

## **SEXUAL HARASSMENT IN THE NIGERIAN TERTIARY INSTITUTIONS: SUGGESTED POLICY SOLUTIONS**

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### **Abstract**

*Sexual harassment is a pervasive problem which is difficult to pin down because of its different characteristics. It has increasingly become noticeable on university campuses in Nigeria with a burgeoning concentration of young male and female students. It has also spread to involve lecturers and non-academic employees of the universities as well. The advent of cultism on university campuses has also exacerbated sexual harassment in Nigeria. Cultists inflict rapes and assaults with a disturbing frequency. Sexual harassment often has adverse effects on the victim's performance at work or school. Both the quantity and the quality of work may suffer, as well as the employees or student's morale, attendance, and ability to work with others. The paper conceptualizes sexual harassment and identifies its causes, consequences, legal aspects, and prevalence in Nigerian universities. It also posits policy solutions to tackle the problem of sexual harassment in Nigerian universities and the society at large.*

### **Introduction**

It is logical to assume that what happens in our educational institutions is an extension of what obtains in the larger permissive society. Sexual harassment has been identified as a phenomenon that exists in apparently all human societies and has gradually penetrated into the educational system. Adamolekun (1989) expresses that in Nigeria, sexual harassment is an open secret. Similarly the National Concord, March 3rd 1989 in its editorial comment stressed that the monster of sexual harassment has long been let loose on Nigerian co-educational campuses. The editor revealed that it is a sad commentary on the quality of Nigerian university administration that "in spite of the obvious rampant nature of the problem insufficient cases have been exposed". The Commission on the Review of Higher Education in

Nigeria (CRHEN) (1991) also suggests that the phenomenon is gradually assuming critical dimensions in Nigeria's higher education institutions. A study of four Nigerian Universities reveal that students identified sexual harassment as being among the stressors hindering academic work in the sample universities (Ladebo, 2001). It is an ethical and a human rights issue that has implications not only for the quality and integrity of our educational system, but also for the physical, mental and social well being of its victims. It is an issue that should be taken seriously due to the gravity of the physical, psychological, academic, social and legal implications it may have.

Sexual harassment is a pervasive problem which is difficult to pin down because of its different characteristics. Identifying an incident as an instance of sexual harassment may require some special combination of variables because people differ in their perception of the concept. Educators, administrators and even the court have struggled with the appropriate definition of sexual harassment. A generic definition of sexual harassment is that 'it involves the behavior of individuals who use their power and position in an establishment to extort sexual favors or gratification from their subordinates' (Seymour, 1979).

Sexual Harassment has increasingly become noticeable on university campuses in Nigeria with a burgeoning concentration of young male and female students (Denga and Denga, 2004). It has also spread to involve lecturers and non-academic employees of the universities as well. The advent of cultism on university campuses has also exacerbated sexual harassment in Nigeria. Cultists inflict rapes and assaults with a disturbing frequency. A few known isolated cases of some female lecturers propositioning their male students have been reported (Denga, 1986). It is more common however, to hear lecturers harassing female students sexually. Denga (1990), Akinboye (1992) and Aba (1992) have each produced some empirical evidence to show the magnitude of sexual harassment on campuses in the Nigerian universities.

In our educational institutions, the vulnerable areas of influence or justice and fair play for which sexual harassment is perpetrated include: award of examination marks, promotions, admissions, scholarships and other related areas of academic endeavors. The rampant allegations of sexual harassment in Nigerian

institutions prompted the National Council on Education, (NCE) , the highest policy making body on educational matters in Nigeria to set up a nine-member committee in 1989 to study the problem and make recommendations towards its solutions.

The paper conceptualizes sexual harassment and identifies its causes, consequences, legal aspects, and prevalence in Nigerian universities. It also posits policy solutions to tackle the problem of sexual harassment in Nigerian universities and the society at large.

### **Concept of sexual harassment**

Perceptions differ about what behaviors constitute sexual harassment. Husbands (1992) believes that the meaning of sexual harassment is socially constructed depending on the personal and situational characteristics of the individual making the judgement. Encarta (2009) explains that typical examples of sexual harassment include sexually oriented gestures, jokes, or remarks that are unwelcome; repeated and unwanted sexual advances; touching or other unwelcome bodily contact; and physical intimidation. Adams, Kottlke and Padgitt (1983) categorized behaviors that are usually manifested by sexual harassers into sexist comments, undue attention, verbal advances, body language, invitations, physical advances, explicit sexual proposition and sexual bribery. Adebayo (1988) identified nine ways by which men harass women sexually as when men:

- i. make suggestive remarks on woman's clothes/looks;
- ii. make unnecessary contact with woman;
- iii. leer at women;
- iv. pinch women in certain places;
- v. call women pet names e.g. darling, sugar honey, etc;
- vi. crack crude jokes;
- vii. verbally abuse women;
- viii. unduly overburden women with load of work; and
- ix. talk to women rudely or belittle them.

