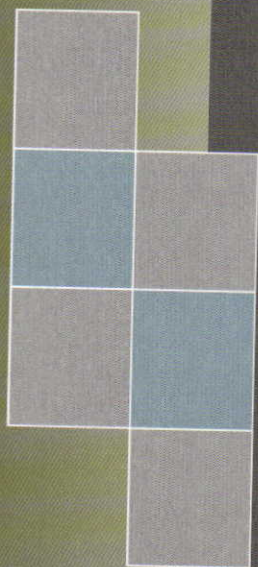


**POLICY GUIDELINES AGAINST
SEXUAL HARASSMENT
IN INSTITUTIONS OF HIGHER LEARNING**



Government of Pakistan
Higher Education Commission
Islamabad

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SEXUAL HARASSMENT
IN INSTITUTIONS OF HIGHER
LEARNING**



**HIGHER EDUCATION COMMISSION
ISLAMABAD**

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Preamble to Guidelines

HEI's are dedicated to the pursuit and dissemination of knowledge. Their members enjoy certain rights and privileges essential to these twin objectives. Central among these rights and privileges is the freedom, within the law, to pursue what seem to them fruitful avenues of inquiry; to teach and to learn unhindered by external or non-academic constraints; and to engage in full and unrestricted consideration of any opinion. This freedom extends not only to members of the HEI's but to all who are invited to participate in its forum. All members of the HEI's must recognize this fundamental principle and must share responsibility for supporting, safeguarding and preserving this central freedom. Behavior which obstructs free and full discussion, not only of ideas which are safe and accepted but of those which may be unpopular or even abhorrent, vitally threatens the integrity of the HEI, and cannot be tolerated.

Suppression of academic freedom would prevent the HEI from carrying out its primary functions. In particular, as an autonomous institution HEI is protected from any efforts by the state or its agents to limit or suppress academic freedom. Likewise, neither officers of the HEI nor private individuals may limit or suppress academic freedom.

The common good of society depends upon the search for knowledge and its free exposition. Academic freedom does not require neutrality on the part of the individual; on the contrary, academic freedom makes commitment to a position or course of action possible. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

Ideally, the Higher Education Institutes (HEIs) are places where administrators, faculty, employee/staff, and students (all levels/categories) work and learn in an environment free from intimidating, offensive, and hostile behaviors. Sexual harassment vitiates such an environment. Therefore, each member of the HEI campuses must have mechanisms to provide their members with the opportunity to develop intellectually, professionally, personally, ethically, morally and socially in a fair and humane environment.

1.0 POLICY STATEMENT:

- 1.1 **Sexual harassment is prohibited at HEI and constitutes a punishable offence under this policy**
- 1.2 All persons entrusted with authority by the HEI have a particular obligation to ensure that there is no misuse of that authority in any action or relationship.
- 1.3 The HEI recognizes its legal and moral responsibility to protect all of its members from sexual harassment and to take action if such harassment does occur. It involves establishing an educational program to prevent incidents of sexual harassment.
- 1.4 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.
- 1.5 All administrators, deans, managers, 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.
- 1.6 All the actions categorized as sexual harassment when done physically or verbally would also be considered as sexual harassment when done using electronic media such as computers, mobiles, internet, e-mails etc.

2.0 WHAT IS SEXUAL HARASSMENT?

Sexual Harassment generally takes place when there is power or authority difference among persons involved (Student/Teacher, Employee/Supervisor, Junior Teacher/Senior Teacher, Research Supervisee/Supervisor). In Pakistani Universities relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all involved. Further, this also involves treating others unequally on the basis of gender in work-related or academic duties or programs and not providing female students with the same academic opportunities as male students or vice versa; this is also applicable to same sex

harassment (male /male, female/female). The types of behavior constituting sexual harassment may vary in degree of severity. Its definition always has one key element -- the behavior is **uninvited, unwanted, and unwelcomed**.

3.0 STATEMENT OF PRINCIPLES:

- Sexual harassment is offensive sexual behavior by persons in authority towards those who can be benefitted or injured in an official capacity. Therefore, it is primarily an issue of abuse of power, not sex.
- Sexual harassment is a breach of a trusting relationship that should be a sex-neutral and relaxed situation. It is unprofessional conduct and undermines the integrity of the employment relationship.
- Sexual harassment is coercive behavior, whether implied or actual. It is unwanted attention and intimacy in a nonreciprocal relationship.
- Sexual harassment is a violation of professional ethics.

