



FEDERAL UNIVERSITY OF TECHNOLOGY OWERRI

**AFRICAN CENTER OF EXCELLENCE IN FUTURE ENERGIES AND
ELECTROCHEMICAL SYSTEMS**

(ACE-FUELS)

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

Available on line @ www.acefuels-futo.org

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1.0: Background

The mission of African Center of Excellence in Future Energy and Electrochemical Systems (ACE_FUELS), Federal University of Technology Owerri (FUTO), Nigeria in educational excellence and public engagement is rooted in its vision of Scholarship in Action. The fulfillment of this mission is deeply tied to fostering a diverse community of outstanding faculty staff and students. It is also committed to ensure equal educational opportunity, employment, access to services, programs, activities and cross-institutional collaboration without regards to race, colour, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, or domestic violence victim status.

ACE-FUELS FUTO is committed to creating and maintaining a center dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in the programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. FUTO will respond promptly, fairly and effectively to reports of Prohibited Conduct as sexual misconduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates its Policy on Sexual Violence and Sexual Harassment hence the aim of this policy.

Sexual harassment is offensive or unwelcome conduct based on someone's sex, gender, sexual orientation, or gender identity and/or expression. It also refers to persistent and unwanted sexual advances where the consequences of refusing are potentially disadvantageous to the victim ⁽⁶⁾. It includes offensive or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature usually aimed at women though both gender can be a target of such offensive conduct. ⁽¹⁾ This Policy therefore will address FUTO responsibilities and procedures related to Prohibited Conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment.

Furthermore, conduct prohibited by the ACE-FUELS, is in accordance with The Sexual Harassment in Tertiary Educational Institutions Prohibition Act, 2016⁽⁵⁾. ACE-FUELS has therefore adopted this policy to fulfill its educational mission, meet its ethical and legal obligations to members of the center, and foster a productive environment for learning and working. Students or employees who believes that he or she has been sexually harassed should however, follow the reporting procedures and complaints would be filed as soon as possible after the alleged harassment. Late reporting should be avoided since it will impede the Center's ability to investigate.

2.0: DEFINITIONS AND POLICY STATEMENT

2.1: Definitions

Consent

Consent to sexual activity is an active confirmation that requires that both persons affirms, are conscious and have voluntary agreement to engage in sexual activity ⁽⁴⁾. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not alone constitute consent. Affirmative consent may be initially given but can be withdrawn at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation could be due to lack of consciousness or being asleep, unable to communicate due to a mental or physical condition, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

Complainant

This is an individual that raises an issue, files report providing a notification or making a complaint about a matter that they wish the centre to consider and for which specific outcome/s or resolution/s are explicitly or implicitly expected.

Duty of Care requires all Employees and Students to take reasonable care in view of reasonably foreseeable circumstances that may arise. Safety of Employees, Students and visitors on campus is the first priority in any situation.

Employee means an individual employed by the University under an Enterprise Agreement or a common law employment contract.

Respondent means a Students or Employee against whom claims relating to Sexual Harassment and Sexual Violence are made. A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made

Student means an individual enrolled in a degree, diploma or certificate course of the University, or an individual enrolled on a non-award basis, or through University Extension as a continuing education student, in units offered within degree, diploma or certificate courses of the University.

Supervisor/Manager means an individual who is responsible for supervision of the Employee or Student.

Vexatious Complaint means one that is made or pursued without reasonable grounds or made to harass or annoy, to cause delay or detriment, or for any other wrongful purpose.

Confidential Resources: The employees who receive reports in their confidential capacity such as CARE Advocates, environmental and Social safeguard officers, Licensed counselors in student counseling centers and in employee assistance programs, any persons with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or someone who is supervised by such a person.

Preponderance of Evidence: A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

Responsible Employee: Any ACE-FUELS employee who is not a Confidential Resource and who receives, in the course of employment, information that a student has suffered sexual violence, sexual harassment or other prohibited behavior and promptly notify

Stalking:

This is a repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveying, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.

