



Bahria University
Discovering Knowledge
Head Office

Registrar Notification No. 055 / 2020

See Distribution

21 August 2020

POLICY GUIDELINES AGAINST SEXUAL HARASSMENT IN INSTITUTIONS OF HIGHER LEARNING / UNIVERSITIES

References:

- A. The Protection against Harassment of Women at the Workplace Act, 2010.
- B. HEC Policy on Protection against Sexual Harassment in Higher Education Institutions, effective 1 July 2020 (copy enclosed).
- C. Registrar Notification 017/2016 dated 26 April 2016.

1. A special legislation by the Government titled 'The Protection against Harassment of Women at the Workplace Act, 2010' (Reference A) was passed in 2010, subsequent to which, HEC in 2011 also issued a detailed 'Policy Guidelines against Sexual Harassment in institutions of Higher Learning', revised in 2016 and now re-issued afresh on 15 July 2020 (Reference B). The purpose of the Act and the HEC Guidelines was to promote the development of working environment free from intimidation. HEIs are considered to be venues of learning and knowledge, where sexual harassment disrupts the academic environment of the HEIs / Universities, while also threatening the teaching and learning process, besides well-being of students, faculty and staff.

2. HEC's Policy at Reference B states that the policy is consistent with and has been made in light of the provisions of the Harassment Act, 2010 and it extends the protection against sexual harassment to all members of the HEI community, and provides the option to aggrieved persons to seek recourse to resources within the HEI or to seek redressal through the provisions of the 2010 Act. The said Policy very clearly defines the term 'Sexual Harassment', and the jurisdiction and lays down the procedure to be adopted for complaint / reporting, investigation and subsequently the Penalties.

3. In accordance with the provisions of the Act 2010 and as per the instructions contained in Sections 4 & 7 of the revised HEC's Policy, Harassment Complaint Cell with the nominated two **Focal Persons** at each Campus and three-member **Inquiry Committees** for each Campus has been constituted and are appended at Annex A to this Notification. Members of the Committee are appointed for a period of 02 years.

4. Copy of the Act 2010 along with the Code of Conduct (Reference A) and the HEC's Policy (Reference B) are also enclosed for information and compliance. In addition, following actions are to be initiated and are to be ensured by all concerned as mentioned against each:

<u>S #</u>	<u>Actions</u>	<u>By</u>
a.	Summary of the pending and completed cases of Harassment are to be submitted to Registrar on quarterly basis for record and subsequent perusal of honorable Rector; first report to be submitted by 1 st week of Oct 20.	All CUs DD(Admin)
b.	Conducive office, classroom and working environment may be ensured. Few examples are: (1) CCTV coverage of offices, classrooms, Labs etc, as deemed appropriate by the CUs. (2) Avoid use of combined offices by male and female colleagues, where there is space for two persons only to be accommodated in an office. (3) Doors of offices should have a glass window placed in them. (4) To prevent any untoward incident of harassment, a separate Counseling Room be established at each CU, as required. This room will be used for counseling of students by Faculty and in the presence of one additional member, as considered appropriate by CUs.	All CUs DD(Admin)
c.	At Campuses levels, Director Campuses Secretariat shall be assisting the Inquiry Committees for Sexual Harassment Complaint especially when the inquiry is in progress. A <u>staff member</u> may be nominated to assist the Inquiry Committee, as highlighted in Para 7.4 of the HEC Policy.	All CUs
d.	Following are to be uploaded on BU as well as Campus websites under a separate tab: (1) Protection against Harassment of women at the Workplace Act, 2010. (Enclosure 1 of this Notification) (2) Code of Conduct (Enclosure 1 of this Notification) (3) HEC & BU Policy Guidelines (Enclosure 2 of this Notification and this Notification) (4) Details of Harassment Complaint Cells of all Campuses and the Contact persons (Annex A of this Notification)	Director (IT)

	(5) Inquiry Committee for Sexual Harassment Complaints at all Campuses (Annex A of this Notification)	
e.	<p>Following are to be form a part of package that all new hires receive, be a part of orientation of new students and included in any written material given to them, HEI's Prospectus (a summarized version) and displayed in prominent locations on campus:</p> <p>(1) Protection against Harassment of women at the Workplace Act, 2010. (Enclosure 1 of this Notification)</p> <p>(2) Code of Conduct (Enclosure 1 of this Notification)</p> <p>(3) HEC & BU Policy Guidelines (Enclosure 2 of this Notification and the Notification)</p> <p>(4) Details of Harassment Complaint Cells of all Campuses and the Contact persons (Annex A of this Notification)</p> <p>(5) Inquiry Committee for Sexual Harassment Complaints at all Campuses (Annex A of this Notification)</p>	<p>All CUs D Admissions DHR DD Admin</p>
f.	Posters and Warnings should be displayed throughout the Campuses.	<p>All CUs DD(Admin)</p>
g.	Workshops and lectures are to be conducted every quarter on an ongoing basis to inculcate values, ethics and respect towards the both genders.	All CUs
h.	Periodical awareness campaigns on monthly basis through BU TV should be launched for all the employees and students.	All CUs
j.	Trainings of Focal Persons and all the members of Inquiry Committee for Sexual Harassment Complaint may be arranged on case to case basis.	All CUs
k.	HR personnel are to be trained to educate themselves on sexual harassment and relevant laws and policies and subsequently designated HR personnel shall be made responsible for educating all personnel, staff, faculty, students that join BU. This will be an ongoing activity.	<p>All CUs DHR</p>
m.	Regular lectures / talks be conducted at all CUs on quarterly basis focused on the subject. Purpose should be to educate faculty, students and staff in order for sensitization and prevention of harassment and to provide effective means of getting rid of harassment from the learning environment.	All CUs

n.	Interactive as well as online trainings customized for University environment may also be conducted which can also help increase awareness of acceptable / unacceptable behavior and thus prevention of such cases.	All CUs
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5. Notification at Reference C is hereby cancelled.

