



YABA COLLEGE OF TECHNOLOGY

**SEXUAL HARASSMENT AND OTHER  
FORMS OF GENDER-BASED  
VIOLENCE PROHIBITION POLICY**

June 2020

## TABLE OF CONTENTS

1.0	<b>INTRODUCTION</b> .....	4
1.1	About Yaba College of Technology (YabaTech).....	4
1.2	Policy compliance.....	4
1.3	Policy goal.....	4
1.4	Policy statement.....	5
1.5	Violations and Retaliation.....	5
1.6	Objectives of the Policy.....	5
2.0	<b>DEFINITIONS</b> .....	6
2.1	Sexual harassment.....	6
2.2	Examples of unwelcome conduct.....	7
2.3	Sexual violence.....	7
2.4	Sexual assault.....	7
2.5	Consent.....	7
2.6	Sexual threat.....	8
2.7	Other related terminologies in the Policy.....	8
2.8	Consensual Romantic or Sexual Relationship Guidelines.....	9
2.9	Student consent not a defence.....	10
3.0	<b>SCOPE</b> .....	10
3.1	Monitoring and Confidentiality.....	10
4.0	<b>INSTITUTIONAL INFRASTRUCTURE ON SEXUAL HARASSMENT &amp; GENDER-BASED VIOLENCE PREVENTION</b> .....	11
4.1	Student SH-GBV Response Team.....	12
4.2	School community SH-GBV Taskforce.....	13
4.3	Independent Sexual and Gender Based Violence Investigative Committee.....	13
4.4	Complaint Procedure.....	14
4.5	Modus operandi of complaint.....	15
4.6	External reporting and recourse.....	15
4.7	Choice not to file a formal complaint or not to investigate.....	16
4.8	Appeal process.....	17
4.9	Obligation and Disclosures.....	17

4.10 Student and Staff Obligation and Declaration..... 18

5.0 **PREVENTION AND AWARENESS PROGRAMS**..... 18

5.1 Awareness, Education and Training..... 18

5.2 Dissemination of the Policy..... 19

6.0 **MITIGATING HOTSPOT SITUATIONS**..... 19

7.0 **COLLABORATION PARTNERSHIP AND RESOURCE**..... 19

8.0 **EFFECTIVE REFERRAL SYSTEM**..... 20

9.0 **REVIEW AND EVALUATION**..... 20

10.0 **VIOLATIONS OF OTHER RULES**..... 20

APPENDIXES..... 21

## **Preface**

The need to develop the Sexual Harassment and other forms of Gender-Based Violence Prohibition Policy in the College, is informed by the alarming trend of Sexual Harassment in tertiary institutions in Nigeria. This informs the expediency of the pursuit and execution of this research development for Yaba College of Technology since December, 2018.

This policy has been carefully crafted to meet the peculiarities of an academic environment while taking cognizance of the letter and spirit of the law of the Federal Government in this direction.

This policy has been articulated by a research team comprising of Dr. Abiodun, Adeleke, Dr. Doherty, Funmilayo, and Dr. Orimolade, Odun working with the support of the Ford Foundation West Africa. The College management appreciates the effort of this team and the Bursary desk officer Dada, Olusola in working to put together this policy with the able facilitation of the Consultant on this project, Dr. Abiola Akiyode - Afolabi and her team who have displayed admirable commitment and passion towards this project.

The involvement of a broad representation of stakeholders in the College in the research and review phases of the policy has led to the formulation of a policy we can truly call our own. It is hoped that this policy document will serve as a guide to all staff and students in conforming with the positive behavioral expectations of an academic institution particularly Yaba college of Technology, the flagship higher education in Nigeria.

## **Rector**

**Engr. Obafemi Omokungbe**

## **PART A**

### **1.0 INTRODUCTION**

#### **1.1 About Yaba College of Technology (YabaTech)**

Yaba College of Technology (YabaTech) was established in 1947 with the mandate to provide education in technology applied science, commerce and management, agricultural production and distribution and for research. The college has a second campus at Epe. The Epe campus is home to the Department of Agricultural Technology and Michael Otedola Information and Communication Centre.

Yaba Tech. is committed to ensuring an educational and work environment that is safe and healthy where members of the school community are not in any way or manner subjected to any form of discrimination, whether on the basis of gender, gender identity, gender expression, sex, sexuality, sexual orientation, religion, cultural or ethnic affiliation, ability, age, immigration status, and/or race and are excluded from participation in, denied the benefits of, or subjected to discrimination in any Yaba Tech. program or activity. Sexual Harassment and Gender-Based Violence (SH-GBV) is a serious issue that can profoundly affect the life of the person who experienced SH-GBV, including their ability to participate in or enjoy programs or activities of the school. SH-GBV constitutes a crime; Yaba Tech. therefore has a zero-tolerance policy for such conduct in its community.

