



The prevalence, reporting and preventing sexual harassment in tertiary institutions in Nigeria

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Abstract

Sexual harassment is a global issue that has permeated the fabrics of tertiary educational institutions and many workplaces with both women and men as targets although evidence has shown that sexual harassment is primarily aimed at women. This article examines the prevalence of sexual harassment especially of female students in higher institutions in Nigeria and the various reports on the subject, including the measures for preventing such menace. Preliminary investigation shows that despite the indication that sexual harassment policies exist in some of the tertiary institutions, the aggregate of sexual harassment in those institutions is of high magnitude. Investigation also revealed that there is no federal legislation dedicated to combating this phenomenon in Nigeria and this is considered to be a major setback to the campaigns against the menace. The article concludes that the current measures at combating and preventing sexual harassment in tertiary institutions in Nigeria have not been successful. It proposes that having a comprehensive national anti-sexual harassment legal/policy framework that is adequately implemented and enforced; mainstreaming sexual harassment into academic curriculum, and increasing access to restorative care of victims can ameliorate and prevent sexual harassment in the tertiary institutions in Nigeria.

Keywords: sexual harassment, tertiary institutions, female victims, national law and policies, Nigeria

Introduction

From time-immemorial, institutions of higher education are not just designated as citadels of learning, they are also considered as social establishments where societal values and ethos, are inculcated and upheld ^[1]. Over the years, however, tertiary institutions no longer represent the ivory towers of the past, but have become arenas for sexual victimization globally and in Nigeria in particular ^[2]. As far back as 1991, the Nigerian Commission on the Review of Higher Education in Nigeria noted that the phenomenon (sexual harassment) is gradually assuming critical dimensions in Nigeria's higher education institutions ^[3]. Though it is challenging to provide accurate statistics on the extent of the crime due to its under-reporting, some reports have shown that sexual harassment is rampant and in various forms in Nigeria's tertiary institutions, the prominent ones being male lecturers to female students, male lecturers to female lecturers, and male students to female students ^[4]. The focus of this article is on the prevalence, and preventing the sexual harassment of female students by male lecturers in tertiary institutions especially in the form of demand for sex in exchange for marks. This, not only diminishes the fundamental rights of victims and impedes on their educational achievements, but also has a destabilizing effect on their education as the effects of sexual harassment for the females are more negative than for their male counterparts ^[5].

In a bid to address this menace, many countries have been formulating and implementing policies, laws, and code of conduct ^[6]. Nigeria as a nation is yet to bring out any national law specifically addressing sexual harassment in tertiary institutions ^[7]. The Nigerian Sexual Harassment in Tertiary Educational Institutions Prohibition Bill was passed in 2016 but was not signed into law ^[8] while the Sexual Harassment Bill that was passed In July 2020 by the

National Assembly ^[9] is also yet to become law. Only Lagos State, Nigeria has made an effort by including a section in its Criminal Law that specifically defines, prohibits and criminalises sexual harassment ^[10]. It is expected that other States will follow suit. This article agrees with the assertion that the absence of a comprehensive national law that criminalises sexual harassment in institutions of higher learning in Nigeria is a major setback to the campaigns against the menace ^[11]. The article examines the prevalence of sexual harassment in tertiary institutions in Nigeria, the efforts made to combat the scourge and suggested measures for prevention and better practice. It proposes among others, the adoption of a comprehensive National law and policies for all tertiary institutions in Nigeria and the inclusion of sexual harassment in the institutions' curriculum as a form of awareness-raising so as to enable lecturers understand fully, their responsibilities to their students and for students to also know their rights and duties.

Understanding the Concept of Sexual Harassment

Although there are national and international efforts to eliminate sexual harassment, there is no single definition of what constitutes the prohibited behavior ^[12]. Section 46 of the Violence against Persons Act, 2015 of Nigeria defines sexual harassment generally as "unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal conduct."

With specific reference to education, Till defined sexual harassment in educational institutions as "the use of authority to emphasise the sexuality or sexual identity of a student in a manner which prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities." ^[13]

The University of Michigan provided a much more extensive and comprehensive definition of sexual harassment as:

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either: The conduct is made as a term or condition of an individual's employment, education, living environment or participation in a University community; The acceptance or refusal of such conduct is used as the basis or a factor in decisions affecting an individual's employment, education, living environment, or participation in a university community; The conduct unreasonably impacts an individual's employment or academic performance or creates an intimidating, hostile or offensive environment for that individual's employment, education, living environment, or participation in a University community.