2.2: Sexual Misconduct

The ACE-FUELS FUTO understands Sexual Misconduct to be instances of:

- Sexual Harassment
- Sexual Violence (Sexual assault and Sexual threat)
- Sexual Abuse

2.2.1: Sexual Harassment

Sexual Harassment is defined in legislation as conduct with a sexual component which is unwelcome, unsolicited and unreciprocated ^(2,3). Conduct with a sexual component includes physical, visual, verbal and non-verbal behaviour. It includes a wide range of behaviours including but not limited to:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life, and discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome/ unnecessary touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, grooming, indecent

exposure and sending offensive communications

- unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses or humiliates an individual
- unwelcome physical touching or familiarity, including deliberately brushing against someone, patting and embracing ⁽⁷⁾.

ACE-FUELS FUTO thus refers sexual harassment as “unwanted conduct which has the purpose or effect of violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another individual.” This can take many forms, occurs in a variety of circumstances and may be directed at an individual or group of individuals. It is not the intention of the harasser, but the conduct itself and the impact on the recipient, which determines what constitutes harassment. The impact of harassment can result in the recipient feeling discomfort or humiliation and may adversely affect the recipient’s performance, undermine security or prospects, or create a threatening or intimidating learning or living environment. It may provoke aggressive, retaliatory attitudes and actions. Certain behaviour will be, by its nature or severity, unwelcome even on a single occasion.

The ACE-FUELS FUTO understands that:

- Sexual Harassment may be perpetrated or experienced by people of any sexual orientation or gender identity.
- Sexual Harassment may be a single incident or a persistent pattern of unwelcome behaviour.
- Sexual Harassment does not include: mutual attraction or/and consensual romantic involvement or friendship.
- Behaviour constitute Sexual Harassment if individual relationships change and non-consensual, unwelcome and unreciprocated behaviours continue.
- Unwanted sexual touching and incidents that occurred before the age of 15 are not included; the University considers this Sexual Abuse.
- This Policy shall be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles

2.2.2: Sexual Violence

The ACE-FUELS FUTO understands Sexual Violence to be instances of:

- Sexual Assault
- Sexual Threat

Sexual Violence involving a physically violent and/or coercive component, or threats of physical violence, such as physical molestation or assault, may constitute a criminal offence. Any individual who is subjected to such incidents should seek advice and support concerning reporting the matter to the police and/or the Sexual Assault Referral Centre (SARC).

ACE-FUELS FUTO understands that:

- Sexual Violence may be perpetrated or experienced by people of any sexual orientation or gender identity.
- Sexual Violence may be a single incident or a persistent pattern of unwelcome behaviour.

2.2.2.1: Sexual Assault

The ACE-FUELS FUTO understands Sexual Assault to be unwanted sexual acts or behaviours which an individual did not consent to, or was not able to consent to, through the use of physical force, intimidation or coercion, including but not limited to:

- aggravated sexual assault (sexual assault with a weapon)
- attempted rape
- indecent assault
- penetration by objects and forced sexual activity that did not end in penetration
- rape (sexual penetration without consent) by violence or duress.
- Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved
- sexual assault by contact without the consent of the complainant, by touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

2.2.2.2: Sexual Threat

The ACE-FUELS FUTO understands Sexual Threat to be an act of a sexual nature carried out against an individual's will through the use of physical force, intimidation or coercion made face-to-face.

2.2.3: Sexual Abuse

The ACE-FUELS FUTO understands Sexual Abuse to be Sexual Harassment and/or Sexual Violence and/or any other sexual activity involving a child (under the age of 15), beyond their understanding or contrary to currently accepted community standards.

2.3: Other Prohibited sexual conduct

2.3.1: Invasions of Sexual Privacy which include

- watching or enabling others to watch a person's nudity or sexual acts without the person's consent, especially in a place where that person has a reasonable expectation of privacy;
- making photographs (including videos) or audio recordings without the person's consent, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
- Using depictions of nudity or sexual activity to extort something of value from a person.