#### **1.2 Policy Compliance**

This Yaba Tech Policy on SH-GBV is compliant with the existing laws and policies in Nigeria designed to guarantee a violence free, safe and non-discriminatory educational and work environment in accordance with international, regional and national legal frameworks, in particular; the 1999 Constitution of the Federal Republic of Nigeria, Violence Against Persons Prohibition Act, The Child Rights Act, Civil Service Code, Labor Laws and others international and regional instruments in particular, the Universal Declaration on Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Platform For Action, Protocol to the African Charter on Human And Peoples Rights on the Rights of Women and others prohibiting sexual and gender based violence in the society. The Yaba Tech. policy does not preclude the application or enforcement of other school policies.

#### **1.3 Policy Goal**

The goal of the Yaba Tech **SH-GBV Prohibition** policy is to promote a safe learning environment for learning and development without any form of hindrances. The policy will therefore support awareness programs that can contribute to prevention and protection of Yaba Tech. students, staff, and other stakeholders from SH-GBV; organize capacity development; provide support services; provide a referral system that is effective and multi-sectoral responses to SH-GBV training programs; encourage reporting of incidents; make available effective and timely services for those who have been affected;

and provide prompt and equitable methods of investigation and resolution to stop sexual and gender based harassment, remedy any harm, and prevent recurrence.

#### **1.4 Policy Statement**

SH-GBV violates the Yaba Tech. established policy against discrimination on the basis of sex, gender identity, sexual expression, sexuality, and/or sexual orientation. SH-GBV is unlawful in the context of employment and education. SH-GBV diminishes dignity of persons and impedes aspiration for educational opportunities as well as inhibits college's scholarly research, education and service mission. SH-GBV will not be tolerated at Yaba Tech.

#### **1.5 Violations and Retaliation**

Violation of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the School or unit.

Reprisals or retaliation against any person for reporting allegation of SH-GBV, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the college educational mission.

By this policy, persons who lodge complaints of SH-GBV or participate in the investigation of such a complaint are protected from retaliation (adverse action or consequences) for those actions. Retaliation will not be tolerated at Yaba Tech.

Yaba Tech. recognizes that allegation of SH-GBV is a very serious matter. Yaba Tech. will therefore not tolerate false complaint under this policy, and anyone who files a false complaint shall be subject to discipline.

#### **1.6 Objectives of the Policy**

The objectives of this policy are as follows:

1. To create equal learning opportunities for students of Yaba Tech in an atmosphere devoid of sexual harassment and gender-based violence.
2. To promote ethical standards of education and respect for human dignity in Yaba Tech. and effectively prohibit SH-GBV against and by college community members
3. To ensure effective mechanism for redress of complaints of sexual harassment of students and staff in all Yaba Tech. educational institutions
4. To create awareness among the College community on SH-GBV
5. To set out clear guidelines for handling SH-GBV

## 2.0 DEFINITIONS

### 2.1. Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct, that are offensive and of sexual nature. It includes verbal, nonverbal, graphic, or physical conduct of a sexual nature; it also refers to persistent and unwanted sexual advances where the consequences of refusing are potentially disadvantageous to the victims. Anyone can be the target of sexual harassment.

The following amounts to sexual harassment:

- (1) submission to or rejection of such unwelcome conduct is made either explicitly or implicitly a condition of an individual's admission, academic standing, employment or is used as the basis for academic evaluation, grades, or advancement (**quid pro quo**)<sup>1</sup>;
- (2) or such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from education or work programs or activities (**hostile environment**).<sup>2</sup>
- (3) Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties
- (4) Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- (5) Sexual advances, whether or not they involve physical touching
- (6) Commenting about or inappropriately touching an individual's body
- (7) Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment
- (8) Lewd or sexually suggestive comments, jokes, innuendoes, or gestures
- (9) Stalking

### 2.2 Examples of unwelcome conduct

- (1) An act done, when the other person did not request it or permit it
- (2) When such act or conduct is offensive and not desired by the other persons
- (3) Conduct that is merely tolerated but is unwelcome by the other person
- (4) The fact that some sexual contact has been tolerated does not necessarily mean that the person welcomes other sexual contact.

---

<sup>1</sup>**Quid pro quo** sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex.