The university also listed the types of behavior that are considered "conducts of a sexual nature" that could amount to sexual harassment as sexual or "dirty" jokes, comments on physical attributes, spreading rumours about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others and displaying or distributing sexually explicit drawings, pictures and/or written material, ^[14] making inappropriate sexualized comments or gestures, unwanted physical contact such as touching, pinching or groping through to threats of exam failure, sexual assault and rape and sexual favors in exchange for good grades or preferential treatment in class ^[15]. This article agrees with these perceptions which reflects the manner of sexual harassment in Nigerian tertiary institutions especially in relation to lecturers that demand sex from female students before they can score good grades.

The Prevalence of sexual harassment in Tertiary Institutions in Nigeria

Investigations, surveys and reports confirm the progressive and high level of prevalence of sexual harassment in Nigerian tertiary institutions. For example in a study carried out on sexual harassment of female students in some tertiary institutions in Ekiti and Ondo States of Nigeria in 2009, 800 female students were sampled for the study. One of the findings of the study was that all the 800 female respondents attested to the fact that sexual harassment of female students exist in the tertiary institutions of Ekiti and Ondo States. The report also confirmed that male lecturers in the four tertiary institutions use good grades as a bait to seduce female students into having sexual relationship with them. The finding equally revealed 83.3 percent of the university administrators in the four institutions used their position as a threat to have sexual relationship with the female students and that male academic staff were most sexual harassers with 96%, university administrators 3% while male non – academic staff, 1%. ^[16] Gaba in 2010, Imonikhe, Aluede and Idogho in 2012 all opined that sex in exchange for grades are found in tertiary institutions in Nigeria, where some male lecturers believe they could perpetuate this evil act as they wish ^[17].

A 2010 survey showed that the majority of female respondents (69.8%) had been sexually harassed by male classmates and lecturers in several tertiary institutions in Nigeria. Of these, 48.2% experienced physical sexual harassment, while 32.2% had requests to do something sexual in exchange for academic favors ^[18]. Imonikhe, Idogho, and Aluede in 2011 also conducted a study of 200

lecturers and 200 students of tertiary institutions in Edo state and found that the majority of the respondents agreed that sexual harassment is prevalent in these institutions. They also found that "the range of sexual harassment reported by teachers and students in tertiary institution was extensive."

^[19] In 2014, Taiwo, Omole, and Omole investigated the occurrence of sexual harassment and its psychological implication among students in five higher education Institutions in South West, Nigeria. Results from their sample of 2500 students revealed that 97 percent of the respondents were aware of incidences of sexual harassment and of these 98.8 percent were male lecturers sexually harassing female students. The respondents also reported that poverty (55%), provocative dressing (20%), and lust from the male lecturers (12%) were the main reasons for sexual harassment in these institutions ^[20]. In a 2018 survey by the World Bank Group's Women, Business and Law, it was revealed that 70 per cent of female graduates from Nigerian tertiary institutions have been sexually harassed in school, with the main perpetrators being classmates and lecturers. "The effects experienced by victims were depression and perceived insecurity on campus." ^[21]

During the 12th convocation ceremony lecture of the Delta State University, Abraka in 2018, Nwadiani stated that sexual harassment of female students by lecturers have Become a common practice in some universities in Nigeria citing the cases of Obafemi Awolowo University (OAU), Ile – Ife and Ambrose Ali University Ekpoma where two male professors demanded sex from two female students in exchange for marks and were sacked. Nwadiani further noted that this new but dangerous development in Nigerian universities may have turned some of these institutions to prostitution/commercialisation sex centres ^[22]. The Lagos State University (LASU) dismissed three of its academic staff for sexual harassment and misconduct in 2018 ^[23]. A lecturer and former sub-dean of faculty of Arts at the University of Lagos (UNILAG), was caught on camera sexually harassing an undercover reporter who posed as a 17-year-old girl seeking admission into the institution and he was disciplined ^[24]. Although some cases had gained public reaction and appropriate sanctions in the last two years like those listed above, many are still being swept under the carpet due to lack of a clear policy against sexual harassment in the universities ^[25]. This is a challenge.

