



CENTRE OF EXCELLENCE FOR PUBLIC HEALTH AND TOXICOLOGICAL RESEARCH (PUTOR)

SEXUAL HARASSMENT AND RELATED OFFENCE POLICY AND PROCEDURE

JUNE 2019

1.0 Background

Health systems played a key role in the dramatic rise in global life expectancy during the 20th century and still contribute enormously to the improvement in population health. A multi-disciplinary health workforce is the backbone of each health system that facilitates the smooth implementation of health actions for sustainable socio-economic development. Furthermore, the direct effect of crude oil prospecting and exploration had left some deleterious consequences on the ecosystem and public health in all the countries in this region. The way of life of the people, which are largely aquatic, has been completely destroyed. More recently, there had been a ‘double air pollution burden’ in the city of Port Harcourt. The persistence of black soot over the city is partly the result of oil exploration, meteorological changes, and criminal activities of artisanal crude oil refiners, poor environmental regulatory activities and the dearth of strategic knowledge resource to combat these preventable catastrophes.

Adequately trained and highly skills health workforce would play a major role in tackling the public health and environmental issues with oil exploration and exploitation in the Niger delta region of Nigeria as well as contiguous areas in the Gulf of Guinea. Environmental degradation, especially the swamps, rivers and creeks from oil spills, pipeline vandalism and illegal refining activities are the major fall outs of the oil and gas industry in the Niger Delta region. This affects the health and livelihood of the people who depend on the ecosystem services for survival, leading to increased poverty and hunger. The problem is compounded by the paucity of highly skilled and motivated health professionals who are equipped with current knowledge, skills and competencies required for conducting cutting–edge research in public health, toxicology, nutrition and nursing that would help mitigate the public health issues arising from oil and gas exploration in the region

PUTOR is a World Bank funded Africa Centre of Excellence for Public Health and Toxicological Research. It is a platform for providing inter-disciplinary academic stream of postgraduate programmes and rapidly bridge the current paucity of adequately trained personnel with terminal degrees in public health, toxicology, nutrition and midwifery/child health nursing in sub-Saharan Africa.

1.1 Programme Goal: The Centre will develop high calibre manpower with the requisite teaching skills and research abilities, to handle the public health and environmental challenges hindering sustainable development in regions of Africa where oil and gas activities are on-going

1.2 PUTOR’S Mission: To provide a platform to congregate highly skilled human resource both within and outside the university of Port Harcourt; build a robust resource of highly skilled and motivated public health professionals who are equipped with current knowledge, skills and competencies required to improve the practice of public health, nutrition, toxicology and midwifery/child health nursing; produce cutting –edge research projects to solve public health issues arising from oil and gas sectors and undertake consultancy and community services.

1.3 PUTOR’S Vision: To be a centre of excellence in providing highly sought-after, world-class academic and professional programmes which are recognised for local relevance, international excellence and global impact in the field of public health, toxicology, nutrition and midwifery/child health nursing.

1.4 Specific Objectives of the Centre include the

- 1) Training of students and technical experts/policymakers through short courses on relevant public health and toxicological issues in the region.
- 2) Training national and regional masters' students in the focused areas
- 3) Training national and regional students to obtain PhDs in the focused areas.
- 4) Developing regional research capacity to support focused interventions on developmental challenges

SEXUAL HARASSMENT POLICY AND PROCEDURE

2.0 INTRODUCTION:

Sexual harassment such as unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature, is a common form of violence that can cause enduring psychological harm. Both women and men are targets of such behaviour though women and girls are the primary targets. This document is to aid the University to prevent, report and respond to sexual assault and sexual harassment. The University is committed to providing a citadel of learning where all may search for knowledge and wisdom free from sexual harassment. Sexual harassment is serious misconduct; very serious wrongdoing and improper behaviour which may lead to dismissal.

Sexual harassment may take the form of victimization, a hostile environment that interferes with another's performance at work or in study or an alleged perpetrator influences or attempts to influence a person's educational or employment circumstances by coercing or attempting to coerce/force that person to engage in sexual activities; i.e an alleged perpetrator influences or attempts to influence: the admission of a student to the University; or to University residences; or the access of a student to training, organizational or funding opportunities; or interferes in grading or evaluation; by coercing or attempting to coerce a student to engage in sexual activities. The University will not tolerate sexual harassment.