2.3.2: Retaliation

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in this Policy.

2.4: Policy Statement

SEXUAL HARASSMENT POLICY:

Sexual harassment is unlawful under the Nigerian Sexual Harassment in Tertiary Educational Institutions Prohibition Act, 2016 ⁽⁵⁾. The Act defines Sexual harassment to include -

- (a) *Sexual intercourse between an educator and a student where the student is below the age of 18 years or is an imbecile or of generally low mental capacity or physically challenged.*

- (b) any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student; or
- (c) any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated;
- (d) any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand; or
- (e) any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Act, when an educator engages in unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, he/she is guilty of violating the law.

ACE-FUELS SH policy is intended to be consistent with applicable local and federal laws and regulations. Procedures for resolution of any SH complaint will however, be determined by Designated Official.

ACE-FUELS FUTO is committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both law and University policy. Any member of the ACE-FUELS FUTO may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited behavior. The centre will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct, and when necessary, to discipline the Respondent.

ACE-FUELS FUTO therefore states that the centre: understands that, under the Nigerian *Sexual Harassment in Tertiary Educational Institutions Prohibition Act, 2016*, Western *Equal Opportunity Act 1984*, the Commonwealth *Sex Discrimination Act 1984* and *Fair Work Act 2009*, Sexual Harassment in employment, education, accommodation and in the provision of goods services and facilities:

Recognizes the existence of a relationship of authority, dependency and trust between an educator and a student in an institution, breach of which is unlawful.

Understands that an employer is required to take remedial and preventative action, including disclosure of necessary information, in response to allegations of Sexual Misconduct, including but not limited to where there is a threat of physical harm or danger to an individual (*Western Australian Occupational Safety and Health Act 1984*). The Centre's Duty of Care to Employees or Students may be compromised if no action is taken.

Has both legal obligations and a Duty of Care to all its Employees and Students which may take precedence over the desire of a Complainant for confidentiality. Duty of Care considerations will include an assessment of the safety of people involved in the matter, and may require

Employee relocation or adjustment of duties and reporting lines, or the centre timetable, while the matter is addressed

understands that a member of the centre Community may, while performing duties as an Employee, as a Student or as any other individual while undertaking official duties for the Centre, experience Sexual Misconduct on premises outside of the centre. ACE-FUELS FUTO will liaise with the responsible authority to ensure proper procedures will be followed and will continue to provide support services.

Understands that Sexual Misconduct conducted on a digital environment not managed by the centre will be subject to this policy, where a Respondent is an Employee or Student, only where it impacts on their individual safety within the scope.

Understands that a member of the centre Community may, while performing duties as an Employee, as a Student or any other individual while undertaking official duties for the centre, experience Sexual Misconduct by an individual outside of the centre Community. In such circumstances, ACE-FUELS FUTO will liaise with the responsible authority to ensure proper procedures will be followed and will continue to provide support services.

Understands that consensual romantic and sexual relationships which may exist between members of the centre and the University community may give rise to conflicts of interest, such relationships between a student and centre member or other employees or between employees are also subject to other University policies, such as The University Code of Conduct or Quality assurance policies.

understands that retaliation against someone for reporting or participating in an investigation and related processes is prohibited.

Understands that the centre/ University will protect the privacy of individuals involved in a report of Prohibited Conduct to the extent permitted by law and by University policy and procedures. However, investigation may involve interviews with a number of persons to gather relevant evidence, and extremely sensitive/ confidential information which may also require its disclosure during or following an investigation.

Understands that Nigeria does not allow or recognize Lesbian, gay, bisexual, and transgender (LGBT) rights. There is no legal protection against discrimination in Nigeria—a largely conservative country of more than 170 million people, split between a mainly Muslim north and a largely Christian south. Very few LGBT persons are open about their orientation, and violence against LGBT people is frequent ⁽¹⁰⁾.

