

WORKING PAPER

REVISED NUST POLICY ON PROTECTION AGAINST SEXUAL HARASSMENT

Sponsored by C³A

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1. **Background**

- a. NUST has zero tolerance for sexual harassment and affirms the right of every member of the NUST Community to live, study, and work in an environment that is free from sexual harassment. Sexual harassment is prohibited at NUST and constitutes, a punishable offence under the NUST Sexual Harassment Policy (the “Policy”) applicable by law namely The Protection Against Harassment of Women at the Workplace (Amended) Act, 2022 (the “2010 Act”).
- b. NUST has developed a Policy on, and procedures for, dealing with complaints of sexual harassment, including a range of disciplinary measures upto and including dismissal which are in line with the 2010 Act and HEC guidelines. NUST has also established an awareness raising program to educate its students and employees regarding sexual harassment. The intention of this Policy and its procedures 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.
- c. All administrators, deans, managers, department chairs, principals 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 and applicability.
- d. NUST has adopted the Code of Conduct, pursuant to Section 11 of the 2010 Act. This Policy, referred as The NUST policy on protection against Sexual Harassment, is adopted pursuant to the provisions of the (Amended ACT) 2022. The competent authority in this policy is the Rector or his designated representative. The NUST Community includes all administrative, research, teaching and non-teaching employees of NUST, as well as students (including interns). Someone working at NUST through a service provider that has a contract or arrangement with NUST. Stakeholders such as students/employees seeking to join the NUST Community

2. **Sexual Harassment**

As per protection against harassment of women at the work place act 2010, Sexual harassment means any unwelcome sexual advance, request for sexual favours, stalking, cyberstalking or other verbal, visual or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation 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, admission and engagement.

3. **Harassment in General (not sexual in nature)**

- a. Harassment is any behaviour, whether physical, verbal, written, or otherwise, that is unwanted and unwelcome, and is done with the intention of causing harm to a person or a group. Such behavior may offend, threaten, humiliate or result in mental distress of an individual/group.
- b. Harassment can also be discrimination on the basis of gender which may or may not be sexual in nature but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant.

Different types of harassment may include;

- (i) Verbal/physical/emotional abuse
- (ii) Abuse of authority
- (iii) Bullying
- (iv) Ragging
- (v) Demeaning or belittling attitude
- (vi) Threatening behavior
- (vii) Discrimination on the basis of religion, ethnicity, race, disability
- (viii) Others unspecified

Provided that a single incident having the effect of making a person uncomfortable or creating a sense of fear or panic at the workplace is also harassment.

4. **Examples of Sexual Harassment**

To facilitate the understanding of sexual harassment and this Policy, the following are offered as examples:

- a. Asking students to meet supervisors/authorities in-charge out of the institution's premises with the promise of improvement in grades.
- b. Financial and sexual gratification from graduate students (PhD, M-Phil, Masters) by their supervisors.
- c. Intimidation of faculty/staff by students/colleagues in order to tarnish the reputation(character assassination) of faculty/staff.
- d. Harassment or bullying, cyber bullying/ragging of students by other students, Faculty by students and vice versa
- e. Stalking through physical or cyber means.
- f. Unwelcome sexual advances – whether they involve physical touching or not.
- g. Asking students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments. (after office hours for morning shifts not later than 5pm, for evening shifts not later than 8.30 pm)
- h. Sexual epithets, jokes, written or oral references to sexual conduct, or gossip regarding one's sex life.

- i. Comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons.
- j. Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments.
- k. Inquiries into one's sexual experiences.
- l. Discussion of one's sexual activities (even if males are discussing this, and is done deliberately in front of female students or colleagues and vice versa.).
- m. Using derogatory and abusive language that refers to others' mother's or sister's or daughter's bodies.
- n. Acts of sexual connotation relating to the same as a common usage in conversation.
- o. Head of department deliberately touching or hitting the body of any employee with a stationery item or vice versa.
- p. Male teacher referring to female bodies and reproductive cycles to embarrass students during class lectures.
- q. Ogling at any student.
- r. Needy students given financial support by faculty member in exchange for sexual favours.
- s. Teacher telling vulgar jokes with sexual innuendos during classes.
- t. Supervisors/teachers spending long hours locked away in office with a colleague or student.
- u. Any student making vulgar comments about any student on social media or verbally relating vulgar material about their fellow students.
- v. Students sending written notes and emails with requests for intimacy in exchange for grades.
- w. Character assassination of teachers to gain political, academic, or financial gains.
- x. Students initiating intimacy for benefits of grades, employment or finances.
- y. Using vulgar language to address students, faculty and other employees.
- z. To touch one's intimate parts in the presence of others.
- aa. Transferring a younger member of the faculty to another department against their will by the authorities as a punitive measure for not complying with undue requests for sexual favours.
- bb. Threatening students by using forged/fake documents and pictures to blackmail them into compliance.
- cc. Anonymous letters/pamphlets/e-mails leading to defamation or character assassination of employees/teachers/students.