This Policy is in line with global best practice in 21st century Higher Education Institutions. It aims to prevent, report and respond to sexual assault and sexual harassment in the entire University. It covers staff, students and those temporarily working in the University, such as contract staff, casual staff, contractors, and consultants.

3.0 DEFINITIONS OF SOME TERMS:

- **Sexual harassment** is unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature that violates the rights of a person. Sexual harassment is any unwanted, unwelcome or invited behavior of a sexual nature. Sexual harassment is a common form of violence that can cause enduring psychological harm. Both women and men are targets of such behavior, but evidence has shown that sexual harassment is primarily aimed at women. Sexual harassment can take many forms-it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex. In

determining whether the unwelcomed conduct constitutes sexual harassment, consider the following factors:

(a) The conduct was made as a term or condition of an individual's educational progress, living environment, employment, or participation in the University activities.

(b) The conduct acceptance or refusal is used as the basis or factor in decisions affecting the victim's education, employment, living environment, or participation in the University activities.

(c) The conduct impacts the individual's academic or employment performance or creates an intimidating, hostile or offensive environment for that individual's work, education, living environment, or participation in the University community.

- **'Alleged perpetrator'** means a person alleged to have committed an act of sexual harassment;
- **'Complainant'** means a person: who lodges a complaint under this Policy or against whom an act or acts of sexual harassment as defined in the Policy has or have been allegedly perpetrated;
- **'Case Officer'** means the person assigned to present the University's case in formal internal disciplinary proceedings, who may also be the person assigned to investigate the matter;
- **'Quality Assurance and Quality Control/ Servicom Unit'** means the complaints and redress unit of the University;
- **'Confidentiality'** means ensuring that information is accessible only to those authorised to have access to it;
- **'Employee disciplinary procedure'** means the disciplinary procedure that applies to a category of staff;
- **'Employee'** means an employee of the University
- **'Manager'** means any employee of the University with managerial, supervisory or warden's responsibilities;
- **'RO'** means the Reporting Office, as may be designated by the Vice-

Chancellor from time to time;

- **'Unique Student handbook'** means the rules on the conduct of students given to the students at the beginning of each session;
- **"Security Unit"** means the security unit of the University
- **'NPF'** means Nigerian Police Force;
- **Unwelcome sexual** conduct includes physical, verbal and non-verbal conduct/behaviour. Such conduct/behaviour may be direct or indirect through phones and android devices or images.
- **Unwelcome physical conduct** ranges from touching to sexual assault and rape;
- **Unwelcome verbal conduct** includes insinuations or suggestions of a sexual nature, sexual advances, sexual threats, sexual comments, sex-related jokes/insults, inappropriate enquiries about a person's sex life, graphic comments about a person's body, whistling of a sexual nature and the exchange of sexually explicit material by electronic means or otherwise.
- **Unwelcome non-verbal conduct** includes gestures, indecent exposure and the display or delivery of sexually explicit images by electronic or other means.
- **'SHA'** means Sexual Harassment Adviser;
- **'Student'** means a registered student of the University.
- **'University'** means the University of Port Harcourt.
- **'Respondent'** a person or organization against whom a complainant has been made under the university's Sexual Harassment Policy and Procedure.
- **'SSMP'** Students Sexual Misconduct Policy

4.0 POLICY:

- The University of Port Harcourt is committed to maintain an environment within the University that is free from sexual harassment.
- Sexual harassment is unacceptable behaviour. It conflicts with the University Values and denies respect for the rights of staff to fair treatment.
- Sexual harassment is a serious issue which undermines morale and can adversely affect the ability of staff and students to effectively undertake their roles within the school.

The University of Port Harcourt is committed to taking action to deter sexual harassment, to increase awareness that such behaviour is unacceptable and to ensure that complaints are dealt with fairly and promptly.