Legal Response to sexual harassment in institutions of higher learning in Nigeria

National Legislation

Since Nigeria's independence in 1960 and several years later, up to 2010, the country had no specific legislation in respect of sexual harassment with the exception of criminal laws relating to sexual offences such as rape, criminal assault, and defilement of girls, enshrined in the Criminal Code Law applicable in Southern Nigeria and the Penal Code Law applicable in Northern Nigeria ^[26] and fairly recently the Violence Against Persons (Prohibition) Act 2015 which prohibits sexual harassment generally and is made applicable to the Federal Capital Territory, Abuja. With respect to tertiary institutions, Nigeria does not have a national law that specifically prohibit sexual harassment ^[27] although efforts have been made by the National Assembly to put such laws in place but this has not come into reality. The proposed laws include:

i. The Sexual Harassment in the Tertiary Educational

Institutions (Prohibition) Bill 2016, titled as “A Bill for an Act to Make Provision for the prohibition of sexual harassment of Students by Educators in Tertiary Educational Institutions and for Matters Connected Therewith.” Under section 2 of the Bill, sexual harassment means;

(a) Sexual intercourse between an educator and a student where the student is below the age of 18 years or is an imbecile or of generally low mental capacity or physically challenged; (b) any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student; (c) any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated; (d) any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand; or (e) any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand.“

The Bill defines an educator as “a faculty or non-faculty member of a tertiary educational institution including, a professor, lecturer, graduate assistant, post-doctoral fellow or associate serving as full-time or part time instructor or a teaching fellow in similar institutional role who teaches or educates or trains students or who provides professional educational services or a staff or member of any tertiary educational institution who may have authority over or mentoring relationship with any student...” Under section 2 also, a lecturer is deemed to have had sexual intercourse with a student when there is penetration of a sexual nature of the vagina or anus or mouth of the student by the penis or mouth or finger of the educator or any instrument or toy by the educator. By this provision, a woman can also be a defendant for the charge of rape. Section 8 provides for penalty for sexual harassment as 5 years imprisonment without an option of fine. One major criticism of the Bill is its restriction to only tertiary institutions, such as public or private, post-secondary educational institutions in Nigeria, like universities, polytechnics and colleges of education and thereby exempting students in secondary schools ^[28]. It has thus not been passed into law. Three years after the passage of the sexual harassment prohibition bill 2016, Nigerian Senate revisited the bill for legislative action and was still not signed into law ^[29]. The Bill was reintroduced into the National Assembly in 2020 ^[30].

ii. Information from the Policy and Legal Advocacy Centre (PLAC) indicates that the Senate at its plenary session of Tuesday, 7 July 2020 passed the Sexual Harassment of Students in Tertiary Educational Institutions (Prohibition) Bill, 2020 (SB 77) titled as “A Bill for an Act to make comprehensive provisions for the prohibition and punishment of sexual harassment of students in tertiary educational institutions; and for related matters.” The objectives of the Bill as stated in section 1 is to create equal learning opportunities for students of tertiary institutions in an atmosphere devoid of sexual harassment and to promote ethical standards of education and respect for human dignity in tertiary educational institutions by providing for: (a) protection of students against sexual harassment by educators in tertiary educational institutions; (b) prohibition

of sexual harassment of students by educators in tertiary educational institutions and; (c) redress of complaints of sexual harassment of students by educators in tertiary educational institutions. The Bill criminalises the act of neglect or failure of administrative heads of tertiary institutions to address complaints of sexual harassment within 14 days and imposes a fine of #5,000,000.00; creates a strict liability offence by removing mutual consent, as a defense in the prosecution of sexual harassment cases in tertiary educational institutions; and maintaining and sustaining the fiduciary relationship that exists between educators and students with the aim of making tertiary institution a conducive center of learning and moral rectitude. Under sections 3,4,10 of the Bill, university lecturers found guilty of sexual harassment by having sexual intercourse with the student or demand for sex, intimidate or create a hostile or offensive environment for the student, or direct or induce another person to commit any act of sexual harassment or conspires with another person in the commission of sexual harassment, grabs, hugs, kisses, rubs or strokes or touches or pinches the breasts or hair or lips or hips or buttocks or any other part of the body of a student, upon conviction, such person shall be sentenced to 14 years imprisonment or a fine of 5 million naira or both. Furthermore, lecturer/educator who displays, requests, gives or sends by hand or courier or electronic or any other means, explicit or suggestive pornographic messages whether by text, pictures or videos, or whistles or winks at a student or screams or exclaims or jokes or makes sexually complimentary or uncomplimentary remarks about a student’s physique or stalks a student, shall on conviction be sentenced to 2 years imprisonment or a fine of #1,000,000.00 or both. For this actions to amount to sexual harassment, especially whistling and winking, strict proof should be required. Like the 2016 Bill, the 2020 Bill was also subjected to criticisms. Some of the arguments against it are that: The proposed legislation targets a particular person or a particular group which in this case are the educators in tertiary institutions; The Bill is discriminatory, selective and spiteful, impulsive and lacks logic as it attacks the character of persons in tertiary institutions as if the act of sexual harassment is peculiar to tertiary institutions alone; The provisions of the Bill excluded sexual harassment in primary schools, secondary schools and workplaces; ASUU does not condone cases of sexual harassment in any form, hence the Bill is unwarranted, weak and filled with contradictions; The Bill failed to take into cognizance the provisions of other extant laws with specific references to the Criminal Code Act, the Penal Code, Child Rights Act, Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 and the Violence Against Persons (Prohibition) Act, 2015 which adequately deals with issues of sexual offences. In reacting to these arguments, the Senate Committee on Judiciary, Human Rights and Legal Matters made the following observations *inter alia* ^[31]: That this Bill is not targeted at a particular community that is, the educators and that it does not interfere with the autonomy of the universities, rather it is intended to reposition and strengthen the tertiary educational institutions to maintain the core values of etiquette and excellence, which are the cardinal objectives of the educational institutions; That in spite of the existing internal procedures in some tertiary institutions, these do not have the force of law and sexual harassment cases still continue unabated, hence this Bill will