6. All concerned are requested to ensure compliance in true letter and spirit. All action addressees, as mentioned in Para 4 a - n above, are to render monthly progress report; first progress report for the month of August is to be submitted by 5th of September 2020.

6. Above is issued with concurrence of the Competent Authority.

-----Signed-----
SHAFQAT AZAD SI(M), S.Bt
Commodore
Registrar

Annex:

A. Harassment Complaint Cells, Focal Persons and Inquiry Committees

Enclosures:

1. The Protection against Harassment of Women at the Workplace Act, 2010
2. HEC's Policy Guidelines against Sexual Harassment in institutions of Higher Learning, 2020

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Principal BSEAS
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Director IPP, Karachi

Focal Persons and Inquiry Committees

1. In accordance with the provisions of 'The Protection against Harassment of Women at the Work Act 2010' (Reference A) and as per the instructions contained in the HEC Policy Guidelines (Reference B), Harassment Complaint Cells with the nominated Focal persons and the Inquiry Committees have been constituted and are as under:

Focal Persons

2. Harassment Complaint Cells are to be established at each Campus with two **Focal Persons** at each Campus. The primary function of Focal Persons is to offer support and immediate assistance to those who have experienced sexual harassment. In addition, Harassment Complaint Cells are to facilitate the Campus management in the implementation of Policies in letter and spirit. The detailed functioning of the Focal Persons is contained in Sections 4 & 5 of the HEC's 'Policy Guidelines against Sexual Harassment in institutions of Higher Learning' (Enclosure 2). The nominated Focal Persons at each Campus are as under:

a. BU Medical and Dental College, Karachi

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|--|--|
| (1) Prof. Dr. Khalid Mustafa
Vice Principal (Medical)
Ag. HOD of Forensic Medicine | Cell: 0300-2130868
Ph: 021-35319491-9 Ext. 1038, 1070 & 1006
Email: drkhalidmm@yahoo.com
khalid.bumdc@bahria.edu.pk |
| (2) Pro Dr. Yasmeen Taj
HOD Pathology | Cell: 0303-2094439
Ph: 021-35319491-9 Ext 1044
Email: yasmeen.bumdc@bahria.edu.pk
y.taj@hotmail.com |

b. BU Islamabad Campus

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|---|--|
| (1) Ms. Malieka Farah Deebe Malik
HOD Law / Sr. Asst Professor | Cell: 0308-4623191
Ph: 051-9262870 Ext. 1344
Email: hodlaw.buic@bahria.edu.pk |
| (2) Dr. Muhammad Zafar
Professor E & ES | Cell: 0300-9157448
Ph: 051-9262870 Ext. 1382
Email: mzafar.buic@bahria.edu.pk |

c. **BU Karachi Campus**

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|---|--|
| (1) Ms Erum Shafiq
Asstt. Director Quality Assurance | Cell: 0331-3282480
Ph: 021-99240002-7 Ext: 297
Email: adga.bukc@bahria.edu.pk |
| (2) Mr. Naveed N Siddiqui
Assistant Professor (MS) | Cell: 0334-2900200
Ph: 021-99240002-7 Ext: 299
Email: nsiddiqui.bukc@bahria.edu.pk |

d. **BU Lahore Campus**

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|--|--|
| (1) Dr Urooj Sadiq
Associate Professor / HoD Psychology | Cell: 0300-2661136
Ph: 042-99233408 Ext: 213
Email: hodpp.bulc@bahria.edu.pk |
| (2) Mr. Nauman Ali
Manager SSC | Cell: 0321-6500937
Ph: 042-99233408 Ext: 236
Email: mssc.bulc@bahria.edu.pk |

Inquiry Committees

3. Inquiry Committees for Sexual Harassment Complaint at each BU Campuses will be as mentioned below. These Panels will function i.a.w. the guidelines contained in Sections 7 & 8 of the HEC's 'Policy Guidelines against Sexual Harassment in institutions of Higher Learning' (Enclosure 2) and Clause 3 of 'The Protection against Harassment of Women at the Workplace Act, 2010' (Enclosure 1). The details are as under:

a. **BU Medical and Dental College, Karachi**

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|----------------------------------|---|
| (1) Dr. Kulsoom Fatima Rizvi | Cell: 0333-3095787
Ph: 021-35319491-9 Ext. 1110
Email: kulsoom.bumdc@bahria.edu.pk
kulsumhussain@hotmail.com |
| (2) Prof Dr. Khalida Nasreen | Cell: 0300-8992590
Ph: 021-35319491-9 Ext. 1064
Email: khalidanasreen.bumdc@bahria.edu.pk
khalidaraof@yahoo.com |
| (3) Pro Dr. M Sajid Abbas Jaffri | Cell: 0300-2139364
Ph: 021-35319491-9 Ext. 1077
Email: sajidabbas.bumdc@bahria.edu.pk
drsajid.jaffry@live.com |