4.1 PURPOSE: The student sexual harassment policy serves the following purposes:

- The purpose of this policy is to articulate the University commitment to the elimination of sexual harassment.
- It establishes conduct standards-namely, prohibited sexual misconduct for all student.
- Students Sexual Misconduct Policy (SSMP) outlines reporting, investigation and complaint resolution procedures in cases where it is alleged that a student has engaged in sexual misconduct.
- The SSMP describes resources available on campus and in the community to assist students in dealing with the impact of sexual misconduct, wheter it happened recently or in the past.
- The University of Port Harcourt regards sexual harassment as a serious breach and supports the rights of individuals to be free from sexual harassment while engaged in activities undertaking in the University.

As an educational institution and employer, the University will take all reasonable steps to eliminate sexual harassment of or by staff, students, or other members of the University community. Also to establish conduct standards- namely prohibited sexual misconduct

4.2 AIMS:

- Create a working and learning environment that is free from sexual harassment and where all members of the university are treated with courtesy, dignity and respect
- Promote appropriate standards of conduct at all times

- Implement strategies to ensure that all members of the university community know their rights and responsibilities in this area.
- Encourage the reporting of prohibited behaviour
- Provide an effective complaints in a serious, sensitive, fair and timely manner
- Guarantee against victimization or reprisals.

The policy and procedure will cover all staff, students and other members of the university community.

5.0 ALIGNMENT TO SCHOOL'S VISSION & VALUES

Our vision is to be a world-class school where all students flourish. Our core values underpin this policy and procedure.

- Building lifelong commitment to serve others
- Building leadership capacity
- Celebrating accomplishment.
- Developing emotional maturity
- Developing lifelong learning, engagement, meaning and purpose
- Embracing creative potential.
- Fostering honesty, integrity, and wellbeing.
- Honouring diversity
- Valuing teamwork, collaboration, and communication.
- Unlocking individual virtues and strengths.

5.0 Examples of Behaviour that May Constitute Sexual Harassment include:

- Lewd suggestions, whistling, foul language and obscene gestures
- Belittling comments on a person's anatomy or based on sex-role stereotypes
- Asking about a person's private or sex life, explicit sexual suggestions in return for reward
- Sexually offensive written, telephone or electronic communication.
- Sexual harassment does not have to take the form of overt sexual advances or suggestions, it may consist of abusive treatment, acts of aggression, intimidation, hostility, rudeness, name-calling, or other types of abusive conduct directed towards one gender
- Sexual harassment does not refer to behaviour that is mutually acceptable to the parties involved. Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. Where the interaction is consensual, welcome or reciprocal it will not amount to sexual harassment. However, judgements about what constitutes consensual, welcome and reciprocal interaction may be influenced by the relative power of the people involved. The capacity of persons in positions of

authority to influence others and affect their wellbeing is a factor that should be taken into an account in the management of any sexual harassment allegation.

- Sexual harassment may be explicit and implicit. It may be a single incident or occur over a period of time. In defining and identifying sexual harassment it is the effect of the behaviour that is relevant, not the intent. It is the impact of the behaviour on the receiver that determines whether sexual harassment has occurred.
- Unwelcome sexual conduct can be identified
 - If a complaint/ protest is made at or near the time the sexual conduct occurs
 - Even if a person delays making a complaint, as some people will attempt to personally resolve the situation, resorting to a complaint only in the event of more persistent and forceful conduct.
 - If an employee, who initially participated in sexual conduct tells another person that any further sexual conduct is unwelcome but the conduct continues to occur. For example, the past use of sexual innuendo cannot be used to show that a person should never be offended by sexual comments
 - Even if a person does not resist the sexual advances of another person, it cannot be interpreted that sexual conduct is welcome. For example, a person may voluntarily participated in unwelcome sexual conduct fearing loss of employment if sexual advances are rejected.

6.0 In establishing appropriate standards of Behaviour the University recognizes

- Social or cultural backgrounds may lead people to perceive the same conduct differently.
- Some people may accept, as reasonable, a behaviour that other people find offensive.
- Sexual harassment can arise where different values and beliefs are not respected
- Both men and women may be sexually harassed by a person or persons of the same or opposite gender
- Appropriate behaviour is behaviour which respects the rights and sensitivities of all people in the University environment

All individuals have a responsibility to contribute towards an environment of trust and respect which forms the basis of appropriate professional relationships.

6.1 Sexual Harassment of a Staff Member by another Staff Member.

An employee who considers that he or she has been subject to sexual harassment from another employee may register a complaint with the employer and the employer is required to

take appropriate action. This may involve disciplinary action, up to and including dismissal, being taken against the harasser.

