



# **CALEB UNIVERSITY, LAGOS.**

## **NON-DISCRIMINATION AND HARASSMENT POLICY**

*Effective November 1, 2023.*

### **PREAMBLE**

Caleb University, Lagos (CUL) is committed to fostering a unique campus environment that is free from unlawful discrimination based on sex, including sexual harassment and sexual assault. In support of that commitment, CUL takes steps to increase awareness of such sexual harassment and sexual assault, eliminate its occurrence on campus and in University programs and activities, encourage reporting, provide support for survivors, promptly respond to all reports of sexual harassment and sexual assault, deal fairly with accused Respondents, and take appropriate action against those found responsible. Therefore, the University has developed this procedure as part of its commitment to address discrimination, sexual harassment and sexual violence involving reports against faculty and students.

### **NON-DISCRIMINATION STATEMENT**

In keeping with its long-standing traditions and policies, Caleb University, Lagos considers students, employees, applicants for admission or employment, and those seeking access to University programs based on individual merit. The University does not discriminate based on race, colour, religion, sex, sexual orientation, gender, gender identity or expression, national or ethnic origin, age, status as an individual with a disability, military or veteran status, genetic information, or other protected classes as required by law. Members of the University community cannot thrive unless each is accepted as an autonomous individual and is treated without regard to characteristics irrelevant to participation in the life of the University. Freedom of expression is vital to our shared goal of the pursuit of knowledge and should not be restricted by a multitude of rules. At the same time, unlawful discrimination, including harassment, compromises the integrity of the University. CUL is committed to taking necessary action to prevent, correct, and, where indicated, discipline unlawful discrimination.

Sexual misconduct may violate the law, violate the standards of our community, and is unacceptable at CUL. Sexual misconduct can be devastating to the person who experiences it directly and can adversely impact family, friends, and the larger community. Individuals who believe they have experienced any sexual misconduct are encouraged to report the incident and to seek medical care and support as soon as possible.

To this end, the following are the non-discriminatory and harassment statement of Caleb University, Lagos:

1. All members of the Caleb University community should have the ability to study, work, and live in a campus environment free from intimidation, discrimination, and sexual violence, including sexual assault and sexual harassment.

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2. Intimidation/discrimination of any kind, as well as sexual assault and sexual harassment poses a major threat to people's health, security, and well-being as well as those of their communities and society as a whole.
3. It is against the University's principles to discriminate based on characteristics unrelated to employment, admission, or program participation. As per its established customs and guidelines, CUL evaluates applicants for either admission or employment based on their unique merits. The University is an equal opportunity organization that does not discriminate based on race, colour, religion, sex, gender identity, sexual orientation, national or ethnic origin, age, disability status, protected veteran status, genetic information, or any other legally protected category. Such discrimination is not permitted.
4. Verbal, physical, or technological advances behaviour that is so severe or pervasive as to have the purpose or effect of unreasonably interfering with an individual's work performance or involvement in educational programs, or that creates an intimidating, hostile, or offensive work or educational environment, is regarded as harassment based on the actual or perceived factors listed above.
5. Behaviour that an individual perceives as threatening, confrontational, or insulting may not automatically qualify as harassment. The actions ought to be demonstrably irrational. Academic freedom provides comprehensive protection for expression that takes place in academic, educational, or research contexts and is seen as a unique instance. Such expression will not be considered harassment unless it meets the following criteria: it must be directed towards a specific individual or people, be abusive, and have no legitimate academic objective.
6. Peer and same-sex harassment as well as harassment by staff, other academic appointees, postdoctoral researchers, faculty, volunteers, program participants, and anybody on whom the university formally bestows a title are all considered forms of harassment by the university, regardless of their employment status. Harassment of a student by a supervisor or a subordinate or by a faculty member, instructor, or teaching assistant over whom the individual has control is very serious.
7. Retaliation or reprisals against anybody who reports or discloses an incident of intimidation or discrimination of any kind, sexual assault and sexual harassment or who takes part in a university procedure that addresses claims of sexual violence against a member of the university community, shall not be tolerated by the university.

### **WHEN IS DISCRIMINATION PROHIBITED?**

- a. Discrimination against Job Applicants - The University shall not discriminate against a person:
  - (i) in determining who should be offered employment
  - (ii) in the terms on which employment is offered to the person
  - (iii) by refusing or deliberately omitting to offer employment to the person
- b. Discrimination against Staff - The University shall not discriminate against a staff:
  - (i) by denying or limiting access by the staff to opportunities for promotion, transfer or training or to any other benefits connected with the employment;
  - (ii) by dismissing the employee or otherwise terminating his or her employment, except in accordance with the employee's terms of employment and in case

- of violations of other Policies of the University which provide that a violating staff may be terminated;
- (iii) by denying the staff access to a guidance programme, an apprenticeship training program or an occupational training or retraining programme. (iv) By subjecting the staff to any other detrimental action
- c. Exception – Genuine Occupational Requirements: The University may limit the offering of employment to people of one gender if it is a genuine occupational requirement of the employment that the employees be people of that gender or exclude certain people with impairment (such as albinism) or with a medical condition if there is a genuine occupational requirement that such people be excluded.
- d. Without limiting the generality of the above, it is a genuine occupational requirement to be a person of a particular gender in relation to employment if -
- (i) the employment can be performed only by a person having particular physical characteristics (other than strength or stamina) that are possessed only by people of that gender; or
  - (ii) the employment needs to be performed by a person of that gender to preserve decency or privacy because it involves the fitting of clothing for people of that gender; or
  - (iii) the employment includes the conduct of searches of the clothing or bodies of people of that gender; or
  - (iv) the employment is of a nature that people with a particular impairment or medical condition cannot adequately discharge the responsibilities attached to it.
- e. Exception – special services or facilities: The University may discriminate against a person based on impairment if –
- (i) To participate or continue to participate in, or to derive or continue to derive substantial benefit from, the educational program of the authority –
    - (1) The person requires or would require special services or facilities; and
    - (2) It is not reasonable in the circumstances for those special services or facilities to be provided; or
  - (ii) The person could not participate or continue to participate in, or derive or continue to derive substantial benefit from, the educational program even after the provision of special services or facilities.
- f. Exception – standards of dress and behaviour
- (i) The University may set and enforce reasonable standards of dress, appearance and behaviour for students;
  - (ii) Without limiting the generality of what constitutes a reasonable standard of dress, appearance or behaviour, a standard must be taken to be reasonable if the Senate has considered the views of the school community in setting the standard.
- g. Exception-Compliance with Laws and Court Orders: It is not discrimination, nor is this Policy violated, where the University acts or takes any step to comply with the laws setting up the University or the general laws which apply to the University or with any order of the court.

## **MAKING AND HANDLING OF COMPLAINTS**

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- a. A staff may complain of discrimination based on an attribute under this Policy;
- b. A complaint shall be lodged in the Office of Deputy Vice-Chancellor (Academics) in relation to discrimination regarding academic matters, while it shall be lodged in the Office of the Deputy Vice-Chancellor (Administration) in relation to complaints by administrative staff of the University.
- c. All complaints shall be in writing and set out details of the alleged contravention of this Policy in relation to the complainant to enable the authority to investigate the case and remedy the contravention. Every complaint shall be signed by the complainant;
- d. No complaint shall be acted upon where it does not provide sufficient details that can support proper investigation of the complaint or where the complaint is vexatious, frivolous, misconceived, or lacking in substance or it involves a subject matter that would be more appropriately dealt with in a court of law or where it relates to an alleged act that took place more than 6 months before the complaint is made; every complaint shall contain the details of the alleged offender(s), the facts constituting the prohibited act, the evidence in support of the complaint, details of persons that may be contacted as witnesses, etc
- e. The University shall notify a complainant of the receipt of the complaint within two weeks of lodging the complaint. Where the University declines to entertain a complaint, it shall notify the complainant within 2 months of the receipt of the complaint.
- f. A complaint may also be dismissed where a request for better particulars has been made by the University and the complainant fails to supply the particulars within the time stated in the notice.

## **RESPONSIBILITIES OF MEMBERS OF THE UNIVERSITY COMMUNITIES**

### **1. Responsibilities of Individuals:**

It is the responsibility of every member of the University community, including visitors and persons on campus in the conduct of University business to adhere to University policies and to support and promote its aim of creating a climate of understanding and mutual respect for the dignity and rights of each individual. It is the responsibility of every member of the University community to respect both the rights of freedom of expression, academic freedom and freedom of research, and the University's institutional commitment and obligation to provide a learning and working environment free from prohibited discrimination and harassment.

### **2. Responsibilities of Academic and Non-academic Staff**

The university gives its employees specific duties, such as enforcing university policies and diligently working within departments or divisions to fulfil the university's institutional commitment to provide an environment free from harassment and prohibited discrimination. This entails the need to uphold an atmosphere free from discrimination, to educate people under their supervision about their obligations to abstain from banned behaviour, to keep an eye on events taking place under their purview, and to appropriately handle complaints of prohibited behaviour.

### **3. Responsibilities of Student Leaders and Organizations**

While student leaders and organizations are not given specific institutional powers with respect to the implementation of University policies, they are encouraged to adopt policies and practices which will enhance the capacity of the University to provide a learning and working environment free of prohibited discrimination and harassment.