Understands that both male and female same-sex sexual harassment/ activity is illegal in Nigeria. The maximum punishment in the twelve northern states that have adopted Shari'a law is death by stoning. That law applies to all Muslims and to those who have voluntarily consented to application of the Shari'a courts. In southern Nigeria and under the secular criminal laws of northern Nigeria, the maximum punishment for same-sex sexual harassment/activity is 14 years' imprisonment.

3.0: SCOPE

This policy covers all faculty, staff, and students of ACE-FUELS FUTO, and related third-parties (such as applicants for admission and employment, vendors, guests, and contractors). It extends to all the centre premises and includes

- campuses

- managed employee accommodation
- managed student accommodation
- sporting and recreational clubs and facilities to the extent that they fall within the centre
- managed digital environments
- individuals not employed by the University that undertake official duties for the University
- activities and situations related to business that are not conducted on centre premises, including but not limited to: field trips, conferences, students' camps, inter-centre events, parties and other social functions.

4.0: POLICY PROCESS: ROLES AND RESPONSIBILITIES

All complaints of sexual harassment should be brought to the attention of the Social Safeguard Officer or appointed centre director of student support or Dean of student affairs in the University. Early complaints will surely lead to early resolution which can benefit the complainant, the respondent and the Centre. All supervisory or teaching personnel who are informed of any sexual harassment complaint brought to their attention by a student or staff member shall direct the complaint to the Social Safeguard Officer or appointed centre director of student support or Dean of student affairs in the University.

The following roles and responsibilities and complaint resolution process have been established to assist the Centre and the University in ensuring an educational environment and work place free from sexual harassment, discrimination, and discriminatory harassment.

4.1: Duty to Report Complaints

ACE_FUELS FUTO members employed by the University (including student employees such as teaching assistants, resident assistants, hostel porters etc) have a duty to report Prohibited Conduct when they become aware of such conduct to the appropriate Designated Official above (see Appendix below for contact information). Members who have a duty to report Prohibited Conduct may be subjected to disciplinary or corrective action if they fail to fulfill this obligation. Optionally, students who are not employed by the University are highly encouraged to report complaints that they are aware of to the appropriate designated.

4.2: Resolution of complaints

Incidents reported to Designated Officials will be resolved through informal procedures or formal investigations. During resolution/or investigation, it is expected that the University community members cooperate.

4.3: Responsibilities of Medical, Counseling and confidential support officials

Students are encouraged to utilize the following resources for confidential discussion and support related to sexual harassment and its effects. However, the students must ensure University involvement, through either the informal or formal reporting process, as detailed in this policy since confidential officials are not in a position to report the harassment to University management or to intervene to end the misconduct.

Confidential Resources include:

- i) University Professional Counseling Centre
- ii) Office of the Dean student affairs
- (iii) Medical Providers – University Health Centre
- (iv) Ordained Clergy

4.4: Free inquiry and collective search

ACE-FUELS has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates University/ Centre Sexual harassment policy and federal or State sexual misconduct laws.

4.5: Policy Implementation

The University Executive Officers (the Pro-Chancellor, Vice Chancellor and the Principal Officers) and other designees, have the authority to develop procedures and supplementary information to support the implementation of this Policy. It is their responsibility to apply appropriate and consistent interpretations of this Policy that do not result in substantive changes to the Policy. At each location, they must establish and implement local procedures consistent with this Policy. Exceptions to local procedures required by the Policy must be approved by the Executive Officer or designee.

4.6: Approval to Policy Revision

The University Executive Officers (the Pro-Chancellor, Vice Chancellor and the Principal Officers) and other designees approve this Policy and recommend any revisions thereof to the Policy in consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of the regents. They shall ensure that the Policy is reviewed regularly and updated in a manner that is consistent with other University policies.

4.7: Policy compliance and actions approval

The University Executive Officers at each location will designate the management office that is responsible for monitoring, enforcing, and reporting policy compliance subject to periodic auditing and monitoring by the Chief Compliance and Audit Officer. Actions within the Policy must be approved according to local procedures. Non-compliance to the policy however, is governed by the University Policy on Faculty Conduct and the Administration of Discipline which may result in educational efforts or employment or educational consequences up to and including informal counseling, adverse performance evaluations, corrective actions, and termination.