6.2 Complaints procedure

A member of staff at the University of Port Harcourt who considers that he or she has been sexually harassed by another employee. And believes the matter cannot be resolved on a one-to-one basis, is encouraged to discuss with the Ethics Committee

6.3 Ethics Committee may:

- Resolve the matter informally with the complainant.
- Initiate, at the complainant's request, a mediation process between the parties
- Advise the complainant to refer the matter on to the vice chancellor.
- The complaint may then be dealt with via a mediation or conciliation process with a delegated nominee acting as an intermediary between the parties with the aim of reaching an agreed solution.

If mediation or reconciliation fails, the matter may then proceed to a formal investigation and will require the school to appoint an investigator. The function of the investigation is not to conciliate but to investigate and determine the facts in dispute, and to make recommendation about resolution. In all actions, the investigator shall be guided by the principles of equal opportunity and of procedural fairness. Proceedings of the investigation shall be held to a person to whom disclosure is consistent with her or his official position and responsibilities. The investigator would normally interview the complainant, respondent and any witnesses.

After gathering information, the investigator will consider whether the complaint is substantiated and then consider the formulation of appropriate recommendations.

7.0 Who can provide support

University of Port Harcourt aims to provide positive working environment where all staff are treated with respect. Human Resources Staff can support who feel they have been subjected to discrimination.

7.1 What can Human Resources Provide

- Provide an initial port of call if there is a workplace harassment issue staff would like to discuss.
- Listen to staff concerns whilst maintain confidentiality.
- Help staff understand the Equal Opportunity Act and the university policy on harassment.
- Discuss options for resolving the issue.
- Help staff resolve the issue informally or help stall decide whether to take the matter further

If requested, be supportive in a mediation process.

8.0 CONSEQUENCES:

Consequences for breaches of the policy

University of Port Harcourt will treat all allegations of sexual harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Gaining a commitment from one or more persons to cease, and not to repeat, the behavior.
- Making an apology to the affected person or persons
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator.
- Providing targeted training regarding prevention of unacceptable workplace behaviour.
- Offering support to the person making the complaint.
- Offering support to the person against whom the complaints is made.
- Disciplinary action up to and including dismissal, suspension or expulsion, against the person found responsible for sexual harassment in cases of serious misconduct
- Disciplinary action up to and including dismissal, suspension or expulsion, against the person making a compliant of sexual harassment if after investigation, the complaint is found to have been malicious or vexatious.
- Disciplinary action will be taken against anyone who victimizes or retaliates against a person who has made a complaint.

8.1 Sexual harassment may in certain circumstances constitute a criminal offence:

A criminal offence of a sexual nature may include

- Inappropriate touching and inappropriate verbal comments concerning people in the workplace and members of the public
- Sexual harassment involving physical or indecent assault, stalking, making nuisance phone calls or sending of obscene Materials using mail, email, or the internet, may be an offence under criminal law
- Allegations of this nature should be reported to the police. The university has a responsibility to deal with the allegations even when the police are or have been involved and determine appropriate action in the context of the University

9.0 CONFIDENTIALITY:

Confidentiality in relation to sexual harassment matters must be maintained to the greatest possible extent, with communication limited to persons to whom disclosure is consistent with official position and responsibility, or with specific responsibility to assist in the resolution of the grievance.

9.1 PROCEDURAL FAIRNESS:

The principles of procedural fairness should apply for all stages of the complaint's resolution process. Persons responsible for investigating and resolving complaints have a duty not to be affected by bias or conflict of interest and must act fairly and impartially. Each party will be given the opportunity to know the case against him or her and to be heard.

Every complaint will be dealt with in a manner that is both procedurally and substantively fair. The principles of natural justice to be observed include:

- The right of each party to be heard
- The right of each party to be treated fairly
- The right of the respondent to have a witness or support person, who may be a union representative, present at any meetings
- The right of the respondent to know the allegations made against them
- The right of the respondent to respond to the allegations made against them
- The right of both parties to a decision-maker who acts fairly and in good faith.
- Complaints should be investigated promptly involving as few people as possible. Parties to a complaint shall be entitled to receive advice and support as appropriate, and to be kept informed of the progress of the complaint.
- Appropriate steps should be taken to ensure harmonious working and learning relationships during and after the investigation process.
- The university will continue to review the resolution and the wellbeing of the complainant and the alleged harasser for a period, to ensure the actions taken have been effective in stopping the sexual harassment.