bridge the huge gap and give a legal backing to any internal rule by the educational institutions to check the incidence of sexual harassment; That contrary to ASUU's claim that there are extant laws that can sufficiently address sexual harassment in our tertiary institutions, the Committee rightly argued that there are no such laws in place, the only one that comes close to that, is the Violence Against Persons (Prohibition) Act 2015 which is only applicable to the Federal Capital Territory, Abuja; That this legislation is meant to address incidence of sexual harassment in tertiary institutions only as there are other laws that address sexual offences in respect of persons under the age of 18 years such as the Child's Rights Act, 2003.

The Committee explained further that the Bill seeks to amplify the provisions of the Constitution especially section 21 which upholds the preservation of culture, that enhance human dignity and consistent with freedom and equity and justice and section 42, which prohibits sex discrimination. The Bill equally reinforces the provisions of the Violence Against Persons (Prohibition) Act 2015, by emphasizing on the immediate implementation of the sexual component within the tertiary educational institutions, considering the endemic nature of sexual harassment in our tertiary institutions; and by enacting the Bill into law, the Nigerian Government would be fulfilling part of its international obligations undertaken through, the ratification, among others, of the UN CEDAW, the African Charter on Human and People's Rights, the Protocol to the African Charter on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child. Following the foregoing, the Committee recommended to Senate, the consideration and passage of the Bill which actually passed the third reading on July 7 2020 but is yet to be signed into law.

The implication of the foregoing is that there is still no national law specifically dedicated to preventing and combating sexual harassment in the Nigerian tertiary institutions. It is important, however, that the Bill be signed into law after all necessary amendments have been made to the controversial provisions. If the Bill becomes law it would mandate higher institutions to put in place internal policies and would serve as legal back up to such policies.

State Law

The government of Lagos State responded to the challenge by including in its criminal law code, a section on prohibition of sexual harassment^[32]. Section 264 described sexual harassment as unwelcome sexual advances, requests for sexual favour and other visual, verbal or physical conduct of a sexual nature which when submitted to or rejected: (a) implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with the person's work or educational performance; (b) implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions; or (c) creates an intimidating, hostile or offensive learning or working environment. Any person who commits the offence of sexual harassment is liable upon conviction to three years imprisonment.

It is clear from the foregoing, that the Lagos State Law protects the academic, secondary school students as well as those harassed at the workplace. The steps taken by the Lagos State Government has been described as heart-

warming as it may yield the desired results if replicated in other states of the Federation^[33]. Considering the seriousness and the alarming rate of sexual harassment in the present day Nigeria, however, it is suggested that the penalty for infraction be reviewed upwards while the payment of fine is imposed by the Lagos State law.

Institutional Policies

Some universities in Nigeria are known to have the sexual harassment policy in place. However, a 2020 report by Makinde indicates that findings across over 20 Nigerian universities, polytechnics and colleges of education revealed that many of the higher institutions in the country have either no policy documents or have scanty documents which only make provisions to fight against sexual offences on their campuses but not real policy documents on sexual harassment which is expected to define the rules of engagement between lecturers, university administrators and students of the university. The report indicated further that the few institutions that have such policies hardly implement them. For example, in institutions such as the University of Port-Harcourt, Federal University of Agriculture Abeokuta, University of Calabar, Federal University of Technology, University of Ilorin, University of Ibadan, Federal University of Technology, Minna, National Open University of Nigeria, University of Lagos and Bayero University, Kano that have detailed sexual harassment policies, students reported that there are no proper implementation of the policies^[34].

