



UMARU MUSA YAR'ADUA UNIVERSITY, KATSINA

Guidelines and Procedures for Sexual Harassment and Unprofessional Conduct

Foreword

Sexual harassment is a form of discrimination based on sex and preventing sexual harassment, and defending staff and students from sexual harassment charges have become very important for institutions like our University. Sexual harassment is understood to mean unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature.

It is in our desire to address the issues of sexual harassment and unprofessional conduct among students and staff that brought about this policy and guidance document.

Umaru Musa Yar'adua University (UMYU) is committed to creating and maintaining a community dedicated to teaching, research and community service and the pursuit of its stated objectives as provided in its enabling Law through academic excellence, where all individuals (participants in University programmes and activities) can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

The document addresses the UMYU's guidelines and procedures on sexual harassment and unprofessional conduct in order to ensure an equitable and inclusive environment free of sexual violence and sexual harassment for students and staff.

The objective of the document is to provide guidelines and procedure or mechanism in explicit terms for sexual harassment and unprofessional conduct. The policy and the mechanisms are given wide publicity to all students and staff and the wider public.

Professor Idris Isa Funtua

Vice Chancellor

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Guidelines and Procedures for Sexual Harassment and Unprofessional Conduct

Section A. Guidelines

Umaru Musa Yar'adua University (UMYU) seeks to maintain learning and work environment free from sexual harassment, including unprofessional conduct in staff-student relationships and sexism in the classroom and these guidelines are to serve that purpose. Sexual harassment and unprofessional conduct are recognized as barriers to the educational, scholarly and research purposes of the University.

Any member of the UMYU community who believes that he or she has been sexually harassed, who has experienced problems involving unprofessional conduct, or who would like clarification or information on UMYU complaint and resolution procedures, is encouraged to speak with an appropriate officer of the University. A list of officers is provided. There are specific procedures for the resolution of sexual harassment and unprofessional conduct problems. These cover situations involving individuals of different University status and individuals of the same University status. They range from informal counseling and mediation to formal procedures for disciplinary action. A written description of these procedures is available as a component of the guidelines.

SEXUAL HARASSMENT

Sexual harassment is unacceptable because it interferes with a person's sense of dignity and well-being in the community and in addition, it is illegal. The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as unwanted sexual behaviour, such as physical contact or verbal comments, jokes, questions, or suggestions. In the academic context, the fundamental element of sexual harassment is ordinarily the inappropriate personal attention by an instructor or other officer who is in a position to exercise professional power over another individual. This could involve a lecturer/teacher/instructor or administrator who determines a student's grade or who can otherwise affect the student's academic performance or professional future; or a superior staff whose evaluation of a junior colleague can affect the

latter's professional life. Sexual harassment can also occur between persons of the same University status. An example would be persistent personal attention in the face of repeated rejection of such attention. Such behavior is unacceptable in a university. It seriously undermines the atmosphere of trust essential to the academic enterprise.

The following shall be viewed to constitute sexual harassment;

- a) Conduct with a sexual component which is unwelcomed, unsolicited and unreciprocated.
- b) Leering or staring
- c) Obscene sexual communications in any media including social networking
- d) Persistent unwelcome invitations, telephone calls or emails.
- e) Sexual suggestive words; gestures or sounds.
- f) Unwanted ongoing declarations of affection or approach for affection including hugs, display of lewd comments, unwanted propositions, inappropriate touches and sexual assault.
- g) Sexually suggestive material
- h) Use of university computer systems for the retention and distribution of sexually explicit material.
- i) Unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses or humiliates an individual
- j) Unwelcome physical touching or familiarity including deliberately brushing against someone, patting, kissing and embracing.
- k) Sexual Assault
 - (i) Aggravated sexual assault (sexual assault with a weapon)
 - (ii) Attempted rape
 - (iii) Indecent assault
 - (iv) Penetration by objects
 - (v) Forced sexual activity that did not end in penetration.

Institutional Scope

The university shall consider sexual harassment within its scope when committed within the following locations and or events;

- a) Campuses
- b) Managed employee accommodation
- c) Managed students accommodation
- d) Sporting and recreational club and facilities to the extent that they fall within the University Community

- e) Managed digital environment activities and situation related to University business that are not conducted on university premises including but not limited to:-
- (i) Field trips
 - (ii) Conferences
 - (iii) Student camps
 - (iv) Inter University events
 - (v) Parties and other Social functions.