4.0 IN GENERAL-SEXUAL HARASSMENT DEFINED:

- Unwanted sexual advances;
- Unwelcome requests for sexual favors; and
- Other behavior of a sexual nature where:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a HEI-sponsored educational program or activity;
 - B. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
 - 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.

5.0 LISTING OF SEXUAL HARASSMENT IN HEI'S actual reported cases)

- Asking female students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments.
- Asking female students to meet supervisors/authorities in-charge out of the HEI premises with the promise of improvement in grades.
- Financial and sexual gratification from graduate students (PhD, Phil, Masters) by their supervisors.
- Intimidation of faculty/staff by students/colleagues in order to tarnish the reputation (character assassination) of faculty/staff.
- Harassment by senior students of the junior students, female students or minority students.
- Unwelcome sexual advances —whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities (even if males are discussing this, it is done deliberately in front of female students or colleagues
- Using derogatory abuses which refer to mother or sister bodies
- Acts of sexual connotation relating to the same, as a common usage in conversation
- Forcing students to publish their research work in Supervisor's name

6.0 SEXUAL HARASSMENT: TYPES AND EXAMPLES (actual reported cases)

6.1 By Teacher

- Male Teacher asked the Female student, if you want "A" grade, you need to take your final exam at my home.
- Male head of the department forced the female subordinate employee that if she wants her contract extended she needs to spend time with him after office hours
- Male HOD deliberately touching or hitting the body of female employee by file or pen/pencil.
- Male Teacher's referring to female bodies and reproductive cycles to embarrass female students during class lectures.
- Various complaints recorded of staring at female students especially at their bodies
- Needy female students were given financial support by Faculty member in exchange for sexual favors
- Students complaints of teacher telling vulgar jokes during classes which have sexual innuendos
- Complaints against male supervisor/teacher spending long hours locked away in office with a young female colleague or student

6.2 By Students:

- Female student partially exposing her body to male supervisors while having meeting on one to one basis in supervisor office.
- 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.
- Female student visiting male teacher in his office unnecessarily and spending long hours and initiating intimacy for benefits (of grades, employment or even monetary).
- Female students sending in written notes, letters, emails with requests for intimacy- in exchange for grades
- Character assassination of female teachers to gain political, academic, or financial gains (case of specific HEI teacher who was removed from duty because of harassment by politically motivated students).
- Dressing culturally inappropriately to emphasize body parts (both males/females)

6.3 By Employees:

- Using vulgar language to address females (student, faculty and other employees)
- To touch their intimate parts in the presence of women
- Younger faculty member was blocked by Dean of the relevant faculty to get higher education (PhD/MPhil).
- Junior faculty was transferred to other department against their will by the authorities as punitive measure for not complying with undue request for (sexual) favors
- Administrative Staff asking the female students to pay them for providing the students for their documents in time,
- Giving extra favors to young female faculty/staff in nominating their names for international/domestic trips for their attention.
- Threatening the females students by using forge/fake documents and pictures to black mail them into compliance.
- Anonymous letters/pamphlets/e-mails defaming or character assassinating of employees/teachers/students.
- Providing material to news paper/magazine to tarnish the reputation of faculty/employee/students.

7.0 Jurisdiction:

- 7.1 For the purpose of this policy, members of the HEI are defined as all administrative, research, teaching and non-teaching employees of the HEI as well as students (including interns and residents) of the HEI. It is mandatory to treat all complaints and identity of complainants as highly confidential where high

- confidentiality shall be maintained throughout the process.
- 7.2 This policy applies to all members of the HEI community, to those with whom the HEI does business and to any person on HEI property (including contractors who are involved in any business- catering, hostels, or construction etc)
- 7.3 This policy affects the terms and conditions of employment of faculty of the HEI. As such, it is subject to discussion and/or approval in accordance with the HEI policy entitled, the final decision would rest with the HEI authority as designated in the Act and Statutes
- 7.4 Nothing in this policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the HEI and its employees
- 7.5 The following individuals or bodies may initiate a complaint:
- 7.5.1 Any member of the HEI, on his or her Own behalf.
- 7.5.2 The HEI, on behalf of one of its members
- 7.5.3 Persons seeking to become members of the HEI in circumstances directly affecting their application to become a member
- 7.5.4 Former members of the HEI in circumstances directly affecting their dismissal or withdrawal from the HEI
- 7.5.5 Individuals employed by companies holding contracts with the HEI while fulfilling the terms of the contract; or
- 7.5.6 Invited visitors.
- 7.6 The following individuals or bodies may be the subject of a complaint:
- a. Any member(s) or employee(s) of the HEI; or
- b. Others on HEI property.
- 7.7 Complaints may be made about any alleged violation of this policy that takes place on HEI premises, be they rented or owned, or in the course of any activities conducted by or on behalf of the HEI on other premises.

