

## **NYSC's Policy Against Sexual Harassment**

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## **I. INTRODUCTION**

This Policy Framework Against Sexual Harassment by the National Youth Service Corps (NYSC) is the Capstone Project of Abraham, Oludolapo Ayodeji, Assistant Director (Mobilization) in partial fulfilment of the conditions for the Aig-Imokhuede Foundation (AIG) Public Leaders Programme being facilitated by Oxford University's Blavatnik School of Government. The project was carried out with the approval, support and encouragement of the Director-General, Brig. Gen. YD Ahmed. The NYSC has “zero tolerance” for sexual harassment in the workplace or anywhere whatsoever, and will not tolerate conduct that can be construed as sexual harassment in any way against her esteemed members of staff or Corps Members. Staff, Corps Members or Corps employers responsible for such behaviour or conduct may be subject to appropriate administrative or disciplinary measures. This policy framework is intended to serve as an operational guideline for NYSC on sexual harassment as a responsible organization.

## **POLICY STATEMENT**

- Every member of staff and Corps Member has a right to work in an harassment-free and respectful environment.
- NYSC is committed to addressing inappropriate behaviour, including sexual harassment, by or towards its employees and corps members.
- Members of staff, Corps Members or Corps employers responsible for conduct which can be construed as sexual harassment may be subject to appropriate administrative or disciplinary measures.
- Measures to deal with inappropriate behaviour (including sexual harassment) will be based on the principles of fairness, impartiality, sensitivity and respect.
- Every member of staff, Corps Members and Corps employer has a responsibility to sustain a respectful work environment by upholding the highest standards of conduct and applying necessary confidentiality measures.

- NYSC will ensure that adequate resources are available to promote a positive work environment and to prevent inappropriate behaviour at the orientation camps, in the office and/or places of primary assignment.
- Staff members and Corps Members have the right to choose an informal or formal dispute resolution mechanism.
- NYSC will provide appropriate mechanisms to prevent or deal with retaliation related to the reporting of allegations of harassment.

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AGAINST SEXUAL HARASSMENT**

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## II. DEFINITIONS

For the purpose of this Policy, the following definitions will apply:

❖ **Sexual Harassment**

Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment, promotion or other rightful benefits or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

❖ **Retaliation**

Threats or acts of retribution against an individual who raises concerns, makes claims or assists in providing information about sexual harassment. Examples of retaliation may include - but are not limited to – threats of all sorts, publicly or privately speaking of the allegations (e.g. with the complainant), continued harassment in any form, discriminatory treatment, isolation or failure to consider individual concerned for a warranted post, benefit or promotion.

❖ **Staff Member**

Any person who is employed by the NYSC with a Letter of Appointment.

❖ **Corps Member**

“Member of the Service Corps” means a person registered as a member of the Service Corps.

❖ **Ex-Corps Member**

Any Nigerian graduate mobilised for National Service who has answered the call and has completed the one-year mandatory National Service.

❖ **Corps Employer**

An organisation that accepts Corps Members to carry out their primary assignment for the one-year mandatory National Service.

❖ **Alleged Offender**

The Alleged Offender subject to the resolution processes may be any staff member of NYSC, Corps Member, a Corps employer or their staff, staff of Service Providers and Collaborating Agencies.

❖ **Third Party**

A colleague who assists a complainant or an alleged offender in an informal process.

❖ **Place of Primary Assignment**

An organization public or private where Corps Members are assigned to do their primary assignment during the Service Year.

❖ **Members of Collaborating Agencies**

Officers drawn from the Nigerian Army, Nigeria Police, National Drugs Law Enforcement Agency, Nigeria Red Cross Society, Citizenship and Leadership Training Centre, Ministry of Health, Federal Fire Service, and other partners of NYSC during and after the orientation course.

### **III. DEFINITION, IDENTIFICATION AND FORMS OF SEXUAL HARASSMENT**

❖ **WHAT IS SEXUAL HARASSMENT**

Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment creates an intimidating, hostile, unstable or offensive work environment.

“Quid pro quo” (this for that): Sexual harassment is committed when an employer, supervisor, official, corps member or co-worker, undertakes or attempts to influence the process of recruitment, promotion, posting, training, discipline, dismissal, salary increment or other benefit of an existing staff member, corps member or job applicant, in exchange for sexual favours. The

worst forms of sexual harassment are criminal acts such as sexual assault or rape, which are covered under the Penal Code.

❖ **WHAT IS NOT SEXUAL HARASSMENT**

Occasional compliments that are socially and culturally acceptable and appropriate are not considered as sexual harassment. Any interaction of a sexual nature which is consensual (except for those prohibited by the law such as sexual intercourse with children), welcome or reciprocated is not considered sexual harassment.

❖ **FORMS OF SEXUAL HARASSMENT**

Sexual harassment in the workplace can be physical, verbal or non-verbal, and include the major forms as follows:

(a) Physical forms of sexual harassment such as any unwanted contact, ranging from intentionally touching, caressing, pinching, hugging or kissing to sexual assault or rape.

(b) Verbal forms of sexual harassment include socially and culturally inappropriate and unwelcome comments with sexual overtones such as sexually suggestive jokes or comments about a person's dress or body, made in their presence or directed toward them. They also include persistent proposals and unwelcome requests or persistent personal invitations to go out.

(c) Non-verbal forms of sexual harassment include unwelcome gestures, suggestive body language, indecent exposure, lascivious looks, repeated winks, and gestures with fingers. It also includes the unwelcome display of pornographic materials, sexually explicit pictures and objects, screen savers or posters as well as sexually explicit e-mails, notes or SMS messages.

#### **IV. PREVENTION**

❖ **Role of Staff Members, Corps Members and Corps Employers and their staff**

1. Staff members, Corps Members and Corps employers and their staff as well as collaborating agencies and partners must:
  - a) Be respectful to their colleagues and maintain the highest standards of conduct and necessary confidentiality;
  - b) Maintain a harmonious working environment for other colleagues by behaving in a manner which is free of intimidation, hostility, offence and any form of sexual harassment;
  - c) Familiarise themselves with NYSC's policies, including an understanding of conduct which constitutes sexual harassment; and educate themselves through mandatory as well as optional training;
  - d) Be aware of the various options and internal channels available to them for addressing sexual harassment; and
  - e) Refrain from all forms of retaliation.
2. Failure of a colleague to promote and maintain a respectful work environment or to assist in enforcing established standards of conduct may result to appropriate administrative or disciplinary action.

❖ **Role of Management Staff and Corps Employers**

1. Management Staff and Corps employers and collaborating agencies/partners must at all times:
  - a) act as role models and uphold very high standards of conduct in order to achieve a harassment-free environment;
  - b) facilitate, inspire and help to create a harmonious working environment free of intimidation, hostility, offence and any form of sexual harassment;
  - c) communicate NYSC's policy on sexual harassment to all staff members and Corps Members; and be available to provide guidance on prevention and dealing with such form of serious misconduct;
  - d) ensure that incidents of sexual harassment are promptly and adequately addressed. In such cases, Management staff and Corps employers must demonstrate fairness, impartiality, respect for confidentiality and be free from intimidation or favouritism;
  - e) take all necessary measures to prevent and address retaliation;

- f) take all necessary actions to prevent staff members and Corps employers from engaging in sexual harassment. They should also take measures consistent with the policy should they witness or are informed of any acts of sexual harassment.
- 2. Management staff or Corps employers have a personal responsibility to communicate and/or properly address any known act of sexual harassment. Failure to do so may result in appropriate administrative or disciplinary action.

❖ **Role of NYSC**

- 1. In implementing the present framework, the NYSC shall act consistently and take the appropriate administrative, investigative, and disciplinary action required; and inform all stakeholders especially corps employers and collaborating agencies/partners of its policy.
- 2. NYSC will, on a periodic basis, provide training to staff members, corps members (starting from the orientation course) and corps employers regarding prevention of sexual harassment. Members of staff and corps members are required to participate in the training.
- 3. The Corps Welfare and Health Services Department and its branches at the state secretariats are to provide initial advice on incidents of sexual harassment and the various options available.
- 4. NYSC will take all necessary action to maintain the confidentiality of the process. Appropriate administrative or disciplinary action will follow any breach of confidentiality.
- 5. NYSC will take all necessary measures to prevent retaliation against a complainant and/or witness.
- 6. Gender Officers are to sensitize Corps Members during the orientation course on the NYSC policy on sexual harassment.

## V. DISPUTE RESOLUTION PROCESS

1. Members of staff and Corps Members may choose to deal with any complaint or grievance through either an informal or formal process as detailed in this policy framework.
2. No action may be taken against staff or others as a reprisal for reporting allegations of misconduct or disclosing information to, or otherwise cooperating with, the Director-General's Office or any other designated office. An investigation will be initiated against any staff member who is credibly alleged to have retaliated against another staff member or other person who submitted a complaint to the management. Where a staff member or former staff member has been notified of a decision (which may be administrative or disciplinary in nature) and he/she believes that the decision derives from sexual harassment, he/she can seek the administrative review of that decision in accordance with the applicable appeals procedure.
3. The time frames for the different dispute resolution processes are included in the table below:

**Time Frames for Dispute Resolution Processes**

Process	Time Frame
Informal Process	<ul style="list-style-type: none"><li>• Normally should be undertaken within six (6) weeks of the incident of alleged sexual harassment. However, members of staff are strongly encouraged to initiate action as soon as possible.</li></ul>
Formal Process	<ul style="list-style-type: none"><li>• Written complaints, whether filed immediately or after ending or conclusion of the informal process, should be made as soon as possible, normally within three (3) months of the incident.</li></ul>
Request for Review	<ul style="list-style-type: none"><li>• Any requests for reviews of an administrative decision must be filed in accordance with the timeframes stated in the applicable staff regulations and rules of the NYSC.</li></ul>

4. Individuals have the option of deciding upon any of the *dispute* resolution processes available to them and are encouraged to speak with persons who are knowledgeable about the chosen process. The designated time frame, normally within three (3) months of the incident, applies for written complaints after the ending or conclusion of the informal procedure.

5. All parties are strongly advised to maintain detailed written records (including hard copies of e-mails) of all incidents, dates, places, witnesses and their feelings at the time of the alleged sexual harassment and any steps taken subsequently to resolve the matter. All parties should note that not all informal processes are successful and that an investigation may take place in the future; written records could prove useful should any more formal approaches occur.

## VI. THE INFORMAL PROCESS

### ❖ Informal Options

1. An informal process can provide individuals with the opportunity to resolve any complaints or grievances in an open, honest, non-threatening and non-contentious manner. The informal options available to complainants include:
  - a. approaching the alleged offender;
  - b. involving a third party;
  - c. involving the Mediator.

### ❖ Approaching the Alleged Offender

1. An individual may not understand that he/she is being offensive and, if asked, may stop or alter his/her behaviour. Complainants who feel that they are being subject to sexual harassment are encouraged, where possible, to inform the alleged offender that his/her conduct is unwelcome and request that such conduct cease.
2. It is strongly recommended that a complainant should keep notes (records) on their informal discussions with the alleged offender. If the complainant fears retaliation they may consider contacting the Mediator.

### ❖ Involving a Third Party

Upon request of either the alleged victim or the alleged offender, a third party may agree to assist him/her. It is mandatory that the third party ensures that confidentiality is respected in all discussions and interactions on the case. The third party should be fully knowledgeable about the present framework. It is mandatory that the third-party act in the best interests of the alleged victim/alleged offender yet refrain from defaming the character of the individuals involved. The third party should be aware that sometimes the best form of assistance is a referral to a more appropriate authority. When uncertain about what appropriate actions to take, the third party should consult the Mediator with the consent of the alleged victim or alleged offender.

### Involving the Mediator

1. The Mediator (a person chosen by the victim and the accused by mutual consent and to whom they wish to submit to) will facilitate mediation on a

strictly confidential basis.

2. If a member of staff or a Corps Member wishes, he/she may approach the Mediator who will discuss the matter with all concerned parties. The Mediator will assist the parties to understand both views and reach an informal resolution.
3. In cases where the situation indicates that an instance of alleged serious misconduct has occurred that may warrant administrative action or disciplinary measures, the Mediator will advise the alleged victim on the procedure to follow in order to commence formal proceedings.

### **Moving from an Informal Process to a Formal Process**

1. Individuals may choose to deal with any complaint or grievance through either an informal or formal process. If the complainant is not satisfied with the results of the informal process, he/she may submit a written complaint to begin the formal process.

## VII. THE FORMAL PROCESS

### ❖ **Filing a Complaint**

#### ***Who can submit a complaint?***

1. Any individual may file a formal complaint, for example to bring it to the attention of the Director-General's Office or any office so designated at the state secretariat, regardless of his/her link to NYSC.

#### ***To whom should the complaint be submitted?***

2. The complaint should be addressed to the Director-General and submitted to the Head of the NYSC formation (Director or State Coordinator) where the matter took place.
3. A complaint can be submitted in any form. The complainant shall state the date(s) and location of the alleged incident of sexual harassment. Name of witness(es) and/or documentary proof, which may corroborate the allegation, could also be included in the complaint.

### ❖ **The Fact-Finding Process**

1. Upon receipt of the formal complaint, a determination by the competent official must be made as to whether this complaint is admissible and should be investigated. The complaint would be investigated if it appears to have been made in good faith, within the set time limits and within the Scheme's definition of sexual harassment as set out in this policy framework.

#### ***Establishment of an Investigating Body***

2. If the complaint is admissible, it should be promptly investigated by an internal investigating body to be set up for such purpose in accordance with existing procedures.