b. **BU Islamabad Campus**

- | | |
|---|---|
| (1) Ms. Malieka Farah Deebe Malik
HOD Law / Sr. Asst Professor | Cell: 0308-4623191
Ph: 051-9262870 Ext. 1344
Email: hodlaw.buic@bahria.edu.pk |
| (2) Dr. Muhammad Zafar
Professor E & ES | Cell: 0300-9157448
Ph: 051-9262870 Ext. 1382
Email: mzafar.buic@bahria.edu.pk |
| (3) Lt Cdr Nadeem Bashir PN
Asst Director (A&C) | Cell: 0321-8945476
Ph: 051-9262870 Ext. 1224 / 1481
Email: ddadmin.buic@bahria.edu.pk |

c. **BU Karachi Campus**

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|--|--|
| (1) Captain (R) Zaheer Ahmad PN
Deputy Director Academics | Cell: 0320-9222163
Ph: 021-99240002-7 Ext: 297
Email: ddacademics.bukc@bahria.edu.pk |
| (2) Ms Erum Shafiq
Asstt. Director Quality Assurance | Cell: 0331-3282480
Ph: 021-99240002-7 Ext: 297
Email: adqa.bukc@bahria.edu.pk |
| (3) Mr. Naveed N Siddiqui
Assistant Professor (MS) | Cell: 0334-2900200
Ph: 021-99240002-7 Ext: 299
Email: nsiddiqui.bukc@bahria.edu.pk |

d. **BU Lahore Campus**

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|--|--|
| (1) Cdr (R) Faisal Shabbir T.Bt
Deputy Director | Cell: 0321-5234881
Ph: 042-99233408 Ext: 207
Email: dd.bulc@bahria.edu.pk |
| (2) Dr Urooj Sadiq
Associate Professor / HoD Psychology | Cell: 0300-2661136
Ph: 042-99233408 Ext: 213
Email: hodpp.bulc@bahria.edu.pk |
| (3) Dr. Iram Noreen
Senior Assistant Professor | Cell: 0345-4690201
Ph: 042-99233408 Ext: 209
Email: iram.bulc@bahria.edu.pk |

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EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, MARCH 11, 2010

**[THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE
WORKPLACE ACT 2010]**

PART 1

Acts, Ordinance, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 11th March, 2010

No. F. 9 (5)/2009- Legis.__ The following Acts of Majlis-e-Shoora
(Parliament) received the assent of the President on 9th March, 2010, are hereby
published for general information:__

Act No. IV OF 2010

*An Act to make provisions for the protection against harassment of women at the
workplace*

WHEREAS the constitution of the Islamic Republic of Pakistan recognizes the
fundamental rights of citizens to dignity of person;

AND WHEREAS it is expedient to make this provision for the protection of
women from harassment at the workplace;

It is hereby enacted as follows:

1. Short title, extent and commencement. - (1) This Act may be called the Protection against Harassment *of women* at the Workplace Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. – In this Act, unless there is anything repugnant in the subject or context,–

(a) “accused” means an employee or employer of an organization against whom complaint has been made under this Act;

(b) “CBA” means *Collective Bargaining Agent as provided in the Industrial Relations Act 2008,(IV of 2008) or any other law for the time being in force.*

(c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;

(d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;

(e) “Complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment;

(f) “Employee” means a regular or contractual employee whether employed on daily, weekly, ~~or~~ monthly or hourly basis, and includes an *intern or an apprentice*;

(g) “Employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whosoever and includes –

(i) an heir, successor or assign, as the case may be, of such person or, body as aforesaid;

(ii) any person responsible for the direction, administration,

- management and control of the management;
- (iii) the authority, in relation of an organization or a group of organization run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
 - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof.
 - (vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
- (h) harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;
- (i) “Inquiry Committee” means the Inquiry Committee established under

sub-section (1) of section 3;

- (j) “management” means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- (k) “Ombudsman” means the Ombudsman appointed under section 7
- (l) “organization” means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution;
- (m) “Schedule” means Schedule annexed to this Act;
- (n) “workplace” means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

3. Inquiry Committee. – (1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority

4. Procedure for holding inquiry.— (1) The Inquiry Committee, within three days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions *inter alia* shall be followed by the Committee in relation to inquiry:

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;

- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(i) Minor penalties:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) Major penalties:

- (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) compulsory retirement;
- (c) removal from service;
- (d) dismissal from service; and
- (e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

(5) The Competent Authority shall impose the penalty recommended by the

Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority have been implemented.

(7) In case the complainant is in trauma the organization will arrange for *psycho-social* counseling *or medical treatment* and for additional medical leave.

(8) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

5. Powers of the Inquiry Committee. – (1) The Inquiry Committee shall have power–

- (a) to summon and enforce attendance of any person and examine him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

(2) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 4.

(3) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions.

(4) The Inquiry Committee can instruct to treat the proceedings confidential.

6. Appeal against minor and major penalties.– (1) Any party aggrieved by

decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an Ombudsman established under section 7 .

(2) A complainant aggrieved by the decision of the Competent Authority may also prefer appeal within thirty days of the decision to the Ombudsman.

(3) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

(4) Until such a time that the ombudsman is appointed the District Court shall have the jurisdiction to hear appeals against the decisions of Competent Authority and the provisions of sub-sections (1) to (3) shall *mutatis mutandis* apply

(5) On the appointment of Ombudsman all appeals pending before the District Court shall stand transferred to Ombudsman who may proceed with the case from the stage at which it was pending immediately before such transfer.

7. Ombudsman:- (1) The respective Governments shall appoint an ombudsman at the Federal and provincial levels.

(2) A person shall be qualified to be appointed as an Ombudsman who has been a judge of high court or qualified to be appointed as a judge of high court. The Ombudsman may recruit such staff as required to achieve the purposes of this Act and the finances will be provided by the respective Governments

8. Ombudsman to enquire into complaint.- (1) Any employee shall have the option to prefer a complaint either to the Ombudsman or the Inquiry Committee. ‘

(2) The Ombudsman shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice, shall submit written defense to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed *ex parte*. Both the parties can represent themselves

before the Ombudsman.

(3)The Ombudsman shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the Ombudsman deems proper.

(4) For the purposes of an investigation under this Act, the Ombudsman may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation.

(5) The Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.

9. Representation to President or Governor:- Any person aggrieved by a decision of Ombudsman under sub- section (5) of section 8, may, within thirty days of decision, make a representation *to* the President or Governor, as the case may be, who may pass such order thereon as he may deem fit.

10. Powers of the Ombudsman

The Ombudsman shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. Summoning and enforcing the attendance of any person and examining him on oath;
- ii. Compelling the production of evidence;
- iii. Receiving evidence on affidavits;
- iv. Issuing commission for the examination of witnesses
- v. entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsman has a reason to believe that any information relevant to the case may be found; and
- vi. The Ombudsman shall have the same powers as the High Court has to punish any person for its contempt.

(2) Ombudsman shall while making the decision on the complaint may impose any of the

minor or major penalties specified in sub- section (4) of section 4.

11. Responsibility of employer.— (1) It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct for protection *against harassment at the workplace* as a part of their management policy and to form Inquiry Committee referred to in section 3 and designate a competent authority referred to in section 4.

(2) The management shall display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the organization and the work place within six months of the commencement of this Act.

(3) On failure of an employer to comply with the provisions of this section any employee of an organization may file *a petition before the District Court* and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

12. Provisions of the Act in addition to and not in derogation of any other law.— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

13. Power to make rules.—The Federal Government may make rules to carryout the purposes of this Act.

Schedule
[See sections 2(c) and 11]

**CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF
WOMEN AT THE WORKPLACE**

Whereas it is expedient to make the Code of Conduct at the Workplace etc to provide protection and safety to women against harassment it is hereby provided as under:

- (i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;
- (ii) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

Explanation:

There are three significant manifestations of harassment in the work environment:

(a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

- (iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;
- (iv) *A complainant or a staff member designated by the complainant* for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;

- (v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
- (vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
- (vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;
- (viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
- (ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
- (x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;

- (xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
- (xii) The harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and
- (xiii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace etc but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

STATEMENT OF OBJECTS AND REASONS

The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. This Act will open the path for women to participate more fully in the development of this country at all levels.

This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Government's commitment to high international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination Against Women and ILO's convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an Ombudsman at Federal and provincial levels.

MINISTER-IN-CHARGE

YOUSAF RAZA GILLANI

PRIME MINISTER

ISLAMIC REPUBLIC OF PAKISTAN



THE HIGHER EDUCATION COMMISSION

**POLICY ON PROTECTION AGAINST SEXUAL HARASSMENT IN
HIGHER EDUCATION INSTITUTIONS**

[Effective July 1, 2020]

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HIGHER EDUCATION COMMISSION
POLICY ON PROTECTION AGAINST SEXUAL HARASSMENT IN
HIGHER EDUCATION INSTITUTIONS

1. PRINCIPLES AND PURPOSES OF THE POLICY

- 1.1. Higher Education Institutions (“**HEIs**”) are highly consequential institutions in society that are dedicated to the pursuit and dissemination of knowledge. Members of the HEI community have several important rights and privileges, central among which is the right to pursue inquiry and search for knowledge without hinderance from unlawful or otherwise unacceptable constraints. The Higher Education Commission (the “**HEC**”), which has been mandated by law to prescribe conditions under which HEIs in the country may be opened and operated, takes very seriously the freedom of teachers, researchers, scholars, students and other members of the HEI community to live and work in a safe environment in which their dignity is protected.
- 1.2. Protection against sexual harassment is important not only because it threatens the freedom and conduciveness of the environment at institutions of higher learning. At a more fundamental level, such conduct is unacceptable because it violates personal dignity and shall not be tolerated at HEIs in Pakistan under any circumstance.
- 1.3. In accordance with the terms of this policy, sexual harassment shall be prohibited at HEIs in Pakistan, and shall constitute a punishable offence under the policy. The HEC affirms the right of every member of the HEI community live, study and work in an environment that is free from sexual harassment. The goal of this policy is to prevent sexual harassment from taking place, and where necessary to act upon complaints of sexual harassment promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.
- 1.4. All administrators, deans, managers, faculty, department chairs, directors of schools or programs and others in supervisory or leadership positions have an obligation to be familiar with and to uphold this policy and its procedures along with informing members of their staff about its existence. HEIs are encouraged to formulate internal policies that further strengthen or expand the protections available under the HEC’s policy on sexual harassment.
- 1.5. This policy has been made pursuant to the powers granted to the HEC under the Higher Education Commission Ordinance, 2002, and is binding on all higher education institutions in the country, whether operating in the public or private sectors. Violations or failure to comply with the HEC’s policies may lead to regulatory action being taken against non-compliant HEIs.
- 1.6. This policy is consistent with and has been made in light of the provisions of the Protection Against Harassment of Women at the Workplace Act 2010 (as amended) (the “**2010 Harassment Act**”). It extends the protection against sexual harassment to all members of the HEI community, and provides the option to aggrieved persons to seek recourse to resources within the HEI or to seek redressal through the provisions of the 2010 Act.