5. **Who Can Lodge a Complaint**

- a. A complaint of sexual harassment can be filed against any member of the NUST Community.
- b. All responsible personnel/students who received reports or otherwise become aware of harassment are required to promptly report such misconduct to the

concerned authority.

- c. The complainant can be anyone who is aggrieved by the conduct of any member of the NUST Community when harassment takes place on the NUST premises or in the context of NUST-related activities on any other premise.
- d. If sexual harassment is proved against someone who is working at NUST through a service provider that has a contract with NUST, NUST can, if the behaviour warrants it, prevent the accused from working at NUST.
- e. NUST will inform all external agencies/service providers who do business on the NUST campus of the existence of this Policy and NUST shall also obtain undertakings from them that they shall ensure the implementation of this Policy within their organizations while providing services to NUST.
- f. Students engaged in NUST-sanctioned academic activities on premises/off-campus (including placement, internship and research) will have access to the provisions of the policies of the hiring or supervisory agencies, where such policies exist.
- g. In the event a complainant is reluctant to contact any member of the Inquiry Committee, the complainant may contact a colleague or instructor, or the employment supervisor, manager, department Chair, Dean or Rector.

6. **Assurance of Fair Treatment**

- a. It is mandatory to treat all complaints and identity of complainants as highly confidential throughout the process.
- b. The complainant, the accused, and any other parties to proceedings under this Policy are to be treated fairly.

7. **The Harassment Complaint Cell (HCC)**

a. **Objectives**

NUST, acting through its Rector has constituted a Harassment Complaint Cell whose objectives are;

- (i) Formal registration and examination of informal and formal complaints.
- (ii) Scrutiny of registered complaints for harassment and sexual harassment cases.
- (iii) HCC will deal with formal complaints of sexual harassment of H-12 campus only. whereas, the informal complaints will be forwarded to respective schools/dtes. However, if there are more than two schools/dtes involved then HCC will deal with informal sexual harassment cases.
- (iv) The informal/formal complaints which are not sexual in nature will be forwarded to respective Schools/ Dtes for further proceedings.
- (v) The informal/ formal complaints of sexual harassment/ harassment of constituents will be forwarded to commandants/principals/Deans of the respective constituents for further proceedings.
- (vi) HCC will follow up with respective Schools/Dtes/Constituents regarding

these cases.

- (vii) HCC will facilitate Inquiry Committee of schools/dtes/ constituents if desired.
- (viii) Resolution through counselling as a preliminary step.

b. **Composition**

The harassment complaint cell comprises of the following members: -

Two (2) female Psychologists (C3A)

8. **The Inquiry Committee**

- a. NUST, acting through its Rector, has constituted a standing Inquiry Committee to look into complaints of sexual harassment which has been duly approved by the board of Governors. The Rector has also designated the Chair of the Inquiry Committee from those appointed.

- b. Composition of the Inquiry committee;

- | | | | |
|-------|---|---|---|
| (i) | Pro-Rector (Acad) | - | Chairman |
| (ii) | Director C3A* | - | Secretary |
| (iii) | Director HR** | - | Member |
| (iv) | 2xFemale Psychologists (C ³ A) | - | Members of Harassment Complaint Cell(HCC) |
| (v) | Senior Female/Male Faculty*** | - | Member |

* Dir C3A will oversee inquiry committee's working & compilation of report.