5.0: CODE OF CONDUCT

The Vice-Chancellor may in a case of misconduct by a member of the staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such staff member and any such suspension shall forthwith, reported to the Council of University Executive Officers. The Council of University Executive Officers are to determine after trials, whether to reinstate such staff or to terminate the appointment or to take lesser disciplinary action against such person.

In situations where any student of the University/ACE-FUELS Center has been guilty of misconduct, the Vice-Chancellor may, without any prejudice to any other disciplinary powers conferred on him by statute or regulations, direct that :- the student shall not take part in any activities of the University/ Center or make use of such facilities of the University/ Center as may be so specified, or that the student be rusticated in such manner as may be so specified or that the student be expelled from the University/ Center.

Generally, University/ ACE-FUELS status sanctions provide notice to students on how their behavior impacts their continuation at the University/Centre. These sanctions are designed to provide opportunities for students to reflect on their decision-making in order to make more informed decisions. Examples of University/Centre status sanctions include but may not be limited to the following:

Warning: In instances of less serious deviations from the University standards of conduct, the student(s) may be formally warned of the possible consequences of continuing such behavior.

Disciplinary Reprimand: This action is a formal admonition on behalf of the University community and is intended to clearly document in a student's or registered student organization's disciplinary file that the behavior has been deemed inappropriate.

Disciplinary Probation: This action signifies a change between good standing and suspension or expulsion from the University. A student or registered student organization is permitted to remain enrolled at or retain recognition by the University under stated conditions. Further violations may result in suspension or expulsion from the University.

Interim Suspension: This status is the temporary suspension of certain rights or privileges while a conduct case is pending, may be broad and inclusive or may be restricted to a specific location and/or function. It is based on the determination that the safety and well-being of the University community or specific persons are at risk.

Rustication/ Indefinite Suspension: This action results in the involuntary withdrawal of the student from the University, or in loss of University recognition for a registered student organization, for a specific or indefinite period of time, or until specific conditions have been met.

Expulsion: This action results in the permanent separation of the student, or registered student organization, from the University, its programs, and facilities. Residential status sanctions may also be applied on students living in campus housing. Such status sanctions also include:

Residential Warning: In instances of less serious deviations from the University/ Centre Policies, the student(s) may be formally warned of the possible consequences of continuing such behavior.

Residential Reprimand: This action is a formal admonition on behalf of the Centre where it will be clearly document in a student's disciplinary file that the behavior has been deemed inappropriate.

Residential Probation: This action signifies that a student is no longer in good standing with the University's residential living program and could be forced to relocate if another violation occurs.

Residential Relocation: This sanction indicates that the student has been reassigned to a new on-campus housing assignment, either permanently or for a specified period of time, and usually prohibits the student from returning to the former housing assignment.

Residential Suspension: The action indicates that the student has been temporarily removed from University housing for a specified period of time or until the completion of specific conditions. A residential suspension involves the student's removal from housing altogether; however, a student may reapply for housing at a later date. Access to residential facilities is usually prohibited during the residential suspension.

Residential Expulsion: This action results in the permanent separation of the student from University housing. A residential expulsion involves the student's removal from housing altogether. Access to residential facilities is prohibited

6.0: COMPLAINT INITIATION, PROCEDURES AND RESPONSE

This section provides an overview of complaint initiation, the procedures the centre/University uses to respond to reports of Prohibited Conduct. The Social Safeguard Officer has general responsibility for oversight of the reporting process and investigation of a report, other offices at each location will be involved and consulted as necessary.