UNPROFESSIONAL CONDUCT IN RELATIONSHIPS BETWEEN INDIVIDUALS OF DIFFERENT UNIVERSITY STATUS

Amorous relationships that might be appropriate in other circumstances always have inherent dangers when they occur between any staff of the University and any person for whom he or she has a professional responsibility (i.e., as teacher, adviser, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is always an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

Academic and non-teaching staff should be aware that any romantic involvement with students makes them liable for formal action against them. Even when both parties have consented at the outset to the development of such a relationship, it is the staff who, by virtue of his or her special responsibility and educational mission, will be held accountable for unprofessional behaviour. Graduate student teaching fellows, tutors, and undergraduate course assistants may be less accustomed than other senior academic members to thinking of themselves as holding professional responsibilities. They may need to exercise special care in their relationships with students whom they instruct, evaluate, or otherwise supervise, recognizing that their students might view them as more powerful than they may perceive themselves to be.

Amorous relationships between members of the University and students that occur outside the instructional context can also lead to difficulties. In a personal relationship between a staff and a student for whom the staff has no current professional responsibility, the staff should be sensitive to the constant possibility that he or she may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. This could involve being called upon to write a letter of recommendation or to serve on an admissions or selection

committee involving the student. In addition, one should be aware that others may speculate that a specific power relationship exists even when there is none, giving rise to assumptions of inequitable academic or professional advantage for the student involved. Relationships between staff and students are always fundamentally asymmetric in nature.

SEXISM IN THE CLASSROOM

Sexism in the classroom usually involves conduct by members of the teaching staff that is discouraging or offensive especially, but not only, to women. Alienating messages may be subtle and even unintentional, but they nevertheless tend to compromise the learning experience of members of both sexes.

Some teaching practices are overtly hostile to women. For example, to show slides of nude women humorously or whimsically during an otherwise serious lecture is not only in poor taste, but is also demeaning to women.

Other alienating teaching practices may be simply thoughtless, and may even be the result of special efforts to be helpful to women students. For example, it is condescending to make a point of calling only upon women in class on topics such as marriage and the family, imposing the assumption that only women have a "natural" interest in this area.

Consistent with principles of academic freedom, course content and teaching methods remain the province of individual academic staff members. At the same time, academic staff members should refrain from classroom behaviour that focuses attention on sex characteristics in a context in which sex would otherwise be irrelevant.

Section B. Procedures

This section describes procedures with the options available to any member of the UMYU community who believes that he or she has been sexually harassed or who has experienced problems involving unprofessional conduct. No one will be reprimanded or discriminated against in any way for initiating an inquiry or a complaint in good faith. It is also the University's policy to protect the rights of any person against whom a complaint is lodged. Once an inquiry or complaint is made, every effort will be made to resolve the problem within a reasonable period of time through the procedures stated below.

Anyone who wishes clarification or further information about any of these procedures is encouraged to speak with a designated officer of the University.

COUNSELING, ADVICE AND INFORMAL RESOLUTION

In many instances, informal discussion and mediation can be useful in resolving perceived instances of harassment or unprofessional conduct. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

1. Whom to Contact

Problems, questions and grievances may be discussed with anyone in a supervisory position, for example a lecturer, departmental head, senior personnel or adviser, Dean or Director. In addition, designated officers as provided in this document are particularly well informed and well-placed to help. These officers may be especially useful in advising and aiding a person's own efforts to resolve a problem. Such help may involve coaching the individual in preparation for a conversation with the person causing the problem, or assisting the individual in writing a letter to that person describing the offending behaviour and requesting that it stop.

Alternatively, the individual may ask the officer to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in section assignment or a re-evaluation of work submitted for a grade.

2. Confidentiality

Throughout the advising process, these officers will ordinarily hold information in confidence unless or until the initiating individual agrees that another party or parties must be informed to facilitate a solution. For example, if a lecturer is the source of the problem, the individual may request a rearrangement of the academic schedule so as to avoid further contact with that person. In such a case, the officer will first inform the lecturer and will then ask the department head for assistance in granting the request.

Anyone with an inquiry, concern, or complaint is welcome to bring another member of the UMYU community to discussions with a designated officer.

FORMAL COMPLAINT PROCEDURES: HARASSMENT OF STUDENTS BY OTHER STUDENTS

Complaints about the harassment of students by other students should be brought to the attention of the Dean, Student Affairs for consideration by the Advisory Committee on Student Discipline.

FORMAL COMPLAINT PROCEDURES: HARASSMENT OR UNPROFESSIONAL CONDUCT INVOLVING STAFF

Complaints about harassment or unprofessional conduct of or by staff members should be brought to the attention of the Registrar or an officer so assigned.

FORMAL COMPLAINT PROCEDURES INVOLVING A LECTURER

1. Whom to Contact

Anyone who believes himself or herself to be the object of sexual harassment or unprofessional conduct involving a lecturer or an instructional assistant may choose, either initially or after having sought an informal resolution through a designated officer, to bring a complaint through the University's formal procedures, with the possible outcome of

disciplinary action against the accused. It should be emphasized that merely discussing a complaint with one of these officers does not commit one to making a formal charge.