- 7.8 The HEI will inform all external agencies who do business on the HEI campus of the existence of the Sexual Harassment Policy.
- 7.9 Students engaged in HEI-sanctioned academic activities on premises off-campus (placement, internship, practicum, research) will have access to the provisions of the policies of the hiring or supervisory agencies, where such policies exist, and/or of the HEC. Students at off-campus placements may seek advice from the HEI Sexual Harassment Monitoring Office.

8.0 HEI OFFICE /HARASSMENT COMPLAINT CELL:

8.1 Objectives:

The primary purpose of specialized office or cell is to facilitate the policy implementation in letter and spirit. Universities are to set up Offices / Harassment Complaint Cell, where complaints of sexual harassment or any other forms of harassment could be lodged. This would require a team consisting of a full time trained professional designated Harassment Monitoring Officer (Gender sensitized, with strong professional and counseling skills), computer specialist, and assistant who could follow up the documentation through relevant offices. It is appropriate that one of the senior members be female in order to facilitate confidential communication. The Harassment Complaint Cell would involve the following:

- a. Sensitization of all university faculty, staff, students to sexual harassment through workshops and training. All personnel/staff/faculty that enter the university employment would require completing a two-three day essential sensitization training programs. This would be an ongoing activity
- b. Complaint registration: Formal verbal or written complaint could be lodged in this office, as a first and preliminary step. Resolution through counseling can take place at this first step. However, if the complainant wishes to follow through the hearing and tribunal procedures, he/she would be required to fill a complaint form that would be available in the cell.

- c. Tracking system: Once the complaint has formally been lodged, it would be entered into the database to track the processing of the complaint. It is important that every complaint be treated with utmost confidence and is sent to the concerning authorities/vice chancellor for further orders/inquiries. The preliminary investigation reports should also be uploaded into the database against every reference filed case to facilitate the entire investigation procedure.
- d. Implementation: Since the investigation of such cases requires a constant liaison between the appointed authority/committee and the complainant therefore all the meetings and schedule arranged would be the responsibility of cell.

9.0 GENERAL PRINCIPLES FOR PROCEDURES:

- 9.1 All persons who allege discrimination or harassment under the provisions of this policy must be advised to contact the Harassment Monitoring Officer (HMO). This provision will ensure that all such complainants will have access to expert advice. In the event that a complainant is reluctant to contact the Officer, the complainant may contact a trained or qualified individual (e.g., employment supervisor, manager, Department Chair or Dean, Psychologist or Academic Counselor).
- 9.2 The Harassment Monitoring Officer is an agent of the HEI He/She will be appointed by Syndicate/Executive Council/Board of Governors.
- 9.3 Confidentiality shall be enjoined on the Harassment Monitoring Officer, and supervisory personnel working in concert with the Harassment Monitoring Officer.
- 9.4 The Harassment Monitoring Officer and supervisory personnel working in concert with the Harassment Monitoring Officer will be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.
- 9.5 Failure to comply with a resolution agreed upon or imposed as a result of the procedures within this policy may result in disciplinary action by the HEI.
- 9.6 If, during the informal stages of complaint resolution, the Harassment Monitoring Officer determines that the

complaint is frivolous, vexatious or entirely without factual basis, the Officer will advise the complainant and the respondent (if previously informed of the complaint) of this fact, in writing, and will provide reasons for this conclusion.

- 9.7 No one shall be compelled to proceed with a complaint.

10.0 RECORDS:

All notes pertaining to advice sought by persons wishing merely to consult with the Officer, or arising from procedures of an Informal Resolution Without A Written Complaint shall be maintained in a confidential file for a period of three years for students and permanent record/dossier of the employee of the HEI from the date of the complainant's initial contact with Harassment Monitoring Officer.

11.0 FALSE ALLEGATION:

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 a false or frivolous 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. Any Charge found to have been intentionally dishonest or made in willful disregard of the truth, and to malign or damage the reputation however, will subject the complainant (student, staff or faculty) to severe disciplinary action.

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.

12.0 GENERAL PROCEDURES FOR ACTION BY HARASSMENT MONITORING OFFICER (HMO):

- 12.1 If the Harassment Monitoring Officer receives repeated allegations of offenses against the same person but each of the persons making allegations is unwilling to

- appear as complainant, the Officer shall inform the highest authority of the HEI.
- 12.2 The Harassment Monitoring Officer shall communicate with persons drawn from the pertinent notes/records to determine their willingness to provide testimony against the alleged harasser. The Officer shall not communicate the contents of the notes to such persons in either written or verbal form.
- 12.3 The Harassment Monitoring Officer shall provide to the appropriate senior authorities/officers the names of witnesses and the name of the alleged respondent and copies of any written complaints and responses.
- 12.4 The appropriate senior authorities/officers shall communicate with the witnesses and the alleged respondent and decide (no later than six weeks from the date of receiving the information) whether to initiate formal procedures against the respondent.