To initiate a complaint, Complainant may file a complaint with the Centre/University which should be done as soon as possible following the alleged sexual harassment using procedures described below. Timely complaint filing gives the centre/University the best chance to resolve the problem because any delay in filing a complaint may severely limit available remedies. However, if the respondent is no longer affiliated with the University (e.g., former student or former employee), the University will take appropriate action within its authority, including referring the Complainant to external reporting options. In addition, any person may make a report, including anonymously, of Prohibited Conduct to the Social safeguard officer (SSO), or to any Responsible Employee, or to another appropriate office such as the Academic Personnel Office, Student Affairs or Office of the Deputy Vice Chancellor Administration. The report shall be sent to the SSO but if the person to whom a report normally would be made is the Respondent, reports may be made to another Responsible Employee. Individuals making reports shall be informed about the confidentiality of reports, including when reports cannot be kept confidential as well as the range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the Respondent, and information about the procedures leading to such outcomes.

The specific procedures for reporting, investigating, and resolving Sexual misconduct are based upon the nature of the Respondent's relationship to the student or staff. The procedures irrespective of the subject provide for a thorough and impartial investigation that afford all parties notice and opportunity to present evidence in determining whether a policy violation has occurred. Furthermore, the SSO will make an initial assessment of the report soon after receiving a report to determine whether the report alleges an act of sexual misconduct as defined in Section 4. Following that, the SSO will make an immediate assessment of the health and safety of the individual and the campus community and implement necessary temporary remedies immediately necessary and provide to the Complainant a written explanation of rights and reporting options (including the right to make reports to the police), and available campus and community resources. In addition, the University may exercise jurisdiction over conduct that occurs off-campus but affects the learning or working environment; or that would violate other University Policies had it occurred on campus. Consequently, all referenced procedures, whether for students or staff generally follow three steps while the centre applies the preponderance of evidence standard in determining whether this policy has been violated

6.1: Step 1- Interim Resolution

Once a complaint has been reported and until the resolution of the matter, the University Designated Official with consultation of Social Safeguard Officer (SSO) may take interim measures to protect the safety and well-being of Members of the University community as well as to ensure non-retaliation for all parties while informal or formal proceedings are pending. Examples of interim measures include separation of the parties, no-contact directives, and alternative academic or housing arrangements. Advisors. The Complainant and the Respondent may be advised and accompanied by advisors of their choice during any meeting related to the complaint. The advisor may not participate directly in any meeting or contact the Designated Official.

In this procedure, an estimated timeline for resolution of complaints would be within 60 days from when the Centre /University received notice of the grievance. However, during semester breaks when witnesses may not be available or disciplinary panels cannot be convened, the case may become complex, or may result to other comparable situations. In such situation, the 60-day timeframe may be adjusted to accommodate these circumstances and the SSO will notify the parties and provide an anticipated completion date. However, the 60-day time frame does not include the time needed for the University to process appeals.

6.2: *Alternative/Informal Resolution*

The goal of informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. This may include inquiry into the facts, but typically does not include a formal investigation. Alternative Resolution may be especially useful when: a report is made by a third party or anonymously; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. The Complainant has the right to request a Formal Investigation at any time, but the SSO has final authority for determining whether to initiate a Formal Investigation. Both the Complainant and Respondent may be accompanied by an advisor throughout the process.

The SSO may initiate an Alternative Resolution process/ informal effort which may include addressing the Respondent directly; participating in a facilitated meeting with the appropriate University official; or participating in mediation. The informal resolution could include by way of example: separating the parties; referring the parties to counseling; referral for disciplinary action; a settlement agreement; conducting targeted preventive educational and training programs; conducting a follow-up review to ensure that the resolution has been implemented effectively or providing remedies for the individual harmed by the alleged sexual harassment. If the matter is resolved informally to the satisfaction of all parties, the Designated Official shall maintain a record of the complaint and its resolution. However, the centre/University encourages, but does not require, informal resolution when possible. The Designated Official may prefer to bypass the informal procedures depending on the severity of the allegation or complexity of the complaint.