10.0 COMMUNICATION

- The University shall take all necessary steps to communicate this Policy to all students, employees, and third parties on a regular basis: at the yearly orientation programs for year one students, statutory student union meetings, university congregation meeting. Printed copies of this Policy shall be distributed to all staff and students to raise awareness about the need to prevent and report sexual harassment.
- The University shall make this Policy available on its Websites.
- The Vice-Chancellor shall ensure that 3.1 and 3.2 occur.
- The Deans shall:
 - (a) Communicate regularly by oral and written means the seriousness of the issue and the existence of this Policy to students, employees and third parties within their Faculties;
 - (b) Communicate regularly with Heads of Departments (HODs) and all other managers/stakeholders in the Faculty concerning their responsibilities in the effective implementation of this Policy.
- The Dean of Student Affairs (DSA) shall:
 - (a) Communicate by written and oral means the existence of this Policy and its seriousness to students, employees, and third parties within the campus residences of the University;
 - (b) Communicate in writing and via meetings the contents of this Policy to the various Students' Unions.
- The RO shall:
 - (a) Provide the Information, Publication and Public Relations IPPR unit with information that enables the University community be regularly informed about the implementation of this Policy;
 - (b) Send regular e-mail to all employees, students and third parties at least once a session to give information about this Policy;
 - (c) Report annually to the Vice-Chancellor the status and success of this Policy.

11.0 EDUCATION AND TRAINING

- Regular continuing education and training are imperative to guarantee students, employees and third parties are conversant with the contents of this Policy in preventing workplace harassment and implement it to respond,

report and prevent sexual harassment.

- Within six months of the adoption of this Policy, all existing staff of the RO shall be trained appropriately.
- Within four months of the adoption of this Policy, the RO shall appoint and train SHAs. This training shall be repeated for new SHAs and new members of the staff of the RO within the first four months of each new calendar year.
- All SHAs shall attend update training sessions at least on an annual basis.

Within six months of the adoption of this Policy, the RO shall present workshops on this Policy for the principal officers of the University, heads of academic departments, staff in the Quality Assurance Quality Control/Service Department, and Campus Security Unit. Staff representative bodies and the SUG shall be entitled to nominate representatives to attend workshops offered by the RO. The RO shall repeat the programme workshops at least every year. The RO shall integrate this Policy into staff induction and student orientation programmes.

12.0 THIRD PARTIES

The University intends that this and related policies be upheld and respected by all who work at, or visit, the University or who take part in the University's activities at any location. Visitors to the University thus agree to abide by the rules and conditions for students and staff. Such a visitors or consultants or sundry will be deemed to have consented to be subject to the University's disciplinary jurisdiction.

13.0 THE ROLE OF THE REPORTING OFFICE

- The RO's shall provide a comprehensive sexual harassment response for the University. This response will include the provision of supportive and protective measures to the complainant, whether or not disciplinary proceedings are instituted.
- Supportive measures may include, but are not limited to:
 - (a) crisis counselling;
 - (b) Emergency medical services, para-legal advice and other relevant services;
 - (c) Measures to mitigate the impact of sexual harassment or the reporting thereof upon the complainant.

- Protective measures may include, but are not limited to:
 - (a) no-contact orders, where appropriate;
 - (b) Change of University student residence, where appropriate;
 - (c) Change of academic classes and academic concessions, where appropriate;
 - (d) Special leave (staff) or leave of absence (students), where appropriate.

While the primary aim of this Policy is to assist complainants who allege sexual harassment, an alleged perpetrator may at any stage approach the RO for advice on the application and interpretation of this Policy. In such instances the RO shall:

- (a) Provide the alleged perpetrator with a copy of this Policy and of the University's disciplinary rules;
- (b) Advise the alleged perpetrator of her/his right to obtain legal representation and of the availability of counselling;
- (c) Advise the alleged perpetrator that the University may choose to follow the University disciplinary rules even if the complainant does not wish to do so;
- (d) Explain to the alleged perpetrator the protective measures available to the complainant.