The term sexual harassment has various definitions in research literature. Denga and Denga (2004) defined it as the use of influence, position or power by a male to get a female to satisfy his sexual desires. Brandenburg (1982) defines it as any attempt to coerce an unwilling person into a sexual relationship, or to subject a person to unwanted

sexual attention, or punish a refusal to comply. Seymour (1979) explains the term as the behaviour of individuals who use their power and position in an establishment to extort sexual favours or gratification from their subordinates. Many other scholars (Benson and Thomson, 1982; Metha and Nigg, 1983; Onuma, 1984) viewed the phenomenon not only in terms of male-female exploitation of a power relationship but also in terms of power exploitation by any person in position of authority over another person who cannot refuse sexual demands without the risk of reprisal. Committee's Report (1989) adopted a working definition of the term to include 'unsolicited sexual advances on a helpless and unwilling individual by another person who is usually in such advantage position to influence the course of justice positively in favor of the victim, should the latter succumb, or negatively should the victim refuse to succumb.

According to EEOC (1980), unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Many victims of sexual harassment usually feel despondent, dirty, guilty, ashamed, unsafe and angry. Sexual harassment leaves a deep hole of depression in the hearts of such victims. Sexual harassment can happen between male and female, female and male and between people of the same gender (AHI, 2002). Sexual harassment can therefore be conceptualized as a social construct that is deeply embedded in dimensions of power, gender and sexuality. Both men and women can be harassers or victims of sexual harassment. However, research indicates that women are more likely to be victims.

### **Causes of sexual harassment**

In universities, adolescents and adults come in contact with one another and are subsumed in an interpersonal behavior. The result is that apart from the academic learning which takes place, some other phenomenal characteristics associated with male and female come into play. Committee's report (1989) identifies some causes of sexual

harassment and grouped them into two (2) categories, viz: remote causes and immediate causes.

**Remote causes of sexual harassment**

These causes include:

- i. Natural biological instinct between male and female.
- ii. Contact between male and female in a world of enterprise especially institutions.
- iii. Diffusion of foreign culture such as drug abuse, increased sophistication in dressing, etc with the resultant inhibition of indigenous values.
- iv. Precocious maturity of children arising from exposure to pornographic films.
- v. Socio-economic pressures with the resultant quest for money and material gains.
- vi. Lack of parental love, guidance and counseling.

**Immediate causes of sexual harassment**

These causes include:

- i. A breed of sexually maladjusted personalities in key positions. The committee held the view that sexually maladjusted teachers of all categories are potential perpetrators of sexual harassment.
- ii. Population explosion in schools. This tends to promote indiscipline due to inadequate care and supervision of students.
- iii. Co-education.
- iv. Hardship caused by economic situation resulting to promiscuity in institutions as some students are forced to fend for themselves at young ages.
- v. Enthusiasm to gain admission into an institution at all cost to join in the race for social mobility.
- vi. Desire to pass exams without tears and obtain high marks.
- vii. Emphasis on academic qualification and certificates for future employment.
- viii. Absence of professional ethics, penal codes and appropriate legislations.
- ix. Recruitment of females to attend male guests at parties.

**Legal aspects of sexual harassment**

The perceptions of sexual harassment vary from one society to the other. Each society explains its own case in accordance with its moral precepts and the cardinal principles of its human right policies. Under federal law in the United States, sexual harassment is unwanted verbal or physical behavior of a sexual nature that occurs in the workplace or in an educational setting under certain conditions. Such behavior is illegal if it creates an environment that is hostile or intimidating, if it interferes with a person's work or school performance, or if acceptance of the harasser's behavior is made a condition of employment or academic achievement. A number of other countries—including Japan, Canada, Australia, and several European nations—also have laws that prohibit sexual harassment.