6.3: *Formal Resolution*

Formal resolution is usually carried out when informal process is unsuccessful or not appropriate as determined by the Designated Official, the Complainant, or the Respondent. This often results to filing of a formal complaint with the Designated Official for investigation. If the Complainant requests that no investigation occur, the SSO shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. If proceeding with an investigation without the participation of a Complainant, the SSO shall attempt to maintain the identity of the Complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with an investigation, the Complainant shall be informed of the limited ability to provide remedies. However, if the SSO determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them, and a copy of the Policy. The investigation shall be completed promptly, typically within 90 business days of its initiation, unless extended by the SSO following tangible reasons with a written notice to the Complainant and Respondent stating the projected new timeline.

Depending on the nature of the allegations, the investigation could include interviews with the Complainant, the Respondent and/or witnesses; review of written documentation and relevant policies; review of evidence; and any other steps necessary for thorough investigation of the

allegations. During the investigation, the Complainant and Respondent will have an equal opportunity to identify witnesses and evidence that the SSO (or designee) may consider. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation. At the conclusion of the investigation, the investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the Complainant and Respondent, a summary of the evidence, an explanation of why any proffered evidence was not investigated, and findings of fact and an analysis of whether a violation has occurred. The Designated Official/ SSO will issue simultaneous, written notifications of the outcome of the investigation and its rationale to the concerned parties, including referral to the appropriate disciplinary procedures; any available appeal rights and procedures and how to obtain a copy of the Investigation Report. The range of sanctions includes, but is not limited to a written censure, a ban from specific areas of campus, loss of specific privileges, community service, transfer or loss of on-campus housing privileges, disciplinary probation, mandatory training, suspension, dismissal and disciplinary action up to and including termination from employment. The Centre/ University shall then take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and remedy its effects as appropriate.

7.0: FRIVOLOUS CHARGES AND CONFIDENTIALITY TO COMPLAINTS

7.1: *Frivolous Charges*

The Centre/ University encourages reporting of violations of this policy in good faith. It frowns at using the policy to bring false or frivolous charges against students, faculty, or staff. In such situation, charges may be subject to disciplinary action to those who bring such false report. However, failure to prove a complaint, does not itself constitute a false or frivolous complaint.

7.2: *Confidentiality To Complaints*

ACE_FUELS/ University will maintain the confidentiality of information shared throughout the complaint process. Although for the purpose of fact-finding or efforts to resolve the complaint, disclosures may be required. In the limited instances where disclosures must be made by the University, it shall be limited to those persons necessary to proceed in the fact-finding process or to otherwise address the grievance. All persons involved in the grievance will be advised of the importance of confidentiality throughout the process. Complainants in certain cases may request that their names be kept confidential and that the centre/University take no action on their harassment complain. The SSO will evaluate each request and advise the Complainant on the limiting effect of such action in terms of inability of the centre/ University's to respond fully to the matter, including pursuing disciplinary action against the Respondent. Nevertheless, in most instances, the University will honor such confidentiality requests unless in situations where it may impede its ability to provide a safe and nondiscriminatory environment for the Centre/University Community.

8.0 GOOD PRACTICES FOR PREVENTION OF SEXUAL MISCONDUCT

One of the good practice to prevent sexual misconduct in the University or Centre is to encourage students to report incidents of sexual assault and harassment for their safety, manage their long-term physical and mental health, and to collate and analyze data to help improve services and prevention. In other words, ACE-FUELS FUTO must adopt transparent and robust disciplinary procedures and sanctions; have properly resourced student support services (psychological, medical and academic), and develop a range of ongoing prevention strategies reinforced by visible university leadership.

In addition to the above user-friendly reporting mechanisms, the following good practices would be adopted by ACE-FUELS as a preventive mechanism to encourage those affected by sexual harassment, sexual assault, threat and abuse or cyber bullying ⁽⁹⁾;

8.1: Awareness-raising

Using events that encourages diversity, encourage integration and signpost support is one of the major ways of challenging harassment. The centre/ University should include sexual harassment and related issues into its core training/ orientation event to let staff and students to have an idea on complaint procedures and details of contact personnel such that they will recognize and effectively deal with sexual harassment, in person and online. In addition, the Centre will map out a diversity week at the beginning of the programme to enable students and staff to learn about different cultures and perspectives. The Centre would also organize workshops to make them more aware of risks associated with their online activities. There would also be posting of harassment policies and resources through accessible locations as email communications, intranet, cafeteria messages, walkway, notice boards, porters lobby in hostels and bathrooms etc.