2. PROHIBITED CONDUCT

2.1. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, where:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual participation in any activity at the HEI;
- b) Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decision affecting that individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

2.2. Sexual harassment may be overt or subtle, and can range from visual signals or gestures to verbal abuse to physical contact along with hand or sign language to denote sexual activity, persistent and unwelcome flirting (see Annex 1 for examples of various manifestations).

2.3. The following behaviors are specifically prohibited under this policy. This following are meant to provide specificity to the definition provided in clauses 2.1. However, it is not an exhaustive list, and other behaviors that fall within the scope of the definition above shall also be prohibited.

- a) ***Especially Egregious Non-Consensual Acts:*** Acts that would be included in the category of rape. While such situations will be covered under the laws of the country, and law enforcement institutions and the courts will investigate and adjudicate accordingly, the HEI administration has a special obligation to take preventative measures, offer immediate assistance and take interim measures when required.
- b) ***Non-Consensual Sexual Contact:*** Includes sexual contact with another person without consent.
- c) ***Sexual Exploitation:*** Taking of actions that violate the sexual privacy of others or taking sexual advantage of another without their consent. For example, taking pictures, videotaping, viewing or distributing explicit images or sexual information of another person without their consent.
- d) ***Other Pervasive or Severe Behaviors:*** It is not necessary that there be actual sexual contact for a behavior to be categorized as sexual harassment. Other unwelcome behaviors are also prohibited if (i) they are based on an individual's sex or gender (ii) are persistent or highly serious and (iii) create an atmosphere which is intimidating or hostile. These include but are not limited to lewd remarks or gestures, highly offensive jokes of a sexual nature, commenting inappropriately about another's body, and stalking.
- e) ***Sex Discrimination:*** Adverse treatment of individuals based on their sex or gender rather than on merit. This would include instances such as the singling out (for such adverse treatment as lower salary or grades, or more severe punishment) of person(s) on the basis of sex or gender.

- 2.4. All the actions categorized as sexual harassment when done physically or verbally would also be considered as sexual harassment when done electronically such as through the internet, e- mails, social media, texting, telephone, voicemail etc.
- 2.5. All actions of harassment or discrimination may be taken by a person of any gender against a person of the same or another gender, and would need to be considered by the HEI if the act qualifies as a prohibited act under the policy.
- 2.6. Sexual harassment is especially offensive when perpetrated by persons in authority, and when submission is made a condition toward any HEI activity or benefit (for example, when submission is made the basis of the evaluation of an individual).
- 2.7. Sexual harassment will be considered especially egregious when the accused knew or reasonably should have known that the victim was in an impaired or incapacitated state. However, impairment of the accused, such as a result of the use of any illegal substances, shall not diminish their responsibility for harassment under this policy.

3. JURISDICTION

- 3.1. This policy applies to actions by students, faculty, staff, other members of the HEI community (such as interns, residents etc.), or third parties (such as service providers, visitors etc.), when the misconduct occurs:
 - a) on the HEI property (i.e. on campus) or in its immediate vicinity;
 - b) off the HEI property, if (i) the conduct occurs in connection with an HEI recognized program or activity or (ii) the conduct may create a hostile environment or pose a safety risk on campus; and
 - c) using the university's computing or network resources accessed from an off-campus location, which shall be deemed to have occurred on campus.

4. DESIGNATED RESOURCES

- 4.1. The HEI shall designate at least two members of the HEI administration (the "**Focal Persons**"), at least one of whom shall be a woman, to offer support and immediate assistance to those who have experienced sexual harassment. Contact information of such individuals shall be easily available, including on the HEIs website.
- 4.2. The HEI shall also constitute an Inquiry Committee to investigate and adjudicate any allegations of prohibited conduct (the "**Inquiry Committee**") in accordance with the provisions of Section 7 below. Those who have experienced sexual harassment may also contact members of the Inquiry Committee for support and advice.

5. COMPLAINTS AND REPORTING

- 5.1. A complaint may be lodged by any person who has experienced sexual harassment as defined in Section 2 (Prohibited Conduct) read with Section 3 (Jurisdiction) of this policy, with either the Focal Person or with any member of the Sexual Harassment Inquiry Committee.

- 5.2. In cases in which the conduct in question falls within the scope of the 2010 Harassment Act, the affected person shall also have an option to submit a complaint to the Ombudsperson in accordance with the provisions of the 2010 Harassment Act.
- 5.3. In the event that a complainant is reluctant to contact the Focal Persons or any members of the Inquiry Committee, the complainant may contact a colleague, instructor, the employment supervisor, manager, department chair, dean or VC. It will be the responsibility of the individual contacted to report the case to the Inquiry Committee without identifying either the complainant or the alleged offender and to ask for advice on procedure and policy from them to effect solution, if a solution is necessary.
- 5.4. Complainants shall be encouraged to submit complaints promptly, preferably within 3 months but no later than 12 months from the last date of the alleged harassment. An extension of up to 1 year may be granted by the Focal Persons or the Inquiry Committee upon written request stating the reasons for the delay in submitting the complaint.
- 5.5. All members of the HEI community are encouraged to report any instances of sexual harassment that they may have observed to the Focal Persons or the Inquiry Committee. For the purposes of safeguarding the campus community, HEIs have an obligation to investigate material violations of this policy even in the event that a formal complaint has not been filed.
- 5.6. As soon as a complaint or report is received by one of the designated resources, it shall be shared by him or her (within a period of 24 hours) with all Focal Persons and members of the Inquiry Committee for further action.
- 5.7. For minor violations, complainants may opt to make an informal complaint to either the Focal Person or the Inquiry Committee. The primary objective of informal resolution mechanism is to take preventative action, so that minor violations are detected early and appropriate warning is given to the accused to stop the offending behavior before it reaches a higher degree of seriousness. If the incident reported through this mechanism constitutes prohibited conduct under Section 2 of this policy, the Inquiry Committee shall deal with the complaint accordingly.