The Congress of the United States first prohibited discrimination based on an individual's sex when it passed the Civil Rights Act of 1964. However, it was not until the mid-1970s that U.S. courts began to interpret sexual harassment as a form of illegal sex discrimination. Since that time complaints of sexual harassment have become much more common. In several high-profile cases, prominent public officials have been accused of sexual harassment. These cases have increased public awareness of the issue and sparked debate concerning what types of behavior should be considered inappropriate or unlawful.

In Nigeria's context, there is no specific legislation that deals with issues of sexual harassment. Rather, sexual harassment is associated with sexual assault, a crime enshrined in section 351 of the criminal code and which states that any person who unlawfully assaults another is guilty of a misdemeanor and is liable to imprisonment for at least one year. Section 357 of the same criminal code deals with assault on women and states that any person who has unlawful carnal knowledge of a woman or girl without her knowledge or consent, or if the consent is obtained by force or by means of threat or intimidation or any sort, and in the case of a married woman by impersonating her husband, is guilty of an offence which is called rape. In the case of attempted rape, the punishment is imprisonment for fourteen (14) years – section 359 of the criminal code (Asuquo, Sunday Times, March 12, 1989).

**Consequences of sexual harassment**

Sexual harassment often has adverse effects on the victim's performance at work or school. Both the quantity and the quality of work may suffer, as well as the employees or student's morale, attendance, and ability to work with others.

In the work place, sexual harassment can cause employers losses in productivity and can lead to greater employee turnover and use of sick leave. The harassment can also harm the victim's psychological and physical well-being. Studies have shown that the consequences of sexual harassment even at low levels for the victims could include impaired psychological well-being, such as lowered self-esteem, nervousness, irritability and anger (Popovich, 1988); and negative job attitudes and work withdrawal behaviors that may eventually lead to the discharge from the organization. Negative outcomes to the organization include: absenteeism, decreased productivity, high attrition rate, litigation expenses, and an impaired organizational climate (Ladebo, 2003).

In academia, sexual harassment can adversely affect both the individual and the institution. Consequences on the individual include: academic victimization, psychological setback, moral depravity, frustration of brilliant students, denial of personal rights, hindrance of educational potentials, exposure to Sexually Transmitted Diseases and deprivation of a sense of accomplishment. Its consequences on the institution include the loss of international and national reputation for the institution.

Though recognized as a malady with its negative physical and psychological effects on victims, Ladebo (2003) reports that sexual harassment incidents are seldom reported by victims. Most victims of harassment exhibit avoidance behavior such as staying away from the aggressor or from the environment that promotes such behaviors, or they simply put up with the behavior. In some cases, victims blame themselves for the situation while others confide in friends or family members. Only a few actually file a formal complaint against the offender (Kelley & Parsons, 2000).

Victims of harassment, most especially women, are often disinclined to report harassment cases because of fear of reprisals, ridicule, perceived indifferent attitudes by the organization, and the nature of the grievance procedure which may be male-dominated

(Riger, 1991). Typical symptoms include anger, fear, anxiety, lowered self-esteem, depression, guilt, humiliation, embarrassment, nausea, fatigue, headaches, and weight gain or loss. Sexual harassment can also have indirect effects on society. Many feminist scholars consider sexual harassment to be a form of oppression that men use to maintain male-dominated power structures. These scholars note that sexual harassment in school limits girls' participation and impair their academic achievement. Some researchers assert that regardless of whether harassment is an intentional attempt to oppress girls and women, it contributes to lower achievement by women in society. It also leads to the retardation of progress and development of a society through ineffective workers and the emergence of a culturally bleached and morally bankrupt nation.

### **Sexual harassment in Nigerian Universities**

Within the school setting, sexual harassment is used to encompass a wide range of unwelcome sexually oriented and gender offensive behaviors that contribute to a hostile learning environment militating against the attainment of educational aims and objectives. Such behavior can be conceptualized on a continuum ranging from fairly mild actions to extreme ones. According to Sandler (1981), harassment at its extreme may include subtle pressure for sexual activity, physical assault of a sexual nature and outright demand for sexual favors accompanied by implied or overt threats concerning one's grades. Behaviors such as unnecessary touching and pinching, sexist remarks, leering or ogling and verbal abuse were classified by Adamolekun (2003) as mild forms of sexual harassment in university campuses.

Defining sexual harassment within the school setting presents its specific problems. AAUW (2001) defines sexual harassment in educational settings as —unwanted and unwelcome sexual behavior that interferes with the student's life. Sexual harassment takes different forms in its manifestations. Annette and Balthrope (1982) noted that male harassment of female is the most common type of sexual harassment because in most academic settings the majority of the bosses or professors are men. Other forms include: student-student (peer sexual harassment), teacher/lecturer-student, or teacher-teacher sexual harassment.