#### ***Role of the Investigating Body***

3. The main task of the investigating body is to collect evidence, establish the facts and compile a report with appropriate findings and recommendations.
4. The investigating body must remain neutral throughout the investigation

and due process must be maintained to ensure the integrity of the process. The investigating body should not presume the guilt of any party.

### ***Time Frame for Starting the Investigation***

5. The investigation should begin as soon as possible, and usually not more than one month after the complaint has been filed formally.

### ***Investigation***

6. The goal of an investigation is to find facts which will, for the most part, be obtained by interviewing the victim, the alleged offender and other witnesses as deemed relevant by the investigating body. The facts should establish the time, sequence and nature of the occurrence.
7. Normally, no investigative findings should be reported in an investigation report before the subject of an investigation has been afforded the opportunity to respond to the allegation made against him/her. The subject of the investigation will be afforded such opportunity as soon as possible with due regard to the interest of all parties concerned, the interest of the Scheme and the integrity of the investigation process. The fact that a member of staff is under investigation for sexual harassment should not be used against him/her for other benefits or promotion.
8. Both parties may suggest a list of persons to be interviewed by the Investigating Body. The Investigating Body will interview such persons at its discretion.

### ***❖ Conclusion of Investigation***

9. The Investigating Body should submit its findings and recommendations in a confidential report to the Human Resource Management Department or Branch as the case may be. This report should be based on written and oral statements, physical or any other evidence such as text/WhatsApp messages, social media chats, emails, photographs, tape recordings, etc.
10. Upon reviewing the investigative findings, if it is determined that the allegations of misconduct are a) unfounded, b) have not been sufficiently established, or c) that the facts alleged do not amount to misconduct, the case may be closed by the Director-General or State Coordinator. In these cases, a clearance letter will be sent to the staff member, or Corps Member or Corps employer or collaborating

agency/partner who was the subject of the investigation. The latter has the right to have this letter placed in his/her individual file upon request. The complainant would also be informed of the findings and conclusion of the matter.

11. If the alleged offender is no longer in the employment of NYSC or in the case of a Corps Member who has completed the National Service, the fact-finding process should normally be carried through to a conclusion in coordination with relevant government authorities as applicable.

❖ **Disciplinary Phase**

***Staff Members***

12. After completion of the investigation process, and in cases where the allegations have been established, the Director (HRM) as may be directed by the Director-General will, in accordance with laid down rules, proceed as follows:

- a. should the facts reported in the investigation appear in the view of the Director (HRM) to indicate that serious misconduct has not occurred, decide that the case should be closed and inform the staff member thereof in writing; or
- b. should the facts reported in the investigation appear to indicate that misconduct may have occurred, the Director (HRM) shall inform, in writing, the subject of the investigation of the contents of the allegations made against him/her, and of his/her right to reply and to a counsel. All documentary evidence related on which the allegations are based will be shared with the staff member, Corps Member or Corps employer;
- c. based on the response of the staff member, or the absence thereof at the end of the prescribed time limit, the Director (HRM) may:
  - i. close the case, and inform the staff member thereof in writing; or
  - ii. refer to the Junior/Senior Staff Committee or Corps Disciplinary Committee as appropriate or law enforcement agency in the case of a former staff, ex-Corps Member or Corps employer with the approval of the Director-General or State Coordinator; or
  - iii. propose to the staff member, ex-Corps Member or Corps employer after consultation with the Director-General or State Coordinator an agreed disciplinary measure, such as loss of one or more steps-in-grade; deferral of a step-in-grade for a specified period; suspension without pay; fine; or, demotion in

case of members of staff, extension of service for Corps Members while for ex-Corps Members or Corps employer, the case will be handed over to the police for prosecution depending on the gravity. In addition to this, in the case of a Corps employer, Corps Members shall no longer be posted to the organization.

- iv. should the facts reported in the investigation indicate that serious misconduct has occurred and that the seriousness of the misconduct warrants immediate separation from service, recommend to the Director- General, the summary dismissal of the staff member if the offender admits the allegations in line with the provisions of Chapter 4.3 of the NYSC Conditions of Service (Revised Edition) 2013.

### ***Wrongful Accusations***

- 13. When the facts appear to substantiate the conclusion that the victim has intentionally made false statements in connection with the lodging of a formal complaint, appropriate action could be taken against him/her. Such appropriate action could include disciplinary action in accordance with relevant extant rule(s).

### **❖ Appeal**

- 14. Staff members, ex-Corps Members, Corps employers and collaborating agencies/partners may, subject to the administrative or disciplinary measure imposed and further to the above formal process, appeal against such measure in accordance with the applicable internal procedures.