



NUTECH POLICY TO PROTECT AGAINST SEXUAL HARASSMENT

DEAN STUDENTS LIFE OFFICE

NUTECH

POLICY TO PROTECT AGAINST SEXUAL HARASSMENT

1. **General.** Nutech University is committed to provide secure, healthy and conducive learning environment / workplace to its students and faculty members. It inculcates in NUTECH community the concepts of mutual respect, openness and inclusive approach to contribute toward the development of more egalitarian society. Harassment in its all hues and forms is absolutely unacceptable that can potentially vitiate the learning environment. It becomes imperative to explicitly define the term harassment with encompassing behaviors and attitudes. This also necessitates the need to place mechanism to deal with reported cases of harassment.

2 **Objectives**

- a. To sensitize students / faculty / staff on how to recognize harassment in various forms of attitudes and behaviors.
- b. It is also meant to foster the culture of collective responsibility to prevent the unwanted behaviors.
- c. To convey the message of zero tolerance for sexual harassment that can negatively affect the community.
- d. To ensure that incidents of harassment are being reported and investigated with due seriousness and impartiality by providing effective mechanism.
- e. To promote a culture of openness in the campus to discourage the culture of blaming the victim.
- f. To create safe conditions so that complainant should not feel pressurized / intimidated not to pursue her/his complaint against the accused.

3. **Jurisdiction.** This policy is applicable to all students / faculty / support staff / employees, enrolled in NUTECH, or visitors when harassment occurs on campus, off campus related to any university's recognized program / activity or by using university network.

4. **Sexual Harassment**

- a. Overall sexual harassment includes any unwelcome sexual advance, request for sexual favours by verbal, written or other means of communication, physical conduct of a sexual nature or a sexually demeaning attitude that interferes with the victim's work / academic performance; or creates an intimidating, hostile, offensive work / study / learning environment. Prohibited Conduct (Examples of sexual harassment) includes but are not limited to:

- (1) Inappropriate gazing at a person's body.
- (2) Unsolicited physical touching, patting or pinching.
- (3) Unwelcome verbal advances, sexually oriented comments about physical appearance.
- (4) Requests for sexual favours or gender discrimination while allotting perks, privileges or academic grades.
- (5) Jokes of a sexual nature, offensive flirtation or lewd remarks / expressions of a sexual nature, through any means including use of the internet and mobile technology such as email, SMS text, social media or other electronic communications.
- (6) Invasion of personal space (standing too close).
- (7) Display of or forced to see sexually suggestive pictures, objects or written material, or sexually suggestive gestures. Examples of harassment cases as per the Higher Education Commission Policy for Sexual Harassment.

5. **Designated Resources**

- a. **Focal Persons**. Three Focal Persons from faculty (at least one shall be a female) are to be designated to offer psychological support and assistance to victims of harassment. DoU will nominate the names of Focal Persons in consultation with DSL and Registrar will notify the names.
- b. **Inquiry Committee**
 - (1) The university will also constitute an Inquiry Committee to investigate and adjudicate any allegations related to harassment.
 - (2) The committee will consist of five members including Chair, preferably two of them shall be female. In case of non-availability at least one should be a female as per HEC Policy.
 - (3) All members shall be employees of NUTECH, two members shall be from Under Graduate Course Faculty, one from Skill Development Programme Faculty and one member from management.
 - (4) All members will be appointed by the Rector in consultation with DoU, Registrar will notify the names.
 - (5) Members shall be appointed for a term of two years. They may be appointed for two consecutive terms but the third term is only be considered after the lapse of two years.

- (6) DSL will act as the Chair whose duties include maintaining order during hearing, adjusting dates of hearing, answering procedural questions, maintaining proper documentation of the official record during the process of inquiry and submission of documents to the Committee of Discipline after the conclusion of Inquiry, reporting recommendations of the committee to DoU in consultation with other members for onwards submission.
- (7) One support staff will also be appointed by the DoU to assist in documentation and necessary co-ordination for the proceedings of the inquiry.

6. **Reporting of Complaints**

- a. NUTECH encourages the reporting of all incidents of harassment, regardless of who the alleged offender may be preferably within three months but not later than 12 months from the occurrence of harassment.
- b. The University assures that all complaints that are reported will be taken seriously, will be investigated thoroughly and expeditiously and that all parties will be treated with respect.

7. **Who Can Initiate the Complaint**

- a. Any student / support staff / faculty who experience the harassment are advised to immediately report the matter (whether in person / on phone/ through email, SMS) presenting their allegations against any of the students / faculty / staff they feel has violated their space / respect as per the criteria mentioned in para 4 (a). However, at the earliest the complainant has to register his complaint in writing with his signature.
- b. The complainants are to register their complaints to designated Focal Persons or any of the members of Inquiry Committee. However, students have the liberty to report their complaint to any instructor, faculty HoDs, Dean, Directors, DSL, DoU, Pro Rector or Rector i.e to whom he feels safe and comfortable.
- c. The female students may report the incident to female member of Inquiry Committee of harassment or Focal Person or Faculty.
- d. If any such incident comes into the observation of any instructor, he himself can also initiate the complaint in due consideration of the individual's cognizance to protect rights of the student involved.

- e. If designated resources as mentioned above (instructor, faculty HoDs, Dean, Directors, DSL, DoU, Pro Rector, Rector) receives any complaint it is their responsibility to forward the written complaint signed by the complainant to the Inquiry Committee within a period of 24 hours.
- f. For minor violations complainant (a person who experienced the harassment) or any member of NUTECH Community who observed it may opt to make an informal complaint to either the Focal Person or the Inquiry Committee. The aim is to take preventive action to check the offensive behavior to avert prohibitive behavior.
- g. Inquiry Committee itself can initiate the complaint (in absence of formal complaint) if receives frequent informal complaints (from any NUTECH Community) within the jurisdiction but has to first notify the Rector through DoU.
- h. Any member of NUTECH Community may contact the Focal Persons or any member of Inquiry Committee to seek advice of procedures to file a complaint without disclosing identities of victims and accused.

8. **Proceedings and Actions by Focal Persons and Inquiry Committee**

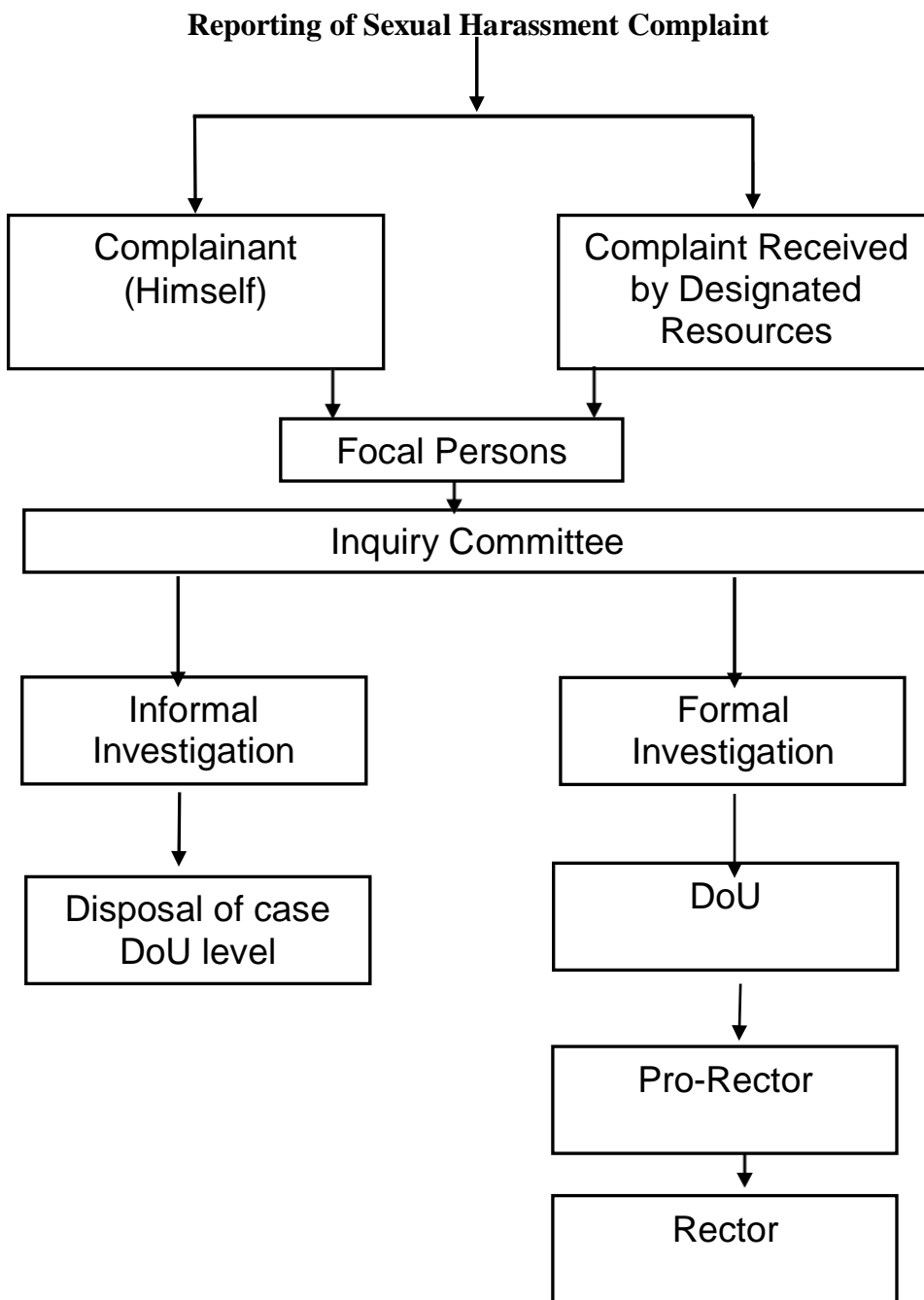
- a. The focal persons are immediately supposed to take appropriate steps to provide the relief to the victims such as:
 - (1) Adjustment of classes.
 - (2) Access to counselling services.
 - (3) Any other measures that may be deemed appropriate.
- b. All complaints (written report with signatures) alleging harassment shall be forwarded to the Inquiry Committee within 24 hours of being received by any of the designated persons (HoDs / Directors / Deans or Focal Persons).
- c. As soon as the committee receives the complaint will start working to determine whether the case is of minor nature (informal investigation) or the case merits formal investigation due to severity of the misconduct involved as per the criteria at para 4(a).
- d. **Informal Investigation**. If majority of the committee members think that the presented case is of minor nature, it could be disposed of at the committee level with warnings, reprimand and counselling to concerned parties with info to the DoU within 72 hours of receiving the complaint.

Informal investigations will serve as preventive measures to check the offensive behavior to avert the impending damage.

9. **Formal Investigation**

- a. If the committee decides the case warrants formal investigation [fulfills the criteria as per para 4(a)] it will notify the Pro-Rector through DoU about the date of commencement of Formal Investigation of the case within 72 hours of receiving the complaints.
- b. The respondent will be given seven days after serving the charge sheet to him to explain his position on the allegations in written defense duly endorsed with signature.
- c. All hearings shall be closed hearings.
- d. Inquiry Committee will hear statements from complainant, respondent, witnesses and will examine any piece of document or evidence presented by involved parties or collected during the course of inquiry.
- e. Any discrepancies will be eliminated by cross examining and questioning the parties involved.
- f. The parties will be informed of the consequences of any wrong accusations or falsehood. The Inquiry Committee will take special care to guard against any threat or reprisal to complainant or witnesses by recommending disciplinary actions against those found guilty.
- g. The complainant and the respondent has the right to be represented or accompanied by any person of their choice,
- h. The veracity of the complaint needs to be established in order to ensure that no personal grudge or enmity against the accused is being pursued. This will be done by giving due consideration to each party (has the right to cross question) involved and thus establish facts and figures.
- i. The complainant and the respondent will be given ample opportunity to provide full description of the incident (any documentary evidence) including any additional event leading to the act of harassment. The names involved will be kept confidential.
- j. The committee has the right to call any NUTECH community member to provide his account (as a witness) related to case or to acquire any piece of evidence (document or video) to enhance its understanding of the case.