** Dir HR will be a part of the committee only if it is a case of faculty/support staff/NGstaff.

*** An inquiry committee must have a male member, the ratio should be of 2:1 for female and male members.

- c. Senior Faculty member will be of Associate professor level and will be appointed by Pro-Rector ACAD (chairman).
- d. The Chairman may consider reappointing at least one (1) member of the Inquiry Committee for two (2) consecutive terms for institutional continuity.
- e. In case a complaint is made against one (1) of the members of the Inquiry Committee that member should be replaced by another for that particular case. The Chairman may also alter the composition of the Inquiry Committee on a case by case basis to address the valid objections of any of the parties involved in the inquiry.
- f. The duties of the Chair of the Inquiry Committee include, but are not limited to, maintaining order during hearings, answering procedural questions, granting or denying adjournments, arranging for a permanent audio recording of the proceedings, which shall constitute the official record of those proceedings, and

reporting decisions and recommendations of the Inquiry Committee to the Competent Authority (the Rector or his designated representative). All these duties shall be undertaken in consultation with the other members of the Inquiry Committee.

- g. The case proceedings at the constituent level will be carried out by their existing inquiry committee/disciplinary committee, else the commandants/principals/Deans can formulate a three-member committee.
- h. One member of HCC can be a part of the inquiry committee if desired.
- j. A backup Inquiry committee to be formed on case to case basis with the same composition.
- k. All the members of inquiry committee/back up committee/female focal persons must attend 8 hours' sensitization training on sexual harassment policy facilitated by C3A.

9. **Powers of the Inquiry Committee**

- a. The Inquiry Committee shall have the power to:
 - (i) summon and enforce attendance of any person and examine him on oath;
 - (ii) require the discovery and production of any documentary, audio or video evidence;
 - (iii) receive evidence on affidavits; and
 - (iv) to record evidence.
- b. The Inquiry Committee shall have the power to inquire into the matters of harassment under this Policy, to get the complainant or the accused medically examined by an authorized doctor, if necessary.
- c. The Inquiry Committee may recommend for appropriate action against the complainant if allegations leveled against the accused are found to be false and made with malafide intentions.
- d. The Inquiry Committee may, if deemed fit, issue interim no-contact or other orders between the complainant and the alleged accused. NUST 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.

10 **Procedure for Lodging Complaints**

- a. If any person of NUST community feels that they are being sexually harassed they can lodge a complaint. There are two ways of lodging a complaint
 - (i) Informal complaint; to be handled at schools/Dtes/constituents level
 - (ii) Formal complaint; to be handled at HCC (only for Sexual Harassment cases)

- b. The following channels can be used for both informal and formal complaints;
- (i) Student's Advisor, Supervisor/ Female Focal Person/Faculty/HOD/Principal/Dir/DD.
 - (ii) Harassment Complaint Cell (HCC) at C3A
 - (iii) NUST Anti-Harassment Helpline

c. **Procedure of Informal Complaint:**

Step 1

An informal complaint can be done verbally by using any of the above given channels.

Step 2

With the consent of the complainant, informal action would be taken at school/Dte/constituents level to resolve the issue. If the case is resolved detailed inquiry notes will be shared with Pro-Rector Acad and concerned school's principals/directors to maintain the record.

d. **Procedure of Formal Complaint:**

Step 1

Written complaint to the Supervisor/ Female Focal person/Student's Advisor/ /HOD/Principal/Dir/DD of the respective schools/Dtes/constituents or to HarassmentComplaint Cell

Step 2

Acknowledgement by the recipient

Step 3

Recipient (if other than HCC) to forward written complaint to HCC for further inquiry

Step 4

HCC will forward the complaints of constituents to the commandants/principals/ Deans of respective constituents for further proceedings.

Step 5

For sexual harassment cases of H-12 campus, HCC will formulate an inquiry committee with the approval of chairman for further procedure. Whereas the complaints for General harassment will be forwarded to respective Schools/Dtes.

Step 6

The inquiry committee to communicate to the accused in writing within 03

working days with allegation statement

Step 7

Accused's response in writing within 07 working days*

Step 8

Completion of Inquiry within 30 working days

Step 9

Submission of recommendations to Competent Authority (the Rector or his designated representative)

Step 10

Implementation of the decision by competent Authority within 07 working days after receiving the recommendations.