<sup>2</sup> A **hostile environment** can be created by persistent or pervasive conduct or by a single severe episode.

(5) The fact that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

**2.3 Sexual violence:** Any non-consensual sexual act, attempt to obtain non-consensual sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality, their gender identity, gender expression, sexual orientation, etc; using coercion, by any person regardless of their relationship to the victim, in any setting, including home, school and work places. Examples of Sexual Violence are: rape, sexual assault, domestic and dating violence, stalking, sexual exploitation, indecent exposure, etc.

**2.4 Sexual Assault** means 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)
- The threat of unwanted sexual contact and/or assault
- 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.

**2.5. Consent** means actively agreeing to be sexual with someone where such consent is informed, ongoing, etc. It is an active confirmation that requires that both persons affirm, are conscious, and have voluntary agreement to engage in sexual activity. 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 does not alone constitute consent. Consent obtained through threats and coercion is no consent. Also consent obtained by the abuse of position of authority is no consent.

**2.6 Sexual Threat** means 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 or through electronic means/online.

### **2.7 Other related terminologies in the Policy**

**a. Cat Calling** means rude sexual remarks made by men passing by women on the street. Usually "cat calls" are about the woman's body as a whole or a certain feature.

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

**c. Confidential Resources** means the employees who receive reports in their confidential capacity (including health College employees but excluding campus legal counsel), or someone who is supervised by such a person.

**d. Duty of Care** means all employees and students are required 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.

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

**f. Respondent** means a student or employee against who 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 behaviour, or retaliation is made.

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

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

**i. "Yaba Tech. community"** means all individuals who have a relationship with or to the Yaba Tech. (or had at the time of the incident), including but not limited to:

- Students, meaning individuals registered with Yaba Tech. for a degree, HND, ND, diploma or certificate course of the College, whether on full-time or part-time basis (including special students)
- All employees and faculty, including all unionized and non-unionized academic and support staff as well as those whose salary is paid through sources other than the Yaba Tech operating funds, such as grants, research grants and external contracts;
- Persons with an academic appointment fellows and research trainees;
- Contractors, consultants, suppliers or other entities engaged by the Yaba Tech to provide services or goods when on Yaba Tech property or while acting in a capacity defined by their relationship to the Yaba Tech;
- Members of the Council and any of their respective committees, as well as members of any advisory committee formed to help the Yaba Tech achieve its goals; and,

**J. Workplace sexual harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the

worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## **2.8 Consensual Romantic or Sexual Relationship Guidelines**

- a) Yaba Tech is aware that there exist within its community, power differences between and among faculty, staff, students and associated professionals. Yaba Tech therefore will not encourage consensual sexual or romantic relationships between individuals in positions of authority (such as faculty, instructional staff, managers or supervisors, and other staff), and the students or employees whose performance they are responsible for grading, supervising or evaluating. This is to prevent situation that can lead to problems where there can be allegation of or likelihood of abuse of power, conflict of interest, or questions regarding the validity of consent.
- b) Yaba Tech believes that educational environment should be protected from influences or activities that can interfere with learning, personal development and the working environment. For these reasons, people in the community that are in position of authority are discouraged from commencing or continuing any consensual or sexual relationship with a student or employee they are in a position of authority over and emphasizes that such relationships are to be avoided.
- c) Where such sexual relationships exist or past relationship occurs, such must be formally disclosed to the Rector, Dean or HOD. Yaba Tech requires timely disclosure to the aforementioned henceforth. So as to be formally advised on the appropriate actions to manage the conflict of interest. Such person will therefore be removed from having supervisory role or grading such student or staff.
- d) Actions in violation of the above are deemed to be unethical and are subject to discipline.

## **2.9 Student consent not a defence**

It shall not be a defence that the student consented to any form of sexual and gender-based violence as defined in this policy.

## **3.0 SCOPE**

This Policy applies to SH-GBV that is committed by students, faculty, staff, appointees, contractors, or third parties, whenever the misconduct occurs: on Yaba Tech property; or off Yaba Tech property, if:  
(a) the conduct was in connection with a Yaba Tech or Yaba Tech -recognized program or activity; or  
(b) the conduct may have the effect of creating a hostile environment for a member of the Yaba Tech community.

### **3.1 Monitoring and Confidentiality**

#### **(a) Confidentiality**

A variety of resources are available at the college that can support students and educators who are facing any forms of SH-GBV. Individuals considering making a disclosure to the college should make sure they have informed expectations concerning privacy and confidentiality. The college is committed

to providing all possible assistance in understanding these issues and helping individuals to make informed decision.

## **(b) Monitoring**

Yaba Tech will conduct regular monitoring and evaluation of the impact of the policies on its community and this will be done through surveys, online tracking, database collation and other forms of assessment that can support following up with impact and effective implementation of the policy.

## **PART TWO**

### **4.0 INSTITUTIONAL INFRASTRUCTURE ON SEXUAL HARASSMENT & GENDER-BASED VIOLENCE PREVENTION**

**4.0 Establishment of Yaba Tech Sexual harassment and Gender Based Violence Prevention and Awareness Centre:** Yaba Tech. is committed to taking appropriate steps to end SH-GBV, prevent its recurrence, and, where appropriate, remedy its effects. To that end, Yaba Tech **shall set up an independent office/Sexual harassment and Gender Based Violence Prevention and Awareness Centre**, (hereinafter called the Centre). The office shall become the Centre for students and staff to report any form of SH-GBV.

The Centre will serve as secretariat where complaint can be lodged on SH-GBV and responses are provided, the office or the center will also oversee implementation of the Yaba Tech. SH-GBV Policy.

The college will establish a fully funded secretariat for the Centre. The Rector will appoint a coordinator with appropriate skills set to manage the Centre, the Centre will employ its staff, subject to the approval of the Rector and other appropriate authorities. The management of the Centre will include at least two external members who have the right skills set to support the Centre as ex-officio. There will be three major voluntary organs of the SHGBV Centre;

- Students SHGBV Response team,
- School community SGBH Taskforce
- Independent Sexual Harassment Investigative Committee (Statutory, approved by the highest decision making organ of the college)

The Centre will work with the Students SHGBV Response Team and School Community SHGBV taskforce to receive reports of sexual harassment or gender-based violence, determine interim measures, supervise investigation and resolution of complaints and provide information about the policy and the procedures. The Coordinator of the Centre shall be an experienced administrator, trained in identifying and responding to SHGBV and its harm to equal educational opportunity as well as be someone versed in sexual and gender based violence through their studies and/or professional career and is equipped to offer a gendered perspective of sexual violence. The center will do the following, among other things:

- a) Engage in public education and prevention activities;
- b) Provide the school community with ongoing education and training about SHGBV including information on how to respond to the disclosure of SHGBV;
- c) Contribute to a campus atmosphere in which SHGBV is not tolerated while recognizing academic freedom for students, faculty and staff to explore controversial topics related to this issue; and
- d) Monitor and update college policies annually to ensure that they remain effective and in line with other existing policies and best practices.
- e) Collate annual reports on the number of reported cases and responses, new development in this area on campus and submit to the Rector after endorsement and validation by the student and the SGBV task force.
- f) Conduct research and ensure the management of school helpline and coordination of responses
- g) Maintain complaint boxes in all faculties and ensure the complaints are treated with the confidentiality required.
- h) The center will maintain some forms of independence to enable trust and command respect in the community.

#### **4.1 Student SH-GBV Response Team**

The Response team shall be a group of students nominated from all the faculty but not more than 15 in number and will serve as immediate contact point, where students can report SH-GBV. The Response Team shall consist of undergraduate and graduate students of Yaba Tech. from different disciplines and departments. The Response Team will elect from among themselves the team lead, secretary and public relations officer that will coordinate the activities of the Team. Students shall serve for two non-renewable years on the Response Team.

The team will be guided by the School Taskforce and will work with the Taskforce to do the following;

- (a) Develop annual plan and annual report which shall be submitted to the Centre through the school's Taskforce. The annual plan should include programs organised and interventions by the Response Team for the year and the number of cases handled. Attached to this policy is the data collection sheet for collation of cases and narration of responses.
- (b) Organise capacity building for students on the operational guidelines and the SGBV policy
- (c) Support campus awareness programs on SH-GBV
- (d) Conduct research on SGBH and establish and maintain Blogs to create awareness for students on SH-GBV
- (e) Working with other nongovernmental organisations registered with the student affairs directorate
- (f) Undertake other activities as proposed by the school authority, the Centre and the Taskforce

- (g) Create awareness about complaint boxes on sexual harassment for students
- (h) Support the operation of a helpline for reportage
- (i) Establish a functional helpline and referral pathway
- (j) Perform other assigned and related tasks

#### **4.2 School community SH-GBV Taskforce**

The School Community Task force shall do the following:

- i. Coordinate the student SH-GBV Response Team
- ii. Mentor students SH-GBV Response team
- iii. Support and collaborate on initiatives for awareness creation
- iv. Write proposal in collaboration with the Centre to support the implementation of the policy
- v. Work with Non- Governmental organisation to support programs
- vi. Raise funds for the activities of the Centre
- vii. Respond to complaints from students and workers on SH-GBV
- viii. Liaise with the Centre and the Rector on issues relating to SH-GBV
- ix. Ensure the operation of a designated help line is effective on campus

The Task force shall be made up of not more than 13 representatives of the school faculty from different disciplines and departments, there will be two students representatives as members being the Coordinator and secretary of the student SH-GBV response team. They shall be recommended by the Head of the different departments and endorsed by the Rector. Persons nominated shall serve for one term of three years each.

#### **4.3 Independent Sexual and Gender Based Violence Investigative Committee**

- (a) The **Independent Sexual Harassment Investigative Committee (the Committee)** shall compose of seven (7) staff members **and representatives of the Student Union Government** of Yaba Tech, including a **Chairperson** who shall not be less than the rank of a Chief Lecturer and a Secretary who shall not be less than the rank of a Deputy Registrar or Principal Lecturer.

- (b) Membership of the Committee shall at **all times** consists of at least two students, two non-academic staff members and two academic staff members of the institution and shall have equal representation of both gender.
- (c) In the constitution of the Committee, the Rector shall ensure that at least one (1) lawyer is a member of the Committee at any material time. Provided that there are lawyers in the employment of the institution and satisfy the provisions of this Policy with respect to the membership of the Committee.
- (d) Members of the Committee must be men and women of integrity who shall be independent and impartial in their dealings, proceedings and affairs.
- (e) The **Chairperson** and **Members** of the Committee shall hold office for such period, not exceeding two (2) years, from the date of their appointment as may be specified in writing by the administrative head of YCT.
- (f) **The quorum of the Committee shall be five (5) members.**
- (g) Members present **at the meeting of the Committee** shall select an ad-hoc **Chairperson** and/or Secretary for the purpose of hearing the complaint brought before it if the substantive **Chairperson** and/or Secretary are absent.
- (h) The Committee shall conduct its proceedings with utmost thoroughness, fairness and in compliance with the rules of natural justice and exercise its discretion judiciously and fairly with regard to facts, evidence and the number of witnesses and support persons that may be allowed to testify during its proceedings.
- (i) Decisions of the Committee shall be by simple majority; must be in writing and read openly to the parties by the Chairman of the Committee.
- (j) All decisions, including the final decision, of the Committee shall be signed by all members of the Committee who participated in the inquiry and sealed/stamped by the Secretary with the Committee's seal or stamp which shall be kept in the custody of the Secretary.
- (k) The Secretary of the Committee shall communicate the final decision of the Committee in writing and within seven (7) working days of the decision to all parties to a sexual harassment complaint
- (l) The Secretary of the Committee shall issue sealed/stamped certified true copies of the Committee's decisions, including its final decisions, in respect of sexual harassment complaints to any person, including parties in any of its proceedings within seven (7) working days of giving such a decision, provided that the person shall apply for the certified true copies of the decision and pay such reasonable fees to be prescribed by the Committee's Chairman and remitted to the institution by the Secretary.
- (m) Cases before the Committee should be determined within 45 days.
- (n) The Chairman of the Committee shall make and submit an annual report on sexual harassment complaints received and actions taken on them to the highest management body of the institution.
- (o) Subject to approval by the highest management body of Yaba Tech, relevant administrative head of the institution shall provide such resources, funding, facilities, materials and support that are reasonably required for the effective performance of Committee's functions under this Policy.

#### 4.4 Complaint Procedure

(a) Complaint can be made by a student, employee, or anyone in the school community in writing or personally, by the student's representative or by external bodies; professionals or non-governmental organizations created by the policy or any other person who has interest in the wellbeing of the students.