14.0. SEXUAL HARASSMENT ADVISORS

- The RO shall appoint and train SHAs, drawn from employees of the University,
- A SHA shall have the following responsibilities:

- (a) To receive complaints of sexual harassment from the RO;
 - (b) in consultation with the Case Officer, to assist, support, consult and liaise with complainants, alleged perpetrators and those initiating complaints into sexual harassment;
 - (c) To provide reports and records to the RO on all referred cases;
 - (d) To represent the best interests of a complainant, or alleged perpetrator in formal communications with the RO where such representation is required;
 - (e) To liaise with the case officer with regards responsibilities that may arise from disciplinary hearings;
 - (f) To support the educational work of the RO where practical and reasonable.
- The SHAs should, as a group, be diverse in terms of gender, qualifications and background.
 - While a complainant will be entitled to ask for another SHA to be assigned to his or her case; every effort should be made to ensure that the same SHA deals with a case all through.
 - The RO shall:
 - (a) Provide general support and guidance to the SHAs;
 - (b) Monitor cases;
 - (c) Ensure that the SHAs are suitably trained.

15.0 ADVISORY PANEL

- For any report of sexual harassment made under this Policy, or in general; the RO may appoint an Advisory Panel to assist the RO with information, suggestions and expertise.

- An Advisory Panel may consist of the following persons:
 - (a) The SHA representing a complainant or victim;
 - (b) The Case Officer assigned to the complainant or victim;
 - (c) a representative of the Dean of Student Affairs, if the complainant or alleged perpetrator is a student;
 - (d) A representative of the Deputy Vice-Chancellor (Administration), if the complainant or alleged perpetrator is a staff member;
 - (e) A person, not necessarily a staff member of the University, with expert knowledge in the field.

16.0 RESPONSE TO A COMPLAINT

- Complaints of sexual harassment must be brought to the attention of the RO as soon as is reasonably possible.
- If a complaint is brought to the attention of a manager, the manager shall notify the RO immediately.
- Sexual harassment may be brought to the attention of the RO by the complainant or any other person aware of the sexual harassment. However, if the incident is of a serious nature, the complainant is encouraged to inform the RO in person.
- Any complaint of sexual harassment will be recorded in writing by the RO and will be assigned to a case officer. The case officer will manage the complaint.
- The RO will also assign an appropriate and available SHA to the case.
- The steps to be taken by the case officer on receipt of a complaint should include but are not limited to, the following:
 - (a) Advise the complainant that there are formal and informal procedures which can be followed;
 - (b) Explain the formal and informal procedures to the complainant;
 - (c) Advise the complainant that he/she may choose which procedure should be followed by the University;

- (d) Advise the complainant that the SHA assisting him or her may not be called as a witness during any formal procedure;
 - (e) Reassure the complainant that she or he will not face any adverse consequences in choosing to follow either the formal or informal procedure;
 - (f) Advise the complainant that he or she is not bound by the outcome of the informal procedure and will have the right to appeal directly to the VC within ten working days of the conclusion of that process;
 - (g) Advise the complainant that the matter will be dealt with confidentially;
 - (h) If applicable, advise the complainant that no negative inference on his/her credibility will follow as a result of late reporting;
 - (i) Provide the complainant with information about counselling available as well as information on how to access independent counselling services;
 - (j) In appropriate circumstances, advise the complainant of her or his right to refer the matter to the NPF and obtain further legal advice outside the University.
- If a complainant, after consultation with the NPF, does not wish to pursue the matter, and the complaint is judged by the RO to be of a serious nature, the RO must refer the matter to an Advisory Panel. The RO, in consultation with an Advisory Panel, shall consider all relevant information, including but not limited to the following:
 - (a) The risk to other persons in the University;
 - (b) The severity of the sexual harassment;
 - (c) The history of the alleged perpetrator with regard to previous cases and complaints of sexual harassment.
 - If it appears to the RO and the Advisory Panel that there is a significant risk of harm to other persons, they may advise the Case officer to follow a formal procedure, irrespective of the wishes of the complainant. In such an event the

complainant must be advised accordingly and the RO, in consultation with the Advisory Panel, must prepare a written recommendation to the Vice-Chancellor. The recommendation shall include (but not be limited to) the following:

- (a) A description of the alleged sexual harassment or assault;
- (b) The complainant's reasons for his/her unwillingness to pursue the matter further or to be called as a witness;
- (c) Compelling reasons in support of a formal procedure.