❖ *Ex-parte decision by committee if no response from accused.

e. NUST has designated female focal persons (FFP) in all the schools. Female Focal person shall have the following responsibilities: -

- (i) If a female student/faculty/officers/staff shares an incident of sexual harassment/ harassment to a FFP, she will guide them regarding the process of lodging a complaint.
- (ii) If they desire to complaint informally, the FFP will then inform the principal of her school.
- (iii) Principal will then decide how to resolve the issue informally within their respective schools.
- (iv) If the complainant desires to lodge a formal complaint, the FFP will then forward/refer them to HCC.
- (v) The other channels will follow the same procedure for informal complaints.
- (vi) Both FFP and other channels will not resolve the issue themselves without involving the school Principal/Commandants

11. Procedure for Holding Inquiry

a. The Inquiry Committee in coordination with the Harassment Complaint Cell, within three (03) working days of receipt of a written complaint, shall:

- (i) Communicate to the accused the charges and statement of allegations levelled against them, the formal written receipt of which will be given;

- (ii) Require the accused within seven (07) working days from the day the charge is communicated to them to submit a written defence and on their failure to do so without reasonable cause, the Inquiry Committee shall proceed ex parte; and
 - (iii) Enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against them.
- b. The Inquiry Committee will hear statements from the complainant(s) and accused, and the witnesses (as required) and examine any other documents and/or evidence as presented by the relevant parties.
- c. The Inquiry Committee has discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case. The Chair of the Inquiry Committee also has the power to compel a witness to attend, and the complainant(s) and/or accused may request the Chair's aid in this regard.
- d. The following provisions shall be followed by the Inquiry Committee in relation to inquiry:
 - (i) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
 - (ii) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a representative, a friend or a colleague;
 - (iii) Adverse action shall not be taken against the complainant or the witnesses;
 - (iv) The Inquiry Committee shall ensure that NUST or the accused shall in no case create any hostile environment for the complainant so as to pressurize any person from freely pursuing the complaint; and
 - (v) The Inquiry Committee shall give its findings in writing by recording reasons thereof.
- e. The Inquiry Committee shall submit its findings, recommendations, and final decisions to the Competent Authority within thirty (30) working days of the initiation of inquiry. This written report shall record the reasons for the decision, including any note of dissent. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one (01) or more of the penalties.
- f. Appeals against Minor and Major Penalties shall be conducted as per Policy.
- g. The Competent Authority shall impose the penalty recommended by the Inquiry Committee within one (01) week of the receipt of the recommendations of the Inquiry Committee.
- h. 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, have been implemented by the Competent Authority appointed under the 2010 Act.

- a. In case the complainant is in trauma NUST will arrange for psycho-social counselling or medical treatment and for additional medical leave.
- b. Where any procedural matter is not provided in this Policy, the Inquiry Committee may, after hearing submissions from the parties, and guided by the principles of fairness, and by the letter and spirit of the 2010 Act, establish any appropriate procedure.
- c. Objective documentation of the proceeding of the Inquiry Committee should be maintained by audio/video recording, and high confidentiality of the records and other such material shall be upheld at all times.
- d. All parties will bear their own costs related to the proceedings. The Inquiry Committee will not order or recommend the payment of costs, including any legal costs, of the proceedings to any party.
- e. Closed hearings shall take place as a rule.
- f. NUST shall prohibit reprisals or threats of reprisal against any member of the NUST Community who formally or informally avails of this Policy as there is a possibility of further victimization or hindrance in the launching of complaints. NUST prohibits threats or actions against anyone who participates in proceedings held under its ambit.
- g. The complainant may also request for informal proceedings of the case.
- h. Final verdict to be promptly shared with both parties.

12. **Other Guidelines**

- a. To ensure the safety and promote well-being of both the parties (complainant and accused) interim measures will be taken that may include, but are not limited to: adjusting work schedules/job assignments/other work accommodations, changing academic schedules, paid/unpaid leave, rescheduling examinations, allowing withdrawal from or retaking classes without penalty, temporary suspension from employment/ academic enrollment/student status.
- b. A staff member (e.g. from the Human Resource Department) may be appointed to assist the Inquiry Committee with their work. This work may include responsibilities such as organizing meetings and/or hearings, acting as a liaison between the Inquiry 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 NUST.

