CHUKWUEMEKA ODUMEGWU OJUKWU UNIVERSITY

ANAMBRA STATE, NIGERIA

COOU POLICY ON TRANSGENDER ISSUES AND GENDER IDENTITY

1. INTRODUCTION

Chukwuemeka Odumegwu Ojukwu University (COOU) recognises the importance of maintaining a safe, orderly, respectful and inclusive academic environment in which all members of the University community are treated with dignity and in accordance with applicable Nigerian laws and University regulations.

The University acknowledges that individuals may experience or express their understanding of gender identity in different ways. It also recognises that issues relating to transgender identity may raise questions concerning personal dignity, privacy, institutional records, campus conduct, student welfare, staff welfare and compliance with applicable laws.

This Policy establishes an institutional framework for addressing transgender-related matters within the University. It seeks to ensure that such matters are handled professionally, sensitively and consistently with the Constitution of the Federal Republic of Nigeria, the Same Sex Marriage (Prohibition) Act 2013, applicable provisions of the Criminal and Penal Codes, other relevant legislation and the University's established regulations.

This Policy does not establish legal recognition of gender reassignment, alter the legal definition of marriage in Nigeria, create an exemption from applicable laws or confer any status or entitlement inconsistent with Nigerian legislation.

2. PURPOSE

The purpose of this Policy is to:

a. establish the University's position on transgender-related matters in accordance with Nigerian laws;

b. provide institutional guidance for handling matters involving gender identity and gender expression;

c. promote dignity, responsible conduct, mutual respect and peaceful coexistence among members of the University community;

d. prevent harassment, intimidation, threats, violence, bullying and other forms of misconduct against any member of the University community;

e. establish appropriate procedures for addressing complaints and concerns relating to transgender issues;

f. protect the privacy and confidentiality of personal information in accordance with applicable data protection requirements;

g. ensure that University administrative records, identification systems and institutional procedures comply with applicable laws and regulations;

h. promote awareness of the legal and institutional requirements governing transgender-related matters; and

i. ensure that all University activities and decisions remain consistent with Nigerian law, public safety and the University's academic and administrative responsibilities.

3. SCOPE

This Policy applies to:

a. all undergraduate and postgraduate students of the University;

b. academic, administrative, technical and non-teaching staff;

c. members of the University Management, Governing Council and Senate, where applicable;

d. visitors, contractors, consultants, service providers and other persons undertaking activities on University premises;

e. all campuses, facilities, hostels, lecture theatres, laboratories, offices, libraries and other University-controlled premises; and

f. University-sponsored activities, programmes, events, research activities and official engagements conducted outside the University's premises.

All members of the University community are required to comply with this Policy in conjunction with applicable Nigerian laws and other relevant University regulations.

4. DEFINITIONS

For the purpose of this Policy:

4.1 Transgender: A term used to describe an individual whose personal experience or identification of gender differs from the sex recorded or assigned at birth.

4.2 Gender identity: An individual's personal understanding or experience of their gender.

4.3 Gender expression: The manner in which an individual presents or expresses themselves through clothing, appearance, behaviour, mannerisms or other forms of presentation.

4.4 Sex assigned at birth: The sex recorded for an individual at birth, ordinarily on the basis of observable biological characteristics.

4.5 Gender reassignment: Social, legal or medical steps undertaken by an individual in relation to their gender identity. The use of this definition does not imply that Nigerian law provides legal recognition for gender reassignment.

4.6 Harassment: Unwelcome conduct, intimidation, threats, bullying or other behaviour that causes or is reasonably likely to cause distress, humiliation, fear or disruption within the University community.

4.7 University community: Students, staff, management, visitors, contractors and other persons associated with the University.

4.8 Institutional records: Official documents and information maintained by the University, including admission records, student registers, staff records, examination records, certificates, identification cards and personnel databases.

5. LEGAL AND REGULATORY FRAMEWORK

The implementation of this Policy shall be guided by the following legal and regulatory instruments, as applicable:

a. Constitution of the Federal Republic of Nigeria 1999, as amended, particularly the provisions relating to fundamental rights, equality before the law, dignity of the human person and freedom from discrimination;

b. Same Sex Marriage (Prohibition) Act 2013;

c. Criminal Code Act, particularly Sections 214–217, where applicable;

d. Penal Code provisions applicable in the relevant jurisdictions;

e. applicable state laws, regulations and other relevant legislation;

f. Nigeria Data Protection Act 2023;

g. applicable national education policies and regulations;

h. COOU's enabling law, statutes, regulations and other approved institutional policies; and

i. relevant judicial decisions and lawful directives of competent authorities.

The University shall ensure that this Policy is interpreted in a manner consistent with the hierarchy of applicable Nigerian laws. Where any provision of this Policy conflicts with an applicable law, the law shall prevail.

Nothing in this Policy shall be interpreted as recognising same-sex marriage or civil unions, authorising conduct prohibited by the Same Sex Marriage (Prohibition) Act or exempting any person from applicable criminal laws.

6. POLICY STATEMENT

Chukwuemeka Odumegwu Ojukwu University shall address transgender-related matters within the framework of Nigerian laws, University regulations, institutional discipline and the University's responsibility to maintain a safe and orderly learning and working environment.

The University shall:

a. uphold the dignity and fundamental rights of all persons as provided under the Constitution and applicable laws;

b. prohibit violence, threats, intimidation, bullying and unlawful harassment against members of the University community;

c. ensure that transgender-related complaints are considered objectively and through established institutional procedures;

d. avoid unnecessary disclosure of confidential personal information;

e. maintain official records in accordance with applicable legal and administrative requirements;

f. ensure that decisions relating to campus facilities, accommodation, identification and institutional activities are made in accordance with applicable laws and University regulations; and

g. ensure that no individual is permitted to use this Policy as justification for unlawful conduct or violation of established University rules.

7. INSTITUTIONAL GUIDELINES ON GENDER IDENTITY AND EXPRESSION

7.1 The University shall handle disclosures or complaints relating to gender identity professionally and without unnecessary public exposure of the individuals concerned.

7.2 The University shall not regard an individual's gender identity alone as proof that the individual has committed a criminal offence. Any allegation of unlawful conduct shall be considered on its specific facts and in accordance with applicable law.

7.3 University officials shall not independently attempt to diagnose, investigate or medically assess an individual's gender identity.

7.4 Requests relating to names, personal descriptions or other administrative details shall be considered in accordance with applicable legal documentation and University record-keeping requirements.

7.5 Official student and staff records, certificates, identification cards and other legally significant documents shall reflect information recognised by applicable Nigerian law and the University's approved administrative procedures.

7.6 Where administratively feasible, the University may consider reasonable requests concerning informal forms of address or non-statutory administrative preferences, provided such arrangements do not compromise the accuracy, integrity or legal validity of official records.

7.7 No member of staff or student shall be compelled to disclose private medical or personal information except where disclosure is lawfully required or necessary for a legitimate institutional purpose.

8. DRESS CODE, CAMPUS FACILITIES AND ACCOMMODATION

8.1 All members of the University community shall comply with the University's approved dress codes, standards of decency and applicable rules governing personal appearance.

8.2 Students residing in University accommodation shall comply with the University's hostel allocation, accommodation and conduct regulations.

8.3 Decisions concerning the allocation and use of gender-designated hostels, changing rooms, toilets, sporting facilities and other designated spaces shall be made by the appropriate University authorities in accordance with applicable laws, safety requirements and approved institutional regulations.

8.4 Requests for exceptions or special administrative arrangements shall be referred to the appropriate authority for individual consideration.

8.5 No individual shall threaten, intimidate, assault or unlawfully obstruct another person in the use of University facilities.

8.6 The University may provide appropriate administrative guidance where disputes arise concerning accommodation, facilities or dress-code compliance.

9. PROHIBITED CONDUCT

The following conduct is prohibited within the University community:

a. physical assault, threats or intimidation against any individual;

b. bullying, stalking, blackmail or deliberate public humiliation;

c. unauthorised disclosure of confidential personal or medical information;

d. deliberate destruction or falsification of University records;

e. disruption of academic activities, administrative operations or University programmes;

f. incitement to violence, mob action or unlawful discrimination;

g. unlawful sexual conduct, harassment or other behaviour prohibited by Nigerian law;

h. misuse of University facilities or resources for activities prohibited by applicable laws; and

i. any other conduct prohibited under applicable legislation or University regulations.

Disciplinary action shall be based on established rules and evidence of misconduct and shall not be imposed solely on the basis of rumours, assumptions or unverified allegations.

10. REPORTING AND COMPLAINTS PROCEDURE

10.1 Any student, staff member or other affected person may report an incident involving harassment, intimidation, threats, violence, privacy violations or other alleged breaches of this Policy.

10.2 Complaints may be submitted to the Office of the Registrar, Student Affairs Division, relevant Faculty Dean, Head of Department, Security Unit or other designated University authority.

10.3 Complaints shall be documented and referred to the appropriate authority for assessment and investigation.

10.4 The University shall ensure that complaints are handled fairly, objectively and in accordance with established disciplinary procedures.

10.5 Persons accused of misconduct shall be afforded an opportunity to respond to allegations against them in accordance with the principles of natural justice.

10.6 Where a complaint involves an alleged criminal offence, the University may refer the matter to the appropriate law enforcement agency in accordance with applicable law.

10.7 The University shall take reasonable steps to prevent retaliation against individuals who make genuine complaints or participate in investigations.

10.8 All disciplinary decisions shall be consistent with the University's statutes, regulations and applicable laws.

11. PRIVACY AND CONFIDENTIALITY

11.1 Personal information relating to students and staff shall be handled in accordance with the Nigeria Data Protection Act 2023 and applicable University data protection procedures.