Practice in Other Jurisdictions

Joseph confirmed that internationally, sexual harassment in tertiary institutions was ignored by law makers and others in authority but recently, some countries started addressing this situation. For example in 2011, Pakistan instituted stiff measures by implementing the Protection against Harassment of Women at Workplace Act 2010 in 128 public sector Higher Educational Institutions (HEIs) across Pakistan. This was to ensure that students attending these institutions are not subjected to intimidating, offensive and hostile behaviors or be coerced by male lecturers to have sex in exchange for grades; In the United States, sexual harassment in education is a form of discrimination under Title IX of the Education Amendments of 1972; In 2012, France approved legislation that makes sexual harassment a crime and it covers sexual harassment in educational institutions. The violation of the new French law is punishable by up to three years in prison. South Korea is toughening its rules against sexual abuse after several well-publicized cases of sexual harassment have occurred in universities in Korea; Australia also included schools, colleges and universities in its Sex and Age Discrimination Legislation Amendment Act 2011^[35].

Preventive Measures/Good practices

(a). Development of a strong anti-sexual harassment legal framework/policy

Bello described the existence of a viable institutional policy or legal framework and response mechanism as fundamental to minimising, preventing or eradicating incidences of sexual harassment in higher institutions of learning and in the absence of a structure and effective institutional response mechanism, perpetrators are likely to go unpunished^[36]. It is imperative that in order to address

sexual harassment effectively in tertiary institutions in Nigeria, laws mandating and backing up institutional policies are put in place with structures set up for their implementation and enforcement in order to have value and to avoid becoming another well-formulated, impressive sounding document compiled by consultants and filed by the human resource department^[37].

The following guidelines are suggested for the effective implementation of a sexual harassment policy^[38]. Education and creation of awareness by including the policy in as many programmes as possible, such as in orientation, education, training and diversity awareness programmes. Trade unions should be involved in every step of the implementation process; communicate the policy to all employees at every level of the organisation by providing each one with a copy of the policy and keep signatures on file that employees received the policy. This signature may prove vital in an Organisation's defence against claims of vicarious liability; conduct regular training sessions or workshops where the content of the policy and the complaints procedure are explained. A good policy should define sexual assault and sexual harassment in alignment with the relevant jurisdictional legislation; Include a list of prohibited actions, examples, and possible scenarios to give staff and students a complete picture; Outline the scope of the policy, for example, whether it applies to groups affiliated to the institution; Articulate that people who experience sexual assault can report their experience to the police; Present the institution's formal reporting process and misconduct procedures; Explain steps of how to seek help and/or report if sexual harassment or assault has occurred; Communicate that an institution's formal investigations process is not a substitute for a criminal process; Include information on potential sanctions that might be imposed on a student/(lecturer or any other staff) should the institution determine that misconduct has occurred; State that staff and students have a responsibility to prevent harassment and will be supported if they witness harassment and decide to intervene; Be publicly available and accessible. The policy should apply to activities that are: conducted on campus or in an institution's facility; conducted as part of deployment on institutional business or as a representative of the institution (such as field research and exchanges); affiliated with the institution, such as student groups^[39]. This is meant to serve as a guide to the tertiary institutions in preparing their policies.

(b). Development of a complaints mechanism

Another crucial step is to establish a fair, accessible and transparent complaints mechanism that ensures confidentiality and security while reporting an incident. It is recommended that institutions appoint at least one counselor (or a team if resources are available) to be the single point of contact to whom all formal reports of sexual assault or sexual harassment are made. This person should be trained to respond to trauma. Students and staff should be offered multiple ways to make a formal report of sexual assault or sexual harassment. Safety apps and online reporting are some of the methods by which students and staff should be able to make a formal report. However, there should always be an option for people to make a formal report in person. At a minimum, they should be provided with the name of a point of contact, a phone number and an email through which they can file a formal complaint. This information

must be included in the student handbook and on the institution's website. Whichever method a student/staff chooses to make a formal report, an acknowledgment that the report has been received and information about next steps should be given as soon as possible. Failure to acknowledge a report in a timely way can be re-traumatizing for the person making the report. Cases involving sexual violence should be referred to health centers within 72 hours of the incident, which is the critical period to prevent unwanted pregnancies and sexually transmitted infections, such as HIV^[40]. It is also the timeframe when survivors most need psychological care and support.

Other steps

These include: (a) Remediation. This involves defining consequences and measures that are tailored to the nature of the case. Measures range from disciplinary counseling and official warnings to disciplinary actions (transfer, suspension, probation or dismissal) but where an alleged act of misconduct constitutes a criminal offence, the institutions should have clear procedures on how to manage these cases; (b) Monitoring. Once the policy, complaints procedure, remediation measures, and trainings have been developed and implemented, institutions should regularly monitor them to enhance effectiveness. It is important to record the numbers of complaints by department, gender, outcomes, and remedies. Such records will enable new decisions to be made effectively and allow for previous decisions to be reconsidered and reviewed when appropriate; (c) Employ edutainment approaches to promote changes in attitudes and behavior among students, including radio, TV or online awareness campaigns; (d) Improve women's safety at the institution and build safety measures by mapping of hotspots and unsafe areas in institutions;^[41] (d). Behaviours indicative of sexual harassment should be entrenched into the conditions of service of staff of tertiary education as well as faculty and students' handbooks to create the needed awareness and school authorities should encourage team teaching among lecturers to act as a check against female sexual harassment^[42]. ©. Seminars and workshops should be organised to inform students what constitutes sexual harassment from time to time to be handled by professional counsellors.

Conclusion

Analysis in this paper has shown that sexual harassment is prevalent and remains a recurring phenomenon in tertiary institutions in Nigeria and the main reason for the continual perpetuation of the act has been attributed to the existence of weak mechanisms and redress in these institutions^[43]. The legal and policy framework is nearly non-existent in Nigeria despite several studies, surveys and reports by various groups and individuals with recommendation for the adoption of a comprehensive national law addressing the menace^[44]. Sexual harassment is not only a violation of the fundamental human rights of female students in Nigerian tertiary institutions as it contravenes constitutional rights of such students^[45]. It also poses serious challenge to the realisation of gender equality and sustainable development while also weakening the reputation and integrity of our ivory towers^[46] (the tertiary institutions). Sexual harassment takes a toll on victims education resulting in poor academic performance, incessant absenteeism from school^[47] irritation, frustration, anxiety, stress, and trauma on the

individual victims, ^[48] and anger ^[49]. It is believed that the passage of the national anti-sexual harassment bill 2020 into law that is applicable to the whole of Nigeria, and its effective implementation to regulate sexual harassment in tertiary institutions as proposed with the incorporation of relevant amendments, cannot come at a better time than now. This national law is expected to give the required legal mandate and backing to institutional policies. Fatunde rightly asserted that, "The underlining philosophy of higher education here (in Nigeria) and perhaps universally is 'excellence in character and learning.'" So if the products of the education enterprise are expected to be academically and morally qualified, it only stands to reason that a lecturer, in *loco parentis*, has a more compelling reason not to betray the trust of the society and his calling. "So, the bill, if and when it is assented to by the president, will serve as a good deterrent to randy teachers who hardly deserve to be called academics. Institutions to which such offenders are affiliated may equally ... open a 'Black Book' or 'Hall of Shame' where proven offenders can be recorded for bringing their institution into disrepute ^[50].