13.0 SEXUAL HARASSMENT RESOLUTION:

Resolution may be pursued through three progressive levels,

"Informal Resolution Without a Written Complaint", "Informal Resolution With a Written Complaint" and "Formal Resolution With a Written Complaint". The Harassment Monitoring Officer will normally encourage all complainants to seek resolution through informal means instead of, or prior to, proceeding to the process of formal complaint resolution. This does not preclude a complainant's requesting to bypass informal procedures and move directly to formal resolution or to seek counseling.

14.0 HEARING PANEL FOR SEXUAL HARASSMENT:

Formal hearings will be conducted before a tribunal selected from the membership of a Hearing Panel for Sexual Harassment. The Hearing Panel will consist of 4 non-teaching staff members appointed by the Syndicate/Executive Council/Board of Governor and 4 members of the teaching staff (gender balance), 2 students (one male/one female) with outstanding merit and integrity appointed by the Syndicate/Executive Council/Board of Governor. The Chair and the Vice-chair shall be appointed by the Syndicate/Executive Council/Board of Governor from among the members appointed by the Syndicate/Executive

Council/Board of Governor. Staff serving on the Hearing Panel will be given released time to do so. The quorum requirement will be 50% of each category. All members of the Hearing Panel will have to go through gender harassment training workshops.

15.0 SELECTION OF TRIBUNAL:

- 15.1 Upon receipt of the request for a formal hearing, the Secretary of the Syndicate/Executive Council/Board of Governor shall forward to the Chair of the Hearing Panel the written request for a formal hearing, together with the identity of the complainant and the respondent.
- 15.2 A tribunal will consist of the Chair or Vice-Chair of the Hearing Panel (or designate) who will chair the tribunal, and two members of the Hearing Panel. Tribunal may co-opt a professional psychologist or gender specialist as needed or considered appropriate.

16.0 PROCEDURAL RULES FOR FORMAL HEARINGS:

Tribunals conducting Hearings under this policy shall follow the procedures set out in the HEI Act or Statutes regarding discipline and conduct HEI Faculty, staff/employees and students. The procedures detailed below govern in the absence of any judicial determination to the contrary. Where any procedural matter is not dealt with below, the Tribunal may, after hearing submissions from the parties, and guided by the principles of fairness, establish any appropriate procedure.

17.0 SCHEDULING:

An attempt shall be made to schedule the Hearing(s) at a time and place convenient for the tribunal and for the parties to the Hearing. However, any party whose reasons for absence are not considered valid by the Chair of the tribunal or whose absence may cause unreasonable delay, shall be notified that the tribunal will proceed in that party's absence.

18.0 DUTIES OF THE TRIBUNAL CHAIR:

- The Chair's duties include, but are not limited to:
- a. maintaining order during hearings;
 - b. answering procedural questions;

- c. granting or denying adjournments;
- d. arranging for a permanent audiotape-recording of the proceedings, which shall constitute the official record of those proceedings; and
- e. reporting decisions of the tribunal to the Head of Institution.

The above duties shall be undertaken in consultation with the tribunal members, if appropriate.

19.0 COUNSEL:

- 19.1 Both the complainant and the respondent have the right to be accompanied by an adviser or to be represented by counsel.
- 19.2 All parties will bear their own costs related to the proceedings. The tribunal will not order or recommend the payment of costs, including any legal costs, of the proceedings to any party.

20.0 CLOSED HEARINGS:

Hearings shall be held in camera unless either the complainant or the respondent objects that the hearing, or some part of the hearing, should be held in public. In the event of such an objection, the tribunal shall hear representations from all parties. In making its ruling, the tribunal shall consider whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances.

21.0 ORDER OF PROCEEDINGS:

- 21.1 The Chair's opening statement which shall identify the parties, introduce members of the tribunal and other participants in the Hearing, identify the nature of the case, confirm that all parties have had an opportunity to see the record and list any evidence which the parties have agreed can be admitted on consent.
- 21.2 The complainant's opening statement, which shall contain a brief description of her/his case, including what she/he believes is the offence.

22.0 WITNESSES:

The rules governing Witnesses can be obtained from "Policy Guidelines against Sexual Harassment in Institutes of Higher Learning".