Sexual harassment in Nigerian institutions of higher learning is a problem of considerable magnitude. Although it is difficult to obtain accurate estimates of the extent and seriousness of sexual harassment on campus, allegations, whether founded or not, detract from the major functional engagement of higher institutions. Many Nigerian researchers (Idowu and Yahaya, 1993; Denga and Denga, 2004; Adamolekun, 2003; Ohia, 2008) have produced empirical evidence to show that sexual harassment is a pervasive social problem in Nigerian university campuses, though most of these studies focused mainly on harassment of female students by male lecturers.

However, some instances of peer harassment may carry a possibility of an implied coercion component based on peer sexual popularity, or social status within the peer group. It could also apply to a situation in which a student is threatened with physical harm or having his or her reputation damaged, or is promised something desirable, such as popularity or becoming boyfriend/girlfriend, in return for compliance with inappropriate advances. Incidents of sexual harassment have been reported in Universities, Colleges of Education and Polytechnics in Nigeria. For instance Kayode (2006) cited the cases of a Professor and another lecturer from a certain university who were indicted by a panel for awarding grades for sex and subsequently suspended by the school authorities but the Professor later resigned his appointment after serving his suspension. Ogunedo (1989) also reported that in the University of Maidugiri, in 1989, fellow lecturers beat up a head of department over sexual advances to a final year female student who happened to be the wife of a fellow lecturer in the same department.

It was reported by Houreld (2007) that there is a horrifying prevalence of sexual harassment in Obafemi Awolowo University, Ile Ife, where a pattern emerges, of students being held back and denied passing grades for rebuffing teacher's advances, and then being advised by their lecturers to give in quietly. Houreld further reported that one of the students interviewed, has repeatedly failed a course in political science after refusing her lecturer explicit demands for sex. She said the lecturer is a clergy and is old enough to be her grandfather. When the then Minister for Education, Dr. Oby Ezekwscili was approached to comment, she said that the problem is widespread but that there are

signs that the government is doing something about it. She promised that punitive measures would be taken against erring lecturers.

Unfortunately, according to Ohia, (2008), there does not seem to be strong policies spelt out to prohibit sexual harassment in Nigerian Universities. Adedokun (2005) also observes that policies and legislation against sexual harassment in Nigerian Universities are yet to be put in place. These policies are extremely important in protecting members of the university community if implemented effectively.

Universities are a reflection of their larger societies as social relationships are bound to take place in academic institutions but various factors make sexual harassment in universities peculiar. Among these factors is the fact that in higher institutions, there is opportunity for more personal or physical contacts between lecturers and students in lecturer's private office, laboratories, during supervisions and field works, visit to students' hostels, etc.

A lecturer has such powers of either passing or failing a student. Some lecturers use this power to intimidate helpless students with threats of failure in examinations for sexual intercourse. This situation will adversely affect the value of educational system and erode the confidence on the quality of our academic certificates. The age and qualifications of lecturers are likely to affect their indulgence in sexual harassment. Njelita (1998) observes that older lecturers who may have held dignified positions as Heads of Department, Deans of faculty, Directors of Institute, etc may not like to dent their positions and self-image. It is assumed that younger lecturers on the other hand have not attained the maturity level of seeing the students as professional responsibility imposed on them, and as such see having sexual relationships with female students as a fringe benefit (Ohia, 2008). This does not mean that we do not see older staff involved in the act. In fact, some older lecturers appear to be more aggressive in their sexual pursuit and use it to prove their virility.

Maturity level of students is also a factor that influences their victimization. Students now gain entrance into universities at fifteen (15) years of age. Most of them are leaving home for the first time and as such have this false sense of freedom to do whatever they want. Some lecturers take advantage of their naivety and make them believe that lecturers have the power to do whatever to them. With this fear instilled in them, students succumb to sexual advances of staff. Some

courses in academics are perceived by students as difficult and students are erroneously made to believe that these courses are never passed. This makes the students to go the extra mile by either cheating or adopting tricks to ensnare male lecturers into having intimate affairs with them as a reward for passing these courses. Ursua (1994) observes that female students in science and technology disciplines are constantly faced with sexual pressure from male classmates and lecturers. Failure in such disciplines would lead to a repeat or withdrawal. Lecturers take advantage of this and commit sexual harassment by promising good or poor grades for sexual intimacy.

Sophistication and fashion can also be related to sexual harassment in universities. In some Nigerian universities, there is no specific dress code. In the name of vogue, students dress in provocative and alluring outfits to lectures and offices such that men find it difficult to concentrate on their academic responsibilities while working with them. This indecency in dressing is so much that some Nigerian universities have introduced dress codes to curb the madness.

Cultism is a common feature in Nigerian universities which has also exacerbated sexual harassment on campuses. There have been cases of rape and sexual harassment on female students by cultists who threaten them with murder if they do not succumb. Some universities which should be citadels of learning and ivory towers have become business centers. According to Nwaogwugwu (2007), the prices to pass examinations range from cash, gifts or sexual gratification. Also, administrative bottle-necks have made students suffer hardship such that they are at the mercy of anybody who promises to help.

Sexual harassment in universities hampers the effectiveness of the instructional program and may be regarded as a violation of students' right to equal access to educational opportunities. While sexual harassment complaints may or may not be true, there is need to empirically investigate into relevant issues related to the phenomenon in Nigerian universities.

### **Policy recommendations**

Universities are expected to provide an ideal environment for the pursuit of scholarship (learning, teaching and research) and as such, male and female members of academia have equal rights and protection under the law establishing the institution. Teachers and

Lecturers should be pace-setters both in academics, moral decency and ethical principles. Moreover they are expected to uphold academic standards from their vantage positions. The concept, causes, consequences and prevalence of sexual harassment in Nigerian Universities have been discussed. However, dealing with sexual harassment issues would involve identifying its extent and formulating clear policies to deal with the problem. Some policy solutions are proposed thus:

- i. Awareness on the behavioural manifestations of sexual harassment should be initiated. This will help harmonize perceptions of sexual harassment so as to reduce occurrence of allegations arising from misconstrued action.
- ii. Every incident of sexual harassment must be publicized so that fear of publicity may serve as deterrent. Sexual harassment must not be tolerated or treated with levity.
- iii. Grievance procedures should be developed and publicized. A complaint monitoring desk should be established within the Vice Chancellor's office where cases of victimization can be lodged. This will encourage students who are experiencing sexual harassment and other problems to report early traces of these before the injury is done. Lecturers implicated should be given the opportunity to state their own side of the case.
- iv. Every new student and staff must be educated on sexual harassment, its consequences, causes and deleterious effects to avert hostile environment. They should also be educated on the moral expectations from them. A uniform code of conduct for staff and students should be evolved and strictly enforced.
- v. Prospective lecturers should be subjected to psycho-analysis. Supervision should often be carried out to positively influence the tone of discipline in schools. The intention is to constantly arouse their awareness on the crucial position they occupy.
- vi. Counseling centers with counselors, social welfare officers and other professionals should be established in universities to assist students who are sexually harassed and those having related problems. This would be a source of interaction between students and university administrators such that the university would be made more aware of students' problems or

needs and support them promptly. Counseling interventions will provide psychological support for victims of sexual harassment. Students who perpetrate sexual harassment should also be assisted by counselors to change their behaviors and live harmoniously with others on campus.

- vii. An investigating panel should be inaugurated comprising members of impeccable character and respected by the university. Included in this panel could be the clergy, counselors, police, lawyer, etc to address issues on sexual harassment.
- viii. Those found guilty of sexual harassment should be made to face the law without delay, fear or favor.
- ix. University authorities should prescribe clearly defined official sanctions or disciplinary actions against sexual harassers. The severity, frequency, pervasiveness of conduct should be considered when imposing disciplinary actions on harassers. Some disciplinary options are: oral and written warning, reprimand, suspension, probation, demotion, discharge, etc. Any form of discipline short of discharge should be accompanied by a warning that similar misconduct in the future may result in immediate discharge/dismissal.
- x. Admission and grading of students should be strictly on merit to discourage mediocrity.
- xi. Decent dress codes should be enforced in universities and strictly adhered to.
- xii. A system or technique of confidential assessment of lecturers should be introduced in universities. This assessment would involve distributing questionnaires which are structured to elicit responses from students on their lecturers. This will help identify and solve problems which might emerge in academic and human relations.

Sexual harassment in any form must be condemned by all whether it is carried out by student, lecturers or non-academic staff. University authorities should ensure that reported cases of sexual harassment are speedily investigated, and appropriate punitive measures are taken against perpetrators while the victim is adequately protected thereafter.

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