sexual relationships between employees.

19. Dispute resolution

19.1 Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures as set out above, either party may, within 10 working days of the dispute having arisen, refer the matter to the University disciplinary board.

19.2 Should the dispute still remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate of the Commissioner for Labour and Employment of Edo state.

20. CODE OF CONDUCT

20.1 Code of Conduct for Staff

- i. Staff should allow their conduct to be governed by the University's code of conduct for staff and uphold the ethics of their respective professions by not compromising informal interactions with students.
- ii. Staff shall be encouraged to leave their office doors opened during interactions with the opposite sex to encourage transparency.

20.2 Code of Conduct for Students

- i. Students have responsibility to be security conscious and must avoid situations that can compromise their safety; therefore students are advised to avoid lone ranging, isolated places and paths.
- ii. Students are to avoid indecent dressings which expose parts of the body supposed to be covered.
- iii. Students are to avoid visiting members of the opposite sex at odd hours, and if need be, preferably in the company of another person of the same sex.
- iv. Students should avoid involvement with organizations that are not registered with the Directorate of Student Affairs.

21. Implementation of this policy

The Sustainable Procurement, Environmental and Social Standards Enhancement will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff and students handbook. All new employees must be trained on the content of this policy as part of their induction into the centre. Every year, the Sustainable Procurement, Environmental and Social Standards Enhancement will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy. It is also the responsibility of every Head of Department to ensure that his/her students are aware of the policy.

22. Monitoring and Evaluation

The Sustainable Procurement, Environmental and Social Standards Enhancement recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Deans, Heads of Departments, Managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.

ANNEX 1:

**COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT (FOR STAFF,
CONTRACTORS AND OTHERS)**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the office of the Director, Centre for Gender Studies, University of Benin. Once you submit this form, your employer must follow its sexual harassment policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment policy by investigating the claims as outlined at the end of this form.

COMPLAINANT INFORMATION

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____

Work Phone: _____

Job Title: _____

Email: _____

Select Preferred Communication Method: In person ; Phone ; Email

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____

Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name: _____

Title: _____

Work Address: _____

Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the Centre of Excellence in Reproductive Health Innovation? Yes No

If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Yes No

Have you instituted a legal suit or court action regarding this complaint? Yes No

Have you hired an attorney with respect to this complaint? Yes No

I request that the Director, Centre for Gender Studies investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Sign and date

Note: Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

ANNEX 2:

COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT (FOR STUDENTS)

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the office of the Director, Centre for Gender Studies, University of Benin. Once you submit this form, your Head of Department must follow its sexual harassment policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your Head of Department is still required to follow its sexual harassment policy by investigating the claims as outlined at the end of this form.

COMPLAINANT INFORMATION

Name: _____

Home Address: _____

School Address: _____

Home Phone: _____

Department: _____

Course of Study: _____

Year of Study: _____

Email: _____

Select Preferred Communication Method: In person ; Phone ; Email

SUPERVISORY INFORMATION

Head of Department's Name: _____

Title: _____

Work Phone: _____

Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name: _____

Title: _____

Work/School Address: _____

Phone: _____

If student;

Department: _____

Course of Study: _____

Year of Study: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the Centre of Excellence in Reproductive Health Innovation? Yes No

If yes, when and to whom did you complain or provide information?

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Yes No

Have you instituted a legal suit or court action regarding this complaint? Yes No

Have you hired an attorney with respect to this complaint? Yes No

I request that the Director, Centre for Gender Studies investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Sign and date