6. INTERIM MEASURES AND SPECIAL ARRANGEMENTS

- 6.1. As soon as a complaint or report is received by designated resources or any member of the HEI administration, depending on the nature and seriousness of the offence, the Focal Persons shall take appropriate steps to provide interim measures that may be requested by the affected persons or as otherwise may be deemed appropriate. If the affected person is not satisfied with the measures taken, he or she may contact any member of the Inquiry Committee for necessary action. Interim measures include but are not limited to:

- a) adjustment in class or examination schedules, including for the purposes of attending hearings;

- b) access to counselling services or other appropriate medical assistance;
- c) change in the work assignments;
- d) arrangement for any assessments or evaluations to be made by a neutral person;
- e) adjustment to class schedule, including withdrawal from course or changing the section;
- f) notifying the campus security officials (or law enforcement in case of serious violations) regarding the violation;
- g) impositions of a HEI wide order designed to prohibit contact or communication between certain persons;
- h) change of the housing arrangement of certain persons; or
- i) any other measures that may be deemed appropriate.

7. INQUIRY COMMITTEE

- 7.1. The Inquiry Committee shall be responsible for the investigation and adjudication of any complaint received in connection with the violation of this policy.
- 7.2. The Inquiry Committee shall be constituted in the following manner:

- a) The committee shall consist of three members, at least one of whom shall be a woman and one of the members shall be a member of the senior management of the HEI.
- b) All members of the committee shall be employees of HEI and will be appointed by the Vice Chancellor (the “VC”) after the VC has taken nominations from senior members of the HEI administration. The VC may co-opt one or more members from outside the HEI if it is otherwise not possible to designate three members as described above.
- c) Members of the Committee shall be individuals who are known for being principled, credible, fair, gender-sensitive and have a strong character (someone who will not change their decision due to pressure from friends, colleagues or seniors). They shall have not conflict of interest in particular cases, and shall be impartial and unbiased.
- d) Members of the Committee shall be appointed for a term of two year (shorter terms may be required occasionally to fill vacancies). No member shall serve for more than two consecutive terms. Former members will be eligible for reappointment after a lapse of two years.
- e) One of the members of the committee shall be appointed as the Chair by the VC, whose duties shall include, but are not limited to: maintaining order during hearings, answering procedural questions, granting or denying adjournments, maintaining proper documentation of the proceedings, which shall constitute the official record and reporting recommendations of the Committee to the VC. All these duties shall be undertaken in consultation with the Committee members.

- f) In case a complaint is made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.
- 7.3. The HEI shall endeavor to provide training to members of the Inquiry Committee in investigation and adjudication of conduct prohibited under this policy.
- 7.4. An HEI staff member shall be appointed to assist the Inquiry Committee. This work shall include responsibilities such as organizing meetings, acting as a liaison between the committee and the other parties involved, record keeping, making and updating a database to track the processing of complaints, and ensuring appropriate awareness raising about the issue of sexual harassment at HEI.

8. INVESTIGATION AND ADJUDICATION

- 8.1. All complaints alleging Sexual Harassment shall be forwarded to the Inquiry Committee within 24 hours of being received by the Focal Persons or any other office of the HEI.
- 8.2. As soon as is reasonably practicable after receiving a complaint, the Inquiry Committee shall determine whether the alleged conduct in the complaint meets the criteria set forth in Sections 2 (Prohibited Conduct) and Section 3 (Jurisdiction) of this policy. If it is determined by a majority of the members of the Inquiry Committee that the alleged conduct meets the aforementioned criteria, a formal investigation shall be initiated.
- 8.3. In the absence of a formal complaint, if a serious violation of this policy is reported to the Inquiry Committee, or a series of allegations against the same person are received, the Inquiry Committee may determine by majority vote to initiate proceedings after notifying the VC.
- 8.4. After initiating the investigation, and not later than three days of the receipt of a written complaint, the Inquiry Committee shall:
 - a) communicate to the accused the charges and statement of allegations leveled against him/her, the formal written receipt of which will be given;
 - b) require the accused within seven days from the day the charge is communicated to him/her to submit a written defense and on his/her failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
 - c) enquire into the charge and may acquire and examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary (including by summoning potential witnesses) and each party shall be entitled to cross-examine the witnesses against him/her.

- 8.5. The following rules shall be applicable to the hearings conducted by the Inquiry Committee:
- a) All hearings shall be closed hearings;
 - b) The Inquiry Committee will hear statements from the complainant(s) and respondent(s), the witnesses if any (as required) and study any other documents and/or evidence as presented by the relevant parties or collected in the process of conducting inquiry;
 - c) The Inquiry Committee shall have discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case;
 - d) The Chair of the Inquiry Committee shall have the power to compel a witness to attend, and the complainant(s) and/or respondent(s) may request the Chair's aid in this regard;
 - e) The complainant and the respondent may at any stage of any of the procedures outlined in this policy be represented and/or accompanied by another person of her/his choice.
 - f) The Committee shall have the right to acquire any relevant piece of evidence to further their understanding of the case and the relevant parties, witnesses and administration are required to provide them with this documentation and/or evidence to facilitate the investigation;
 - g) Objective documentation of the proceedings of the Inquiry Committee shall be maintained where high confidentiality of the records and other such material shall be upheld at all times;
 - h) The respondent shall be allowed to cross question the complainant and witnesses unless the committee decides otherwise;
 - i) Where any procedural matter is not dealt with in this policy, the Inquiry Committee may, guided by the principles of fairness, establish any appropriate procedure.
- 8.6. Members of the HEI community have an obligation to cooperate in an investigation, and refusal to cooperate may result in disciplinary action. There may be circumstances in which the complainant may wish to limit their participation in the proceedings. The complainant shall not be subject to discipline, but the HEI may be obligated to proceed with the investigation.
- 8.7. Following the formal hearing, the members of the Inquiry Committee shall deliberate and determine the validity of the complaint based on the totality of the circumstances. The presence or absence of evidence cannot always be the sole criteria on which a judgment can be made. The credibility of statements and context must be kept in mind during the deliberations. The committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is found to be valid, the Committee will recommend an appropriate penalty.
- 8.8. The Inquiry Committee shall complete the inquiry and recommend its final decision within a period of 30 days. It shall then send its decision to the VC giving its findings in writing by recording reasons thereof (which shall include any note of dissent) for endorsement and action. Recommendation of the Inquiry Committee shall be implemented within seven days.

9. CONFIDENTIALITY

- 9.1. Confidentiality shall be enjoined on the Focal Persons, the Inquiry Committee and all others involved in the process. This does not preclude the reasonable and discreet disclosure of information in order to elicit the facts of the case, or to implement and monitor properly the terms of any decision.
- 9.2. The Focal Persons, members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.
- 9.3. All notes and records arising in connection with an investigation shall be maintained in a confidential file at HEI.

10. PENALTIES

- 10.1. In cases in which the respondent is a student, the following sanctions may be imposed:
 - a) In case of minor violations, the student may be issued a warning or reprimand. These shall be considered when adjudicating future violations.
 - b) In case of more serious violations, the following formal sanctions may be imposed: disciplinary probation, withholding of degree for a period of time, suspension or expulsion.
 - c) The following may be added to any of the penalties listed above: campus service; relocation from campus housing; exclusion of the respondent from a designated portion(s) of HEI buildings or grounds, or from one or more HEI designated activities, (provided such penalty is appropriate to the offence and where the penalty does not prevent the respondent from pursuing her/his studies); attending educational program; inclusion of decision in the student's record, except in the case of the first instance of a minor violation (for up to seven years).
- 10.2. In cases in which the respondent is a member of the faculty, researcher or employee/staff of the HEI, the following sanctions may be imposed (individually or in combination), keeping in view the terms of the applicable employment policies:
 - a) oral or written reprimand;
 - b) counselling or training;
 - c) inclusion of the decision in a specified personnel file(s) of the respondent;
 - d) exclusion of the respondent from a designated portion(s) of HEI buildings or grounds, or from one or more designated HEI activities, where such penalty is appropriate to the offence and where the penalty does not prevent the respondent from carrying out her/his professional duties;
 - e) the imposition of a fine;
 - f) recommendation for suspension of the respondent without pay;
 - g) recommendation that dismissal proceedings be commenced; or
 - h) other sanctions, as deemed appropriate, in accordance with the terms of the employment policies.

11. RIGHT OF APPEAL

- 11.1. Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within a period of 30 days from the date of notification of the decision.
- 11.2. In cases in which the conduct falls within the scope of the 2010 Act, the aggrieved party shall have an option to file an appeal to the Ombudsman in accordance with the provisions of the 2010 Act.
- 11.3. There shall be a three-member appellate body (the “Appellate Body”) appointed by the VC that shall include at least one senior member of the HEI administration (at the level of dean or equivalent) and at least one of the members of which shall be a woman. No member of the Inquiry Committee shall concurrently be a member of the Appellate Body. In case the complaint had been made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.
- 11.4. Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:
 - a) the alleged conduct does or does not fall within the scope of this policy;
 - b) the Inquiry Committee reached a decision without consideration of material information;
 - c) the imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct; or
 - d) the adjudication process followed by the Inquiry Committee was procedurally unfair.
- 11.5. In order to reach its decision, the Appellate Body may communicate with the parties, the members of the Inquiry Committee or other members of the HEI community as it deems fit.
- 11.6. The Appellate Body may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within 30 days in respect of which such appeal is made, and shall communicate the decision to both the parties, the VC and the Inquiry Committee.

12. MALA FIDE ALLEGATION

- 12.1. False allegations of sexual harassment made out of malice or intent to hurt the reputation of the persons against whom the complaint is filed are to be dealt with as serious offences. Making mala fide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy.
- 12.2. In the event that the Inquiry Committee determines that a false allegation made in the complaint with mala fide intent, it may recommend appropriate action against the complainant by sending its findings to the VC (by recording reasons thereof and including any note of dissent) for endorsement and action. In cases in which the conduct falls within the scope of the 2010 Act, the Inquiry Committee may recommend the handing over of such cases to the

Ombudsperson for taking further action against the complainant who made the false allegation with mala fide intent.

13. PROTECTION AGAINST REPRISAL

- 13.1. HEIs shall not allow reprisal or threats of reprisal against any member of the HEI community who makes use of this policy (formally or informally). HEIs shall also prohibits such threats or actions against anyone who participates (e.g. testifies, assists, etc.) in proceedings held under its jurisdiction.
- 13.2. Retaliation or any other action against complainant of sexual harassment is to be taken seriously under the provisions of this policy. All allegations of retaliation would be investigated formally under the purview of this policy, and if substantiated, would result in appropriate disciplinary action.

14. SPECIAL CONSIDERATIONS REGARDING RELATIONSHIPS BETWEEN INDIVIDUALS

- 14.1. In contrast with sexual harassment, personal relationships among consenting adults of the HEI community that do not breach the social and cultural norms of the society are, in general, a private matter.
- 14.2. Under the policy it is highly inappropriate for any member of the community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance he or she will be required to make professional judgments. The policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in such cases. Relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all involved. In particular, intimate or romantic relationships between faculty members and students (whether at the undergraduate or the graduate level) shall be prohibited.

15. EDUCATION FOR PREVENTION

- 15.1. To ensure prevention of sexual harassment on campus, HEIs should develop programs to educate its staff, faculty and students as well as provide written material for reference. Education is essential to sensitizing the university faculty, staff and students in order to eliminate sexual harassment on campus. This shall be done in multiple ways, including those listed below.
- 15.2. The HEC's Sexual Harassment Policy, any of the university's internal policies as well information regarding the 2010 Act shall be:
 - (a) available on the HEI website;
 - (b) be a part of the package that all new hires receive;
 - (c) be a part of orientation of new students and included in any written material given to them;
 - (d) be included in the HEI's Prospectus (a summarized version); and
 - (e) displayed in prominent locations on campus

- 15.3. The names of the Focal Persons and the members of the Inquiry Committee shall be made visible/accessible to the HEI community through its website, posted on notice boards, etc.
- 15.4. The HEI shall ensure that its relevant members (e.g., Focal Persons, members of the Inquiry Committee, HR personnel, etc.) attend a training to educate themselves on sexual harassment and relevant the laws and policies. Once trained, designated HR personnel shall be made responsible for educating all personnel, staff, faculty, students that join the HEI. This will be an ongoing activity.
- 15.5. All departments at HEI must disseminate and display information about these programs, what constitutes sexual harassment, how to respond to it and what to do when someone asks for advice about sexual harassment.

ANNEX 1
EXAMPLES OF SEXUAL HARASSMENT CASES AT HEIs
A. Actual Reported Cases

The following is a list of actual reported cases that are provided as examples of what constitutes sexual harassment.

- a. Asking female students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments.
- b. Asking female students to meet supervisor/authorities in-charge out of the HEI premises with the promise of improvement in grades.
- c. Financial and sexual gratification from graduate students (PhD, M-Phil, Masters) by their supervisor.
- d. Unwelcome sexual advances, whether or not they involve physical touching.
- e. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life.
- f. Comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons.
- g. Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments.
- h. Inquiries into one's sexual experiences.
- i. Discussion of one's sexual activities (even if males are discussing this it is done deliberately in front of female students or colleagues).
- j. Using derogatory and abusive language that refers to others mother's or sister's bodies.
- k. Acts of sexual connotation relating to the same as a common usage in conversation.

B. Types and Examples

The following list provides further examples of actual reported or common cases by category:

1. Misconduct by Teachers

- a. Male Teacher asked the Female student, if you want "A" grade, you need to take your final exam at my home.
- b. Male head of the department forced the female subordinate employee by telling her that if she wants her contract extended she needs to spend time with him after office hours.
- c. Male HOD deliberately touching or hitting the body of female employee by file or pen/pencil.
- d. Male Teacher referring to female bodies and reproductive cycles to embarrass female students during class lectures.

- e. Needy female students were given financial support by Faculty member in exchange for sexual favors☐
- f. Students complaints of a teacher telling vulgar jokes during classes which had sexual innuendos☐
- g. Complaints against male supervisor/teacher spending long hours locked away in office with a young female colleague or student.

2. Misconduct by Students

- a. A male student making vulgar jokes about a female student on the social media or verbally telling vulgar jokes about her to his fellow students.
- b. Students sending in written notes letters, emails with requests for intimacy
- c. Female student asked the teacher to provide the final grade list of all students. When the teacher refused to do that, the student registered a complaint against the teacher that he tried to hold her hand in parking lot while asking her to meet in private for grade list.
- d. Female student visiting male teacher in his office unnecessarily and spending long hours and initiating intimacy for benefits (of grades, employment or even monetary).
- e. Repeatedly following particular female students around the campus☐

3. Misconduct by Employees

- a. Using vulgar language to address females (student, faculty and other employees)☐
- b. To touch their intimate parts in the presence of women☐
- c. Younger faculty member was blocked by Dean of the relevant faculty to get higher education (PhD/Phil) [upon her refusal to comply with his undue demands].
- d. Junior faculty was transferred to another department against her will by the authorities as a punitive measure for not complying with undue requests for (sexual) favors.
- e. Giving extra favors to young female faculty/staff in nominating their names for international/domestic trips for their attention.
- f. Threatening female students by using forged/fake documents and pictures to blackmail them into compliance.
- g. Anonymous letters/pamphlets/e-mails defaming or character assassination of employees/teachers/students.