HEC POLICY ON SEXUAL HARASSMENT

1. PROHIBITED CONDUCT

- **1.1.** "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.
- **1.2.** 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.
- **1.3.** 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.
- **1.4.** 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.
- **1.5.** 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.

- **1.6.** 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).
- 1.7. 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.

2. JURISDICTION

- 2.1. 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.

3. DESIGNATED RESOURCES

- 3.1. 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.
- 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.

4. COMPLAINTS AND REPORTING

- **4.1.** 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.
- **4.2.** 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.
- **4.3.** In the event that a complainant is reluctant to contact the Focal Persons or any members of the In quiry 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.
- **4.4.** 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.

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- 4.5. 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.
- **4.6.** 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.
- **4.7.** 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.

5. PENALTIES

- **5.1.** 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).
- 5.2. 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.