- k. After establishing the genuineness of complaint, immediate action will be sought in order to maintain the safety and wellbeing of the affected individual. The victim may be provided counselling to readjust with his or her routine.
- m. The members of the committee will apply their ability of judgment and will determine the validity of the case while taking situations in totality. The case may be decided unanimously or with majority vote.
- n. **Penalties, in Cases Respondent is a Student.** Inquiry Committee may recommend any appropriate penalty according to gravity and severity of the offense such as:
 - (1) Warning
 - (2) Reprimand
 - (3) Disciplinary probation
 - (4) Withholding of degree
 - (5) Suspension
 - (6) Expulsion
- o. **Penalties, In Cases Respondent Is a Faculty Or Employee.** Inquiry Committee may recommend any appropriate penalty according to gravity and severity of the offense such as:
 - (1) Oral or written reprimand.
 - (2) Counselling.
 - (3) Exclusion of the respondent from a designated portion or activity.
 - (4) Imposition of Fine.
 - (5) Recommendation that dismissal proceedings be commenced.
- p. The Inquiry Committee shall give its findings and recommendations in writing with appropriate reasons (note of dissent by any member if any) maximum within 30 days of the initiation of the Formal Investigations through proper channel (DoU, Pro-Rector, Rector).
- q. The onus of continuous improvement of Harassment Policy and Inquiry procedures for the approval of competent authority rests with the Inquiry Committee.



10. **Right of Appeal**

- a. Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within 30 days from the date of notification of the decision.
- b. With reference to cases which fulfill the scope of the “Harassment Act 2010”, (copy attached) the aggrieved party can opt to file an appeal to the Ombudsman in accordance with the provisions of the 2010 Act.
- c. **Composition of Appellate Body.** It shall be a five-member appellate body appointed by the Rector (member of Inquiry committee of the concerned case will not be a member of Appellate Body). Dean of Under Graduate Will Chair the Committee. Three of the members shall be from Faculty (two Under Graduate Course Faculty, one Skill Development Programme Faculty) and one shall be from Management (Director Administration). Two members of Appellate Body will comprise of female in case of non-availability, at least one of them shall be a female, appointments shall be for two years.
- d. In order to reach its decision, the appellate body may communicate with the parties, witnesses, any member of NUTECH community and members of Inquiry Committee.
- e. The committee will submit its conclusions to the Rector within 30 days and the final decision will be communicated to complainant, respondent, Inquiry Committee, and concerned offices / agencies for required actions through Registrar. Recommendations of the Inquiry Committee shall be implemented within seven days.

11. **Changes in Composition of Inquiry Committee Appellant Body.** If the allegations are related to the senior faculty or management (senior to Chair of Inquiry Committee, or Chair of Appellant Body) the Rector may execute special power to make appropriate changes in the composition of inquiry committee and appellant body.

12. **Mala Fide Allegation.** Making mala fide allegation of harassment will be considered a serious offense under this policy. The committee may recommend appropriate action against the complainant.

13. **Confidentiality of Record / Information**

- a. Record of all documents related to the investigation of the case will be retained by Committee on Discipline under the file security grade Confidential.
- b. Maintaining confidentiality of the case (names, statements of people involved, nature of events) would be the responsibility of all those who would be involved in the proceedings and documentation of the case including the Focal persons, members of the Inquiry Committee the support staff, Faculty and the witnesses etc.
- c. The information would be disclosed to higher authority or instructor for execution of professional responsibility.
- d. The violators may face the administrative disciplinary action in case of breaching the said clause.

14. **Education and Prevention**

- a. Meanwhile it will be the responsibility of the committee members and Focal Persons to jointly hold sessions with the students, at least twice per semester (first for the fresh entry batch, second for students in general) and sensitize them on issues of harassment and ensure importance to report immediately when the incident happens as well as uphold high moral values in line with NUTECH policy.
- b. All administrators, deans, directors, faculty who are with the supervisory / leadership positions have to familiarize themselves with the policy for further dissemination of the information and to uphold the prescribed procedures.
- c. Focal Persons or members of the Inquiry Committee be provided the opportunity to attend a training to enhance their understanding of issues of sexual harassment which in-turn may organize awareness programs for NUTECH Community as well.
- d. The policy has to be uploaded on University website (also on notice boards) along with the names and contact numbers of the Focal Persons and members of the Inquiry Committee. The website shall also display HEC policy of protection against sexual harassment along with the information of "Harassment Act 2010".

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.