(b) Upon receipt of an SH-GBV complaint, either from the Task force or Student Response Team, any student or from any other source(s) specified in this Policy, the Centre shall notify the Rector formally and shall, within fourteen (7) working days, refer or transmit the complaints to the Committee for the purpose of investigation, determination and final decision.

c. Upon receipt of a complaint from the Centre, the Committee shall take immediate steps to investigate, determine and reach a final written decision on the complaint within 45 working days from the date of receipt.

d. Where the complaint of any members of the college community is confirmed or made out, the Committee shall take the circumstances of the confirmed complaint into account and recommend any of the following sanctions to both the administrative head and the highest management body of the institution for implementation:

(i) The prosecution, dismissal or expulsion of the wrongdoer and reasons for the dismissal or expulsion shall be stated in writing and given to all the parties; or

(ii) A reduction in rank where the wrongdoer is an employee or suspension for a definite term as appropriate where the wrongdoer is a student and reasons for the reduction in rank or suspension shall be stated in writing and given to all the parties; or

(iii) Ensure appropriate restitution and necessary support including counselling for the student or other victim

e. All complaints on violation or infringement of the Policy shall be directed to the Centre or any of the approved body or individual and where appropriate, referred to the relevant authorities.

f. Complaints of violation or infringement of the Policy may be formal or informal. Informal complaints (i.e. oral complaints) shall be treated administratively. A formal complaint must be in writing, signed and submitted at the Centre.

g. However, if the respondent is no longer affiliated with the College (e.g., former student or former employee), the College 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, such request will as well be considered by the Centre.

#### **4.5 Modus operandi of complaint**

- (a) Investigation or meetings in pursuant to this Policy will be conducted in person and privately with only the concerned parties in attendance. However, the representatives in clause 4.3(h) can attend as observer(s) only and may not speak on behalf of or represent the Complainant or the Respondent.
- (b) The Complainant and the Respondent will be afforded the opportunity to make written and oral representations to the Committee,
- (c) The Complainant and the Respondent are expected to speak for themselves. Members of the Committee may ask questions of the Complainant and the Respondent and may invite witnesses as they deem necessary.
- (d) The Centre will ensure that the Complainant and the Respondent are given an opportunity to know and respond to information and evidence that it intends to rely upon in making its decisions and recommendations.

#### **4.6 External reporting and recourse**

This Policy and the formal complaint process do not prevent and are not intended to discourage an individual from also reporting SH-GBV to the police and pursuing a complaint through the criminal justice system and/or from pursuing a complaint with the National Human Rights Commission or non-governmental organizations working in this regard.

The College will offer appropriate support to lawful external processes. However, a violation of this Policy may exist even when the conduct in question does not violate the law.

#### **4.7 Choice not to file a formal complaint or not to investigate**

- a) A person may choose not to file a formal complaint under Section 5.5 of this Policy. If a person decides not to file a formal complaint or requests that the college not investigate, the full range of supports and services outlined in this Policy remain available to that person. To the greatest extent possible, Yaba Tech will respect the person's choice not to proceed with a formal complaint or request that the Yaba Tech not investigate, however Yaba Tech is committed to ensuring the community safe and might investigate for the purpose of fact finding.
- b) A complainant who has filed a formal complaint may withdraw the complaint in writing at any time, though this may affect the scope of the investigation. Provided that any person who makes or files a false complaint or allegation shall be subject to disciplinary proceedings and appropriate sanction(s) imposed.
- c) Notwithstanding that a complaint is withdrawn by a complainant, the Centre may still initiate investigation if the Centre has reason to believe that a member of the college community or broader community may be at risk of harm, or if the Centre determines that Yaba Tech has a legal obligation to investigate. In such cases, subject to legal requirements, the complainant has the right not to participate in such investigation. The Centre will appoint an Investigator who will

investigate the matter and provide the Centre with a written and confidential report containing the facts and information gathered during the investigation. The Centre will consult with internal authorities on the investigation report and on the appropriate means for further addressing the matter.

- d) Consequences or measures in response to SH-GBV will depend on the circumstances, the severity of the conduct or any mitigating factors or other policies.
- e) If a complaint of SH-GBV is substantiated, consideration will be given to preventing its reoccurrence in the future, to correcting the negative impact of the incident on the complainant and to ensuring or enhancing the safety of all individuals. The following list provides examples of consequences and measures and is not meant to be exhaustive nor necessarily represent a progression of consequences or measures:
  - i. A letter of apology;
  - ii. Attendance at educational sessions on the impact of SH-GBV;
  - iii. Attendance at coaching sessions to improve communication or conflict resolution skills;
  - iv. Restricted or prohibited access to the campus and/or services;
  - v. For employees, discipline up to and including termination;
  - vi. For students discipline up to and including suspension or expulsion from their programs as appropriate.

## 4.8 Appeal Process

A complainant or respondent who is dissatisfied with or aggrieved by the decision of the Committee can appeal to the Rector for redress. An appeal is not an opportunity for the Complainant or the Respondent to repeat the information provided to the Centre or the Task force. The right to an appeal is not automatic and will only be considered if it meets the following criteria:

- a) The appeal is against a final decision of Committee;
- b) The appeal is submitted by either the Complainant or the Respondent;
- c) The appeal is made within 15 days after the date of the final decision of the Committee that is the subject of the appeal;
- d) The appeal includes the reasons for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal and the outcome sought;
- e) The appeal must demonstrate that:
  - There has been a procedural error of a fundamental nature in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal, or
  - There are new facts relevant to the final decision that were not available and could not have been provided to the Committee.

## 4.9 Obligation and Disclosures

- (a) Yaba Tech will always base decision on the totality of the circumstances, including various objective and subjective factors.
- (b) While Yaba Tech will treat information, it has received with appropriate sensitivity and confidentiality, relevant personnel may nonetheless need to share certain information with those saddled with the responsibilities of stopping or preventing SH-GBV at the college.
- (c) Yaba Tech will protect whistle blowers who provide information and maintain desired confidentiality, regardless of whether a complaint is filed or not. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that the college can track incidents and identify patterns; and that, where appropriate, the college can take steps to protect the school community. The coordinator responsible for taking the complaint will assess information received and determine what action, if any, to be taken.
- (d) Information will be disclosed in this manner only to those at the college who, in the judgment of the coordinator have a need to know.
- (e) Information received are to be formally documented with time, date, full incident chronicles and actions taken.
- (f) Yaba Tech will ensure that provisional safety, restorative and preventive measures which may include provision of safe houses, security, etc. are taken during investigation as the college may deem fit.

- (g) At any point during investigations, Yaba Tech through the center may resolve some matters through dispute resolution mechanism inviting the parties and ensuring appropriate resolution.
- (h) Coordinator at all time must inform the complainants of other options including support from external non-governmental organizations or legal counsel to enable informed decision.

#### **4.10 Student and Staff Obligation and Declaration**

- (a) All members of the college community have the obligation to ensure compliance with this policy and it is their duties to familiarize themselves with the policy and take appropriate steps to prevent SH-GBV on college campus;
- (b) All members of the college community are to be conscious of the manifestation of SH-GBV and are duty bound to protect, and report any act of SH-GBV on the college campus
- (c) Members of the college community shall attend capacity development on SH-GBV organized by the college
- (d) Members of the college community shall sign the declaration form acknowledging they have received and understood the Policy.
- (e) Members of the college community shall ensure confidentiality when they provide information or a complaint.

### **PART C**

#### **5.0 PREVENTION AND AWARENESS PROGRAMS**

##### **5.1 Awareness, Education and Training**

- (a) Yaba Tech will ensure adequate awareness of the impact of SH-GBV and the need for the community to ensure zero tolerance. It shall therefore do the following:
- (i) Ensure that Yaba Tech management allocate resources to disseminate the Policy widely including through Info-graphs and other medium that will ensure every member of the college community is reached.
- ii) Ensure that the Centre and its organs lead the awareness initiatives on the Policy through different mechanisms including the following:
- Conduct training and capacity building for staff and students in the Yaba Tech community
  - Establish operational guidelines and protocols for victims and survivors of SH-GBV
  - Organise meetings, seminars in collaboration with NGOs and other private bodies

- Train and educate new staff and students as part of their orientation programs. Attendance at SH-GBV training and awareness programmes shall be compulsory for new staff and students
- Conduct research and surveys on SH-GBV.

## **5.2 Dissemination of the Policy**

Yaba Tech will ensure wide dissemination of the Policy through information, education and communication resources, as part of the college's commitment to providing an SH-GBV free working and learning environment. The policy will be published in print, websites and made part of new employees' and students orientations programmes and disseminated through other appropriate channels of communications.

Every person designated to receive SH-GBV complaints shall be provided with training relating to handling SH-GBV matters.

## **6.0 MITIGATING HOTSPOT SITUATIONS**

The Centre will support training of trainers annually for the students and staff. Through annual audit, Yaba Tech can enhance the protection of members of the college community by identifying potential hot spots and ensuring that the school is made safer for community members. The College will equip the classes and ensure improved lightning in around campus, discourage late classes and gathering on campus and ensure that grasses and bushes are cleared and placement of CCTVs in and around hotspots areas.

## **7.0 COLLABORATION PARTNERSHIP AND RESOURCE**

Yaba Tech will ensure multi sectoral responses to the issues of SH-GBV by identifying critical stakeholders that can support zero tolerance to SH-GBV on campus, 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, local authority and charities). The Centre will effectively coordinate the group so as to constantly share information and other resources that can support an environment free from SH-GBV. Learning and exchanges will also be encouraged.