- c. The Inquiry Committee and their support staff will be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.
- d. The complainant and the accused may at any stage of any of the procedures outlined in this Policy be represented and/or accompanied by another person of his/her choice.
- e. All staff and students of NUST should receive orientation/introduction at the commencement of their association with NUST with respect to inter alia, sexual harassment, reporting, preliminary actions to be taken, confidentiality. The staff and students should be provided with basic information such as names, titles and contact information of those persons or the office designated to receive complaints, and where victims can report sexual harassment. Moreover, the teachers, staff, administration should be competent to handle situations where if a complainant does not know where to report an incident, or does not feel comfortable reporting directly to the designated person, then they can report the incident to any person on campus that they trust and that person can then guide the complainant and facilitate reporting of the complaint for resolution.

13. **Penalties, Sanctions and Remedies**

- a. If the Inquiry Committee finds the accused to be guilty, the penalties shall be recommended as per NUST statutes:
 - (i) **For Students:** NUST Statutes Part 2, Discipline Matter (Chapter XVII)
 - (ii) **For Faculty:** NUST Statutes Part 1, NUST Employee Efficiency and Discipline (Chapter XV) and as per NUST HR manual.

b. **False Allegations:**

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 malafide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy and action would be taken under the University disciplinary regulations/ as per provisions of the University ACT.

Withdrawal of a false complaint after a wide dissemination of, or publicity of the purported offense carried out intentionally to malign the character of the person accused, and done with willful intent to cause physical, psychological or mental harm or stress has to be dealt with more serious penalties. This will ensure that no injustice is meted out.

14. **Appeal Against Minor and Major Penalties**

- a. 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. Appeal can be lodged to the higher authority of the University.
- b. There shall be a three-member appellate body (the “Appellate Body”) appointed by the

VC/Rector 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.

- c. Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:
 - (i) the alleged conduct does or does not fall within the scope of this policy;
 - (ii) the Inquiry Committee reached a decision without consideration of material information;
 - (iii) the imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct; or
 - (iv) the adjudication process followed by the Inquiry Committee was procedurally unfair.
- d. 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.
- e. 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/Rector and the Inquiry Committee.
- f. The aggrieved party shall also have an option to file an appeal to the Ombudsperson in accordance with the provisions of the 2010 Act.

15. Procedure Where Complainants are Unwilling to File A Written Complaint

- a. If the Inquiry Committee receives repeated allegations of offenses against the same person but each of the persons making allegations is unwilling to file a written complaint and appear as complainant, and if the circumstances are considered by the Inquiry Committee to be such that a complaint should be lodged, they will inform the Rector and a fact finding initiative shall commence.
- b. The Inquiry Committee can summon potential witnesses in the context described in this respect and make all efforts to make the circumstances safer for anyone who may wish to come forward with a formal complaint.
- c. If the Inquiry Committee finds evidence of sexual harassment but a formal complaint is not filed / processed, they will try to find solutions and take steps to make the environment harassment free.

16. Measures for Prevention

- a. Education is essential for sensitizing the NUST Community in order to eliminate sexual harassment on campus. This may be done in multiple ways that include, but are not limited to the following.
- b. This Policy shall be:

- (i) available on the NUST website
 - (ii) be a part of the package that all new employees / students receive
 - (iii) displayed in prominent locations on campus
- c. Setting up of an urgent response system to timely and efficiently handle such situations. This should comprise of senior faculty members who are duly trained and sensitized on the issue.
- d. All departments at NUST must disseminate and display information on what constitutes sexual harassment, how to respond to it and what to do when someone asks for advice about sexual harassment.
- e. NUST shall endeavour that its relevant members (such as members of the Inquiry Committee, and HR personnel) attend a training to educate themselves on sexual harassment and the laws. Once trained, designated HR personnel shall be made responsible for educating all personnel/staff/faculty that enter the NUST employment. This will be an ongoing activity.

17. Consensual Relationship within the NUST Community

In contrast to sexual harassment conduct, personal relationships among consenting adults of the NUST Community that do not breach the social and cultural norms of the society and occur outside NUST premises are, in general, a private matter. However, under this Policy it is highly inappropriate for any member of the NUST Community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance they will be required to make professional judgments. This Policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in case such an intimate relationship develops during the working relationship. Relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all concerned.