17.0 INFORMAL PROCEDURES

- An informal procedure is a process, managed by the RO, in which relationships between a complainant and alleged perpetrator(s) are explored with the consent of both, the aim of which is the resolution of a complaint in a manner that is satisfactory to all complainant and alleged perpetrator(s).
- The complainant has the right to pursue formal proceedings after the conclusion of informal proceedings. The choice to pursue informal proceedings shall not in any way diminish the force of the original complaint.
- The alleged perpetrator has the right to refuse participation in informal proceedings and may exercise this right during any stage of the informal process. No negative inference shall be drawn from a refusal to consider, participate or withdraw from the informal process.
- An informal procedure may be followed by a formal procedure if the RO in consultation with an Advisory Panel believes that there are compelling reasons for this as specified in paragraph.
- In an informal procedure, only the following information is recorded:
 - (a) The fact that the informal procedure took place;
 - (b) The names of the participants;
 - (c) The date, time and location of the alleged incident;
 - (d) The outcome of the informal procedure.

- Informal proceedings require the written consent of both the complainant and the alleged perpetrator, and
 - (a) The availability and implications of informal proceedings shall be explained to the complainant by the appointed SHA, before such proceedings;
 - (b) With the consent of the complainant preparatory interviews with the alleged perpetrator may be held in the absence of the complainant and with any other person or persons that may provide information to assist with the informal process;
 - (c) The structure, procedure and facilitation of any informal procedure will be agreed upon beforehand by the case officer, complainant alleged perpetrator and SHA.

- The informal procedure may include
 - (a) An approach to the alleged perpetrator with or without revealing the identity of the complainant (depending on the choice of the complainant) with information that certain forms of conduct constitute sexual harassment;

 - (b) A discussion where the objective is to give the alleged perpetrator an opportunity to apologize. The case officer and SHA will facilitate the terms, conditions and acceptance of such an apology;

 - (c) The presentation of the case in confidence to a group of not more than four persons (including the case facilitator), to consider suggestions and to make recommendations that may achieve a resolution based on an agreement between the alleged perpetrator and the complainant. The choice of participants in the discussion will be at the discretion of the case officer in consultation with the SHA.

- Every endeavour must be made to conclude the informal procedure within fourteen days of the incident being reported to the RO.

- Strict confidentiality regarding the process, participants and report will be maintained throughout this process.

- No part of the informal procedure may be used as evidence in a subsequent hearing following the outcome of this process.

18.0 FORMAL PROCEDURES

- A complainant may choose to initiate formal proceedings, either with or without first following an informal procedure. The purpose of formal proceedings is to test the complainant's allegations through the disciplinary

process.

- If a complainant, following an informal procedure that does not result in a mutually acceptable outcome, does not wish to follow a formal procedure, the case officer will establish whether the complainant requires any further advice or support as contemplated in (the section dealing with the RO).
- If the complainant wishes to proceed with a formal procedure, he or she shall advise the case officer of this, and prepare and sign a written statement providing full particulars of the alleged sexual harassment.
- The formal processes for the presentation of the complainant's case within University Disciplinary Processes for staff and for students will be initiated through the RO.

19.0 FINAL FORMAL PROCEDURES

19.5 Students

Where the formal procedure is to be followed, the RO will report the matter to the Vice-Chancellor and the legal team. The Vice-Chancellor mandates the case officer appointed to present the case to Court as required. The Powers of the committee is now extended to permit University Student Disciplinary committee to sanction as required.

19.2 Staff

Where the formal procedure is to be followed, the existing approved disciplinary procedures for staff is followed. The RO must be contacted before instituting disciplinary action for sexual harassment. The RO shall assist as required. The disciplinary committee shall be trained to effectively handle sexual harassment matters.

19.3 Employees or agents of contracted-in Third parties

Where the formal procedure is to be followed, the disciplinary procedures agreed between the University and the contracting-in third party will be used.