## **8.0 EFFECTIVE REFERRAL SYSTEM**

Yaba Tech will coordinate effective referral system and ensure that first responders like security officers, medical personnel, school counsellors, students' affairs unit, student union body are adequately trained. A referral pathway will be established to enhance collaboration and coordination.

Apart from the Centre, other confidential Resources include:

- i) Yaba Tech Medical Centre

- ii) Office of the Dean Student Affairs
- (iii) Chief Security Officer
- iv) Sexual harassment and Gender Based Violence Prevention and Awareness Centre.

## **9.0 REVIEW AND EVALUATION**

This policy shall be subject to monitoring and periodic review provided that a first review shall take place not more than three years from the date of its coming into effect.

## **10.0 VIOLATIONS OF OTHER RULES**

Yaba Tech. encourages the reporting of SH-GBV under the Policy. Yaba Tech. however has paramount interest in the expansive protection of the well-being and safety of its community members and preventing and remedying SH-GBV, violations of other policy(ies) will therefore be considered, if necessary, separately from complaints under this Policy.

## **AUTHORITY**

This Policy is approved by the Management of Yaba College of Technology on Wednesday November 25, 2020.

## **APPENDIXES**

### **Appendix A**

#### **Examples of SH-GBV**

Some examples of conduct that may constitute sexual harassment include, but are not limited to:  
Unwanted sexual statements – sexual or “dirty” jokes, comments on physical attributes,

Spreading rumors about others as to sexual activity or performance, talking about one’s sexual activity in front of others who do not welcome it, and displaying or distributing sexually explicit drawings, pictures and/or written materials to those who object to it.

Unwanted sexual statements made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.), and otherwise.

Unwanted personal attention, telephone calls, visits, pressure for sexual favors, pressures for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted and stalking.

Unwanted physical or sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, non-consensual sexual intercourse, or other unwanted sexual activity.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the conduct in question. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient.

**APPENDIX B**

**SH-GBV COMPLAINT FORM**

**YABA COLLEGE OF TECHNOLOGY**

**FORMAL COMPLAINT FORM (SEXUAL HARASSMENT AND GENDER BASED VIOLENCE)**

**Instructions for filling out this form:** If you believe that you have been the victim of sexual harassment or any form of gender based violence, **kindly fill this form**

- 1. Name of complainant: \_\_\_\_\_
- 2. Address: \_\_\_\_\_
- 3. Telephone number: \_\_\_\_\_
- 4. Email address: \_\_\_\_\_
- 5. Facts and circumstances surrounding the alleged sexual harassment causing this complaint. *(provide all the information necessary, you can add extra sheet)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 6. Are there other persons who witnessed the said abuse, Yes  No
- 7. If yes please provide the name(s). If applicable, please include the person's title or position:

\_\_\_\_\_

8. Kindly provide specific dates, times, and locations,;

\_\_\_\_\_

9. Do you have any document or evidence that is relevant to this complaint? ( i.e audio or visual media, text messages or any other item you are attaching to the complaint)

---

---

10 Please describe the outcome or remedy you seek for this complaint.

---

---

---

Signature of complainant: \_\_\_\_\_

Date of filing: \_\_\_\_\_

**Kindly retain a copy of this form for your records.**

---

**1. I..... (FIRST AND LAST NAME)**

**STUDENT**

**STAFF**

**OTHERS**

**2. I HEREBY DECLARE THAT I HAVE RECEIVED ELECTRONIC COPY/ASSESSED ONLINE/HARD COPY OF THE 'YABA TECH SH-GBV PREVENTION POLICY 2020',**

**3. I CONFRIM THAT I HAVE READ THE SAID DOCUMENT AND FULLY UNDERSTOOD THE PROVISIONS OF THE POLICY.**

**4. I UNDERTAKE TO FULLY COMPLY WITH THE INTENT AND SPIRIT OF THE POLICY**

**5. I UNDERSTAND THAT I HAVE OBLIGATION TO ENSURE THAT YABA TECH IS FREE FROM ANY FORM OF VIOLENCE AND THE COLLEGE MAY TAKE DISCIPLINARY ACTION FOR ANY ACT OR OMISSION ON MY PART THAT CONTRAVENES THE POLICY.**

**6. I APPEND MY NAME AND SIGNATURE ONTO THIS FORM, OF MY OWN FREE WILL AND AGREE TO BE BOUND BY IT**

**SIGNATURE**

**DATE**