8.2: Mitigating hotspot situations

The Centre/ Universities can enhance the protection of their students particularly in locations where problems are concentrated tagged the hotspot areas. An annual campus safety audit would be undertaken, with student input to help identify the problems students face and the areas where they feel particularly unsafe. The University will ensure that the centre building will have maximum number of windows and doors in class rooms, offices and other spaces to ensure adequate visibility. There will be separate and adequate sanitary facilities, improved lighting in and around the campus, frequent removal of bushes as well as placement of CCTV in these areas.

8.3: Management service and delivery

ACE-FUELS will develop an anonymous online system that allows victims to record an incident and disclose when they are ready such as Callisto. Students will be trained and encouraged to create a secure, time-stamped record of their report, and will receive an alert if another student names the same perpetrator. The Centre/ University will conduct regular victimization survey and use a centralized recording system to keep track of the nature and prevalence of these incidents.

8.4. Partnership support

ACE-FUELS FUTO will create partnership comprising relevant internal support staff (e.g. Dean Student affairs, Chief security officer; Student union president; etc.) as well as representatives from relevant external organizations and agencies (e.g. the police, NHI, local authority and charities). The centre will ensure regular meetings with this group and have information-sharing agreements in place so that they can collectively direct their combined knowledge and resources to support student safety and wellbeing. This scheme will surely encourage the sharing of good practice to other university/ member universities seeking solutions to similar problems such that they can learn from each other.

REFERENCES:

1) Sexual Harassment Policy in Bentley University (<https://www.bentley.edu/offices/how-report-sexual-harassment-or-workplace-discrimination-harassment-or-bullying>) (Retrieved January, 2019).

- 2) Sexual Harassment Policy University of Albany State University of New York <https://www.albany.edu/general-counsel/48741.php>. (Retrieved Feb, 2019)
- 3) Villanova University, Sexual Harassment Policy Statement <http://www1.villanova.edu/villanova/studentlife/health/promotion/sexualassault.html>; <http://www.student.uwa.edu.au/experience/complaints> (Retrieved Feb, 2019)
- 4) Syracuse University Policy Statement on Sexual Assault, Sexual Harassment, Stalking or Dating Violence (<https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/>) (Retrieved Jan, 2019)
- 5) Law Pavilion (2016) Sexual Harassment in Tertiary Educational Institutions Prohibition Bill. <https://lawpavilion.com/blog/sexual-harassment-in-tertiary-educational-institutions-prohibition-bill-2016/>(Retrieved January, 2019).
- 6) Olamide A (2017). Sexual Harassment in Nigeria: It's everybody's problem. <https://guardian.ng/issue/sexual-harassment-in-nigeria-its-everybodys-problem/> (Retrieved, Jan, 2019)
- 7) The State University of New York (SUNY) (2018). Sexual Harassment Response and Prevention Statement (https://www.suny.edu/sunypp/documents.cfm?doc_id=878) (Retrieved Feb, 2019)
- 8) University of California Sexual Violence and Sexual Harassment (<http://sexualviolence.universityofcalifornia.edu/get-help/index.html>) Retrieved Feb, 2019
- 9) University of Salford, Manchester (2018). How can universities help prevent sexual harassment and hate crime on campus? <https://www.protect-ed.org/single-post/2018/03/13/How-can-universities-help-prevent-sexual-harassment-and-hate-crime-on-campus> (Retrieved Feb, 2019)
- 10) Adebajo, A. T. (2015). Culture, morality and the law: Nigeria's anti-gay law in perspective <https://doi.org/10.1177/1358229115591403>