2. Confidentiality

At each step, the University's procedures seek to protect, insofar as possible, the privacy of individuals involved in a complaint. Both in fact-finding and in the final disposition of a complaint, every effort will be made to carry out procedures confidentially.

3. When to file a complaint

Prompt reporting is strongly urged, as it is often difficult to trace the facts of an incident or incidents long after they have occurred.

4. How to file a complaint

- (a) Undergraduates, graduate students, academic and other instructional staff, and administrative and research staff may bring formal complaints to designated officers for investigation.

For undergraduate students with a complaint, the designated officer is the Dean Student Affairs.

For graduate students with a complaint, the designated officer is the Dean Post Graduate School.

For academic staff with a complaint, the designated officer is the Dean of the Faculty.

For non teaching staff with a complaint, the designated officer is the Registrar or his assigned Officer.

- (b) The individual may wish to have another member of the UMYU community present at discussions of the complaint.
- (c) After discussion with the designated officer, the individual files a signed petition describing the complaint and requesting a formal investigation. This petition will be shown to the accused person, who will then file a written response. This response will in turn be shown to the complainant.
- (d) Use of the internal hearing procedure does not foreclose subsequent legal action. Individuals may wish to obtain legal advice as they consider the courses of action open to them. However, the proceedings described here are not those of a court of law and the presence of legal counsel is not permitted during these discussions.

5. Protection of the Complainant and Respondent

Throughout the complaint process, every effort will be made to protect the individual bringing the complaint (hereafter referred to as 'complainant') from reprisals and to protect the accused (hereafter referred to as 'respondent') from irresponsible complaints.

6. The Complaint Process

- (a) The timetable set forth below is approximate. The Registrar or Dean of a Faculty/Postgraduate School or Dean Student Affairs may, at his or her discretion, allow additional time for any of the steps noted.
- (b) Within ten days of receiving the written complaint, the investigative officer will consult with the complainant and with the respondent, and others if appropriate, in order to ascertain the facts and views of both parties. The University Legal Office may also be consulted.
- (c) Within 120 days from the date on which the complaint was filed, the investigative officer or a Committee (see (f) below) will conduct an inquiry and prepare a report, in confidence, summarizing the relevant evidence. A draft of the report will be shown to the complainant and the respondent in order to permit them the opportunity to respond before a final report is made.
- (d) Within 30 days thereafter, the final report, presenting the findings in summary, will be sent to the Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs and shown to the complainant and the respondent.
- (e) Within ten days thereafter, the complainant and the respondent may each submit a statement to the Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs concerning the report.
- (f) When a complaint is brought against an academic staff member, either the complainant, or the respondent, or the investigative officer may choose to refer the matter, at any point prior to a final disposition by the Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs to a three-person Committee. The Committee panel will be drawn for a Faculty as follows: The Dean of the Faculty will prepare a list of 12 academic staff members of the Faculty. The complainant and respondent may each strike four names from the list; the Dean will then appoint the three-person Committee from the remaining names on the list. For Registrar, Dean Postgraduate School and Dean of Student Affairs a similar arrangement of having 12 names with the complainant and respondent having the option of striking out maximum of four names each from the list before constituting a Committee of three members.
- (g) The investigative officer or Committee may at any point dismiss a complaint if it is found to be clearly without merit but should be documented.

(h) Within 30 days after the submission of any final statements from the complainant and the respondent, the Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs as the case may be will decide to:

1) take whatever action he or she believes is warranted by the evidence; or

2) ask the investigative officer or Committee to consider the matter further and submit a supplementary report.

(i) Following the disposition of a case, any party who is dissatisfied with the decision may appeal by submitting a statement to the Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs, within 30 days, stating with specificity the reason(s) for his or her dissatisfaction. The Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs, within 30 days of submission of such a request may decide whether reconsideration is appropriate or, at his or her discretion, submit the matter for further investigation to the Advisory Committee of Student Discipline in case of student-student cases and to Staff Disciplinary Committee in a case involving staff.

(j) In certain cases, it may be appropriate for the Registrar to modify the procedures set forth above in light of the nature of the charges and the Procedures for Discipline of Staff in cases involving grave misconduct or neglect of duty arising under the Regulations governing Conditions of Service.

7. Penalties: The penalties for sexual harassment depend on the nature of the offense. Sanctions may range from reprimand to dismissal.

8. What Happens Following the Disposition of a Case:

(a) The facts about individual cases and their dispositions are confidential. The Registrar or Dean of a Faculty/Postgraduate School or Dean of Student Affairs or designates will, however, inform the complainant and respondent, in confidence, of his or her conclusions in the case.

(b) The Registry Department will ensure that any action determined is carried out.

(c) A permanent, written record of the formal complaint process and its outcome is retained by the Registry Department.