References

1. Bello PO. Combating Sexual Harassment in Ivory Tower in Nigeria: Mixed Feelings, Bangladesh e-Journal of Sociology,2020:17(1):173-189.
2. Joseph J. Sexual Harassment in Tertiary Institutions: A Comparative Perspective, Temida Ostele Teme,2015:1(1):125-144.
3. Ladebo OJ. "Sexual Harassment in Academia in Nigeria: How Real?" African Sociological Review,2003:7(1):117-161.
4. Imonikhe J, Idogho P, Aluede O. "A survey of Teacher's and Student's Perception of Sexual Harassment in Tertiary institutions in Edo State, Nigeria," African Research Review,2011:5(5):412-423.
5. Long R, Hubble S. "Sexual Harassment in Education," Briefing paper No. 08117, 2 August, London, UK. House of Commons Library, 2018.
6. Reena M, Saheab OO. "Sexual Harassment against Women at Educational Institutions," International Journal of Science and Research (IJSR), 2012, 2319-7064.
7. Yebisi ET. L., "Sexual Harassment And The Law: Manifest Social Trajectories In The Nigerian Organisational Environment," Advances in Social Sciences Research Journal,2017:4(24):138-153.
8. Policy and Legal Advocacy Centre (PLAC), Sexual Harassment in Tertiary Educational Institutions Prohibition Bill <https://placng.org>, accessed March 5 2021, 2016.
9. Policy and Advocacy Centre, Senate Passes Sexual Harassment Bill, 2020, <https://placng.org/i/senate-passes-sexual-harassment-bill-2020/>, accessed April 2, 2021.
10. Criminal Law of Lagos State, as amended, 2011, s 264.
11. Bello P O., "Combating Sexual Harassment in Ivory Tower in Nigeria: Mixed Feelings," Bangladesh e-Journal of Sociology,2020:17(1):173-189.
12. Rubiano-Matulevich E. "A Guidance Note for Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions," The World Bank, <pubdocs.worldbank.org/guidancenote-final>, accessed, 2021
13. Till FJ. "Sexual Harassment: A Report on the Sexual Harassment of Students," (Washington DC: National Advisory Council on Women's Educational Programs, 1980.
14. University of Michigan, Sexual Assault Prevention and Awareness Center. <https://sapac.umich.edu/article/63>. Cited in Rubiano-Matulevich (n 15).
15. Sharma Y. "Harassment, Sexual Abuse Corrupts Education Worldwide," University World News, 2013,<http://www.universityworldnews.com/article.php?story=20131001155054992>, accessed March 31 2021.
16. Odu BK, Babalola AA. "Sexual Harassment of Female Students in Some Tertiary institutions in Ekiti and Ondo State," *The Counsellors*,2009:26(2):121-132.
17. Gaba S. Sexual Harassment in Nigeria Tertiary Institutions. *The Psychologist*,2010:5(8):319-321.
18. Imonikhe J, Aluede VO, Idogho P. "A Survey of Teacher and Students Perception of Sexual Harassment in Tertiary Institutions of Edo State Nigeria," *Journal of Asian Social Science*,2012:8(1):268-273.
19. Owoaje ET, O Olusola-Taiwo O. "Sexual Harassment Experiences of Female Graduates of Nigerian Tertiary Institutions," *International Quarterly of Community Health Education*,2010:30(4):337-348.
20. Imonikhe J, Idogho P, Aluede O. "A Survey of Teachers' and Students' Perception of Sexual Harassment in Tertiary Institutions of Edo State," Nigeria. *African Research Review*,2011:5:412-423. at 418.
21. Taiwo MO, Omole OC, Omole OE. "Sexual Harassment and Psychological Consequence Among Students in Higher Education Institution in Osun State, Nigeria," *International Journal of Applied Psychology*,2013-2014:1:13-18.
22. Rubiano-Matulevich E. "A Guidance Note for Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions," The World Bank, <pubdocs.worldbank.org/guidancenote-final>, accessed, 2021.
23. Nwadiani M. "University Education Beyond Certification in Nigeria: Threats and Leadership Imperative," 12th convocation ceremony lecture of the Delta State University, Abraka, Nigeria, 2018.
24. 23. Agency Report, Sexual Harassment: "LASU Confirms Dismissal of 3 lecturers," Premium Times, 2018.<https://www.premiumtimesng.com/regional/ssouth-west/289295-sexual-harassment-lasu-confirms-dismissal-of-3-lecturers.html>, accessed April 5 2021.
25. Ezezi D. "Nigeria Senate Revisits Sexual Harassment Prohibition Bill," *The Guardian*, Nigeria, October 9, 2019, <https://guardian.ng/news/nigeria-senate-revisits-sexual-harassment-prohibition-bill/>, accessed March 20 2021.
26. Kabir A. "Nigeria: How Unclear Policies Contribute to Sexual Harassment in Nigerian Universities," (Part 1), Premium Times, 2020, <https://allafrica.com/stories/202103000615.htm>, accessed April 8 2021.
27. Ejembi PA, Aina-Pelemo A, Ejembi OJ. Others, 'The Trajectory Of Nigerian Law Regarding Sexual Harassment In The Workplace,' *AJLHR*,2020:4(2):1-9.
28. Yebisi ET, Olukayode L. "Sexual Harassment And The