11.2 Information relating to an individual's gender identity, medical history or personal circumstances shall not be disclosed without lawful justification.

11.3 Access to sensitive personal information shall be restricted to authorised personnel who require the information for legitimate institutional purposes.

11.4 University officials shall maintain appropriate safeguards against unauthorised access, disclosure, alteration or misuse of personal information.

11.5 Records relating to complaints and investigations shall be maintained securely in accordance with approved records-management procedures.

12. COUNSELLING, WELFARE AND STUDENT SUPPORT

12.1 Students and staff experiencing personal difficulties, harassment, threats, anxiety or other welfare concerns may access appropriate guidance and counselling services available within the University.

12.2 The University may provide referrals to qualified health professionals or other appropriate service providers where necessary.

12.3 Counselling and welfare services shall operate within professional standards, applicable laws and the University's established support arrangements.

12.4 Counselling services shall not be used to coerce, intimidate, threaten or unlawfully expose any individual.

12.5 The University shall promote peaceful coexistence, responsible behaviour, respect for institutional regulations and awareness of applicable Nigerian laws.

13. RESPONSIBILITIES OF THE UNIVERSITY

The University shall:

a. communicate the provisions of this Policy to staff and students;

b. ensure that relevant administrative units understand their responsibilities;

c. maintain appropriate reporting and complaint-handling mechanisms;

d. ensure that official records comply with applicable legal requirements;

e. protect confidential personal information;

f. ensure that disciplinary matters are handled through established procedures;

g. provide appropriate welfare and counselling referrals;

h. review institutional procedures to ensure consistency with applicable legislation; and

i. periodically assess the effectiveness of this Policy.

14. RESPONSIBILITIES OF STUDENTS AND STAFF

Every student and staff member shall:

a. comply with Nigerian laws and applicable University regulations;

b. conduct themselves responsibly within the University community;

c. respect the dignity, safety and privacy of others;

d. refrain from threats, violence, harassment, bullying and intimidation;

e. report serious incidents through appropriate institutional channels;

f. cooperate with lawful University investigations;

g. avoid spreading false or unverified allegations about other members of the University community; and

h. comply with approved University dress codes, accommodation requirements and institutional standards of conduct.

15. RESPONSIBILITIES OF IMPLEMENTING UNITS

The following units shall support the implementation of this Policy:

15.1 Office of the Registrar

The Registrar shall coordinate the administrative implementation of this Policy, provide institutional guidance and ensure that relevant records and procedures comply with applicable laws.

15.2 Student Affairs Division

The Division shall address student welfare concerns, receive or coordinate relevant student complaints and facilitate appropriate referrals.

15.3 Deans and Heads of Departments

They shall communicate the Policy within their respective faculties and departments and refer reported concerns to the appropriate authorities.

15.4 University Health Services and Counselling Units

These units shall provide appropriate professional support and referrals within their established mandates.

15.5 University Security Unit

The Security Unit shall respond to threats, violence, intimidation and other security incidents in accordance with University regulations and applicable law.

15.6 Human Resources Department

The Department shall address relevant staff welfare and workplace conduct matters in accordance with applicable employment laws and University regulations.

15.7 Legal Unit

The Legal Unit shall advise University Management on the interpretation and application of relevant legislation and review the Policy whenever necessary.

16. AWARENESS, EDUCATION AND CAPACITY BUILDING

The University shall:

a. inform students and staff about the provisions of this Policy;

b. sensitise relevant University officials on the lawful handling of transgender-related complaints;

c. promote awareness of privacy, dignity, responsible conduct and institutional discipline;

d. provide guidance on the applicable legal framework governing transgender-related matters in Nigeria; and

e. ensure that designated officials understand the procedures for reporting, documenting and addressing complaints.

All awareness activities shall be conducted in a manner consistent with Nigerian laws and approved University policies.

17. MONITORING, EVALUATION AND RECORD KEEPING

The Office of the Registrar, in collaboration with relevant University units, shall monitor the implementation of this Policy.

Monitoring shall include:

a. the number and nature of complaints received;

b. the time taken to address reported incidents;

c. compliance with applicable University regulations;

d. the effectiveness of confidentiality and data protection procedures;

e. the adequacy of student and staff awareness programmes;

f. the effectiveness of institutional referral and support arrangements; and

g. recommendations for improving implementation.

Records shall be maintained securely, with appropriate protection of personal information. Monitoring reports shall use aggregated or anonymised information wherever practicable.

18. REVIEW, AMENDMENT AND APPROVAL

This Policy shall be reviewed at least once every three years or earlier where changes in Nigerian legislation, judicial decisions, University regulations or operational requirements make such review necessary.

Amendments shall be proposed by the Office of the Registrar in consultation with the Legal Unit and other relevant stakeholders and submitted to the appropriate University authorities for consideration and approval.

Signature:  Date: 24/10/2024

Prof. Kate Azuka Omenugha, Fnipr
Vice Chancellor