23.0 EVIDENCE:

The rules governing Evidence can be obtained from "Policy Guidelines against Sexual Harassment in Institutes of Higher Learning".

24.0 DELIBERATIONS BY THE TRIBUNAL:

- 24.1 Following the formal hearing, the tribunal shall deliberate in closed session to make a decision on, the merits of the complaint on the basis of evidence and arguments and recommend an appropriate penalty.
- 24.2 If the tribunal cannot reach a majority decision with respect to the recommended penalty, the two members of the tribunal shall each submit in writing the penalty he or she believes is appropriate. The Chair shall select one of these two proposals as the tribunal decision.
- 24.3 The tribunal shall prepare and submit to the Vice Chancellor/Rector/President/Director of the HEI a written report.
- 24.4 Copies of the tribunal's report to the Vice Chancellor/Rector/President/Director shall be sent in confidence to the complainant, the respondent and the Harassment Monitoring Officer
- 24.5 The Vice Chancellor/Rector/President/Director shall ensure that any penalties recommended are enforced by the authority responsible for implementing or imposing the penalty.
- 24.6 If the tribunal decides by a preponderance of reliable evidence that a complaint has been fraudulent, frivolous or vexatious, the Tribunal will find that the complainant, is in breach of this policy and will recommend to the Vice Chancellor/Rector/President/Director such sanction or remedy against the complainant as it feels is appropriate.
- 24.7 Decisions of the tribunal are binding and cannot be appealed within the HEI.

- 24.8 The tribunal shall make any other recommendations in a document separate from the report containing the tribunal's decision and recommended penalty.
- 24.9 All records pertaining to tribunal procedures, decisions and recommendations shall be retained by the Sexual Harassment office.

25.0 SANCTIONS AND REMEDIES:

The following penalties, singly or in combination, may be imposed upon any respondent who is a member of the teaching, research or non-teaching staff in any case where sexual harassment is found to have occurred:

- 25.1 oral or written reprimand;
- 25.2 inclusion of the decision in a specified personnel file(s) of the respondent;
- 25.3 exclusion of the respondent from a designated portion(s) of the HEI's 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
- 25.4 imposition of conditions, as decided by the Tribunal.
- 25.5 the imposition of a fine;
- 25.6 recommendation for suspension of the respondent without pay;
- 25.7 recommendation that dismissal proceedings be commenced; and/or
- 25.8 other, as deemed appropriate.

26.0. PENALTIES:

- 26.1 The following penalties, singly or in combination, may be imposed upon a student respondent in any case where sexual harassment is found to have occurred:
- 26.2 oral or written reprimand;
- 26.3 inclusion of the decision in a specified student file(s) of the respondent, for a specified period of time, not longer than 7 years;

- 26.4 exclusion of the respondent from a designated portion(s) of the HEI's 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 pursuing her/his studies;
- 26.5 imposition of conditions, as decided by the Tribunal
- 26.6 prohibition of the respondent from attendance in a course(s), a programme, or a teaching division or unit, for a period of not more than 1 year; and/or
- 26.7 other, as deemed appropriate.
- 26.8 the tribunal of the Hearing Panel must recommend any appropriate sanction or remedies it deems necessary to guarantee that the behavior is not repeated. The tribunal may also make a recommendation to the ViceChancellor/Rector/President/Director that the complainant be accommodated for injury or damage to or loss of property.
- 26.9 Suspension or dismissal may only be recommended, and such recommendations shall be dealt with in accordance with the established policies and procedures and by the terms or existing contracts of employment or collective agreements.

27.0 EDUCATION FOR PREVENTION:

To ensure prevention of Sexual harassment on campus the HEI should develop programs to educate and counsel 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. All Universities will develop an ongoing training program. Completion and participation of the training program is to be made a requirement for all those who enter employment or university services. Further, notices be placed by University authorities regarding its policies. The Student Advisor in each faculty/department may disseminate 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.

28.0 CONSENSUAL RELATIONSHIP BETWEEN HEI COMMUNITY:

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 should 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 community.

29.0 APPEAL MECHANISM:

Three member Appellate Body shall be formed by the Syndicate/Executive Council/Board of Governor for hearing appeals on the decisions of the tribunal. The recommendations of the appellate body will be submitted to the head of the HEI for further perusal of the same where the Head of the HEI may decide to:

- a. Send the recommendation of the Appellate Body to the Tribunal for reconsideration.
- b. Uphold the decision of the Tribunal as a final authority.

30.0 This policy may be reviewed from time to time, as required.



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HEC: Printing Press