- Law: Manifest Social Trajectories In The Nigerian Organisational Environment,” *Advances in Social Sciences Research Journal*,2017:4(24):138-153.
29. Onibokun A. “Sexual Harassment Law in Nigerian Universities,” <https://legalnaija.com/sexual-harassment-act-in-nigerian/>, accessed April 10 2021.
 30. Erezi D. “Nigeria Senate Revisits Sexual Harassment Prohibition Bill,” *The Guardian*, Nigeria, October 9, 2019, <https://guardian.ng/news/nigeria-senate-revisits-sexual-harassment-prohibition-bill/>, accessed, 2021.
 31. Fatunde T. “Does the New Sexual Harassment Bill Unfairly Target Academics?,” *University World News*, Africa Edition, 20 August 2020, <https://www.universityworldnews.com/post.php?story=20200820081902475>, accessed, 2021.
 32. Policy and Legal Advocacy Centre (PLAC) Billtrack, SB 77: Sexual Harassment Bill, 2019. <https://placbilltrack.org/view.php?getid=6578>
 33. Criminal Law of Lagos State 2011 as amended.
 34. Yebisi E T and Olukayode L., “Sexual Harassment And The Law: Manifest Social Trajectories In The Nigerian Organisational Environment,” *Advances in Social Sciences Research Journal*,2017:4(24):138-153.
 35. Makinde AS. Many Nigerian Higher Institutions Lack Sexual Harassment policies (4), *Premium Times*, Nigeria, 2020, 9. <https://i0.wp.com/media.premiumtimesng.com/wp-content/files/2018/08/Ibadan-Poly.jpg?fit=1280%2C720&ssl=1>, accessed April 3 2021
 36. Joseph J. Sexual Harassment in Tertiary Institutions: A Comparative Perspective, *Temida Ostele Teme*,2015:1(1):125-144.
 37. Bello PO. Combating Sexual Harassment in Ivory Tower in Nigeria: Mixed Feelings, *Bangladesh e-Journal of Sociology*,2020:17(1):173-189.
 38. Joubert P, Wyk CV, Rothmann S. “The Effectiveness of Sexual Harassment Policies and Procedures at Higher Education Institutions in South Africa,” *SA Journal of Human Resource Management/SA Tydskrifvir Mensikehulpbronbestuur*,2011:9(1):1-10.
 39. Finnemore M, Rensburg AV. *Contemporary Labour Relations* (2nd edn. Durban: Lexis Nexis Butterworths, 2002.
 40. Rubiano-Matulevich E. “A Guidance Note for Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions,” *The World Bank*, <pubdocs.worldbank.org>guidancenote-final>, accessed, 2021.
 41. World Health Organization. 2003. Guidelines for Medico-Legal Care for Victims of Sexual Violence, 2003, World Health Organization, Geneva, 64-74.
 42. 41. Rubiano-Matulevich E. “A Guidance Note for Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions,” *The World Bank*, <pubdocs.worldbank.org>guidancenote-final>, accessed, 2021.
 43. Anna Onayase A. “Prevalence of Sexual Harassment of Female Students of Tertiary Education in Taraba State, North East Nigeria: Implications for Counselling,” *International Journal of Higher Education*,2019:8(1):77-83.
 44. Joseph J. Sexual Harassment in Tertiary Institutions: A Comparative Perspective, *Temida Ostele Teme*,2015:1(1):125-144.
 45. Ejembi PA, Aina-Pelemo A, Ejembi OJ. Others, ‘The Trajectory Of Nigerian Law Regarding Sexual Harassment In The Workplace,’ *AJLHR*,2020:4(2):1-9.
 46. Constitution of the Federal Republic of Nigeria 1999, s42 on right to freedom from discrimination and section 34 on the right to dignity of the human person.
 47. Bello PO. Combating Sexual Harassment in Ivory Tower in Nigeria: Mixed Feelings, *Bangladesh e-Journal of Sociology*,2020:17(1):173-189.
 48. Hand JZ, Sanchez L. “Badgering or Bantering: Gender Differences in Experience of, and Reactions to, Sexual Harassment among U.S. High School Students,” *Gender and Society*,2001:14(6):718-746.
 49. Taiwo MO, Omole OC, Omole OE. “Sexual Harassment and Psychological Consequence Among Students in Higher Education Institution in Osun State, Nigeria,” *International Journal of Applied Psychology*,2013:1:13-18.
 50. Carina Maris Amaka, ‘Impact of Sexual Harassment on Women Undergraduates' Educational Experience in Anambra State of Nigeria, *Seton Hall University Dissertations and Theses (ETDs)*, 2011, 6. <https://scholarship.Shu.edu/dissertations/6>, accessed April 10 2021.
 51. Fatunde T. “Does the New Sexual Harassment Bill Unfairly Target Academics?,” *University World News*, Africa Edition, 20 August 2020, <https://www.universityworldnews.com/post.php?story=20200820081902475>, accessed April 5 2021