

LUMS SEXUAL HARASSMENT POLICY

**Adopted and approved by the Management Committee of
LUMS at its meeting on Oct. 30, 2014.**

Effective as from Nov. 1, 2014

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Table of Contents

1. Policy Statement	2
2. Definitions	3
3. Understanding Sexual Harassment.....	3
4. In General: Harassment Defined	4
5. LUMS Community and Complaints against the LUMS Community	6
6. Assurance of Fair Treatment.....	7
7. The Inquiry Committee	8
8. Powers of the Inquiry Committee.....	9
9. Procedure for Holding Inquiry	9
10. Other Guidelines.....	12
11. Penalties, Sanctions and Remedies.....	15
12. Appeal Against Minor and Major Penalties	13
13. Procedure where Complainant is unwilling to File Complaint	14
14. Education for Precaution.....	14
15. Consensual Relationship within LUMS.....	15
16. Records with Registrar	15
17. Appeal mechanism.....	16
18. Review Mechanism.....	16
ANNEXURE I: CODE OF CONDUCT	17
ANNEXURE II: INFORMAL RESOLUTION.....	20
ANNEXURE III: HELPFUL GUIDELINES FOR THE INQUIRY PROCESS	21
ANNEXURE IV: OFFICE OF THE OMBUDSMAN	24

1. POLICY STATEMENT

- (1) Sexual harassment is prohibited at LUMS and constitutes a punishable offence under the LUMS Sexual Harassment Policy (the “Policy”) and applicable law. The Protection Against Harassment of Women at the Workplace Act, 2010 (the “2010 Act”).
- (2) Sexual harassment is demeaning to human dignity and is unacceptable in a healthy work and academic environment, specifically one in which scholarly pursuit may flourish. LUMS will not tolerate sexual harassment of any member of the LUMS Community, as defined in Clause 5, and will strive through education and deterrence to create an environment free from such behaviour on its premises.
- (3) LUMS affirms the right of every member of the LUMS Community to live, study, and work in an environment that is free from sexual harassment. Behaviour constituting sexual harassment as defined in the Policy and the 2010 Act is incompatible with all recognized standards of professional ethics and with behaviour appropriate to an institution of higher learning.
- (4) All persons entrusted with authority by LUMS have a particular obligation to ensure that there is no misuse of that authority in any action or relationship.
- (5) LUMS recognizes its legal and moral responsibility to protect all of its members from sexual harassment and to take action if such harassment does occur. To these ends, LUMS has developed a Policy on, and procedures for, dealing with complaints of sexual harassment, including a range of disciplinary measures up to and including dismissal. LUMS has also established an educational program to prevent incidents of sexual harassment.
- (6) LUMS prohibits reprisals or threats of reprisal against any member of the LUMS Community who avails of this Policy or participates in proceedings held under its ambit. Any individual or body found to be making such reprisals or threats will be subject to disciplinary action.
- (7) 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
- (8) 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 and applicability.
- (9) This Policy is adopted, among others, pursuant to the provisions of the 2010 Act. The Annexures to the Policy are an integral part of the Policy.
- (10) This Policy shall come into effect on November 1, 2014.

(11) This Policy shall supersede all other terms, conditions, agreements and arrangements at LUMS with respect to sexual harassment.

(12) References to Clauses are, unless the context otherwise requires, references to Clauses in or to this Policy.

2. DEFINITIONS

Unless the context otherwise requires, capitalized terms used in this Policy shall have the respective meanings given to them below:

“2010 Act” - The Protection Against Harassment of Women at the Workplace Act, 2010.

“Code of Conduct” – The meaning ascribed in Clause 4 (2).

“Competent Authority” – The VC or his designated representative.

“Inquiry Committee” – The meaning ascribed in Clause 7.

“LUMS” - Lahore University of Management Sciences.

“LUMS Community” – The meaning ascribed in Clause 5.

“Minor and Major Penalties” - The meaning ascribed in Clause 11.

“Ombudsman” – The Ombudsman appointed under the 2010 Act.

“Policy” – The LUMS Sexual Harassment Policy.

“VC” – The Vice Chancellor of LUMS.

3. UNDERSTANDING SEXUAL HARASSMENT

(1) Sexual harassment is a reality which can occur in classrooms, offices, research laboratories, and the LUMS environment in general. Sexual harassment can range from visual signals or gestures, to verbal abuse, to physical contact along with hand or sign language to denote sexual activity, including persistent and unwelcome flirting. All the actions categorized as sexual harassment, when carried out physically or verbally, would also be considered as sexual harassment when carried out using electronic media, such as computers, mobile telephones, internet, and e-mails.

(2) Sexual harassment generally takes place when there is a difference in power or authority among the persons involved (Student/Teacher, Employee/Supervisor, Junior Teacher/Senior Teacher, Research Supervisee/Supervisor, Teacher/Research Assistant, and Teacher/Teaching Assistant).. Its key elements are that the behaviour is uninvited, unwanted, and unwelcome. Notwithstanding the above, sexual harassment may also occur within a peer group (between Teachers of the same seniority level, Student/Student) and is deemed to have

occurred if the key elements exist.

(3) LUMS employees and students must be aware of the need for freedom of inquiry and openness of discussion in its educational and research programs, where they must also strive to create and maintain an atmosphere of intellectual decorum and mutual tolerance, in which these essential features of academic life can thrive. LUMS cannot and will not guarantee that every idea expressed in its classrooms or laboratories will be inoffensive to all; pursued seriously, education and scholarship necessarily entail raising questions about received opinions and conventional interpretations. LUMS does guarantee, however, that credible accusations, such as those accusations coupled with either tangible evidence, witnesses, footage, of inappropriate sexual remarks or actions will be investigated promptly, thoroughly, and fairly.

(4) Once a person in a position of authority at LUMS has knowledge, or should have had knowledge, of conduct constituting sexual harassment, LUMS is exposed to liability. Therefore, any administrator, supervisor, manager or faculty member who is aware of sexual harassment and condones it, by action, would be held responsible for negligence towards maintaining a campus free from sexual harassment.

(5) Sexual harassment is ordinarily offensive sexual behaviour by persons in authority towards those who can be benefited or injured in an official capacity. Therefore, it is primarily an issue of abuse of power. Sexual harassment is a breach of a relationship of authority and trust. It is unprofessional conduct and undermines the integrity of the relationship. Sexual harassment is coercive behaviour, whether implied or actual. In effect, it is unwanted attention and intimacy in a nonreciprocal relationship. Sexual harassment is a violation of professional ethics and is also against the law.

4. IN GENERAL: HARASSMENT DEFINED

(1) Harassment is defined by Section 2(h) of the 2010 Act as any unwelcome sexual advance, request for sexual favours 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, admission and engagement.

(2) LUMS adopts the Code of Conduct, pursuant to Section 11 of the 2010 Act, as **Annexure I**.

(3) To facilitate the understanding of sexual harassment as per Clause 4 and this Policy, the following are offered as examples:

(a) Asking female 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 by senior students of junior students, or minority students.
- (e) Unwelcome sexual advances – whether they involve physical touching or not.
- (f) Asking female students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments.
- (g) Sexual epithets, jokes, written or oral references to sexual conduct, or gossip regarding one’s sex life.
- (h) Comments on an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons.
- (i) Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments.
- (j) Inquiries into one’s sexual experiences.
- (k) Discussion of one’s sexual activities (even if males are discussing this, it is done deliberately in front of female students or colleagues).
- (l) Using derogatory and abusive language that refers to others’ mother’s or sister’s or daughter’s bodies.
- (m) Acts of sexual connotation relating to the same as a common usage in conversation.
- (n) Male head of department deliberately touching or hitting the body of female employee with a stationery item.
- (o) Male teacher referring to female bodies and reproductive cycles to embarrass female students during class lectures.
- (p) Ogling at female student’s bodies.
- (q) Needy female students given financial support by faculty member in exchange for sexual favours.
- (r) Teacher telling vulgar jokes with sexual innuendos during classes.
- (s) Supervisors/teachers spending long hours locked away in office with a young female colleague or student.
- (t) A male student making vulgar comments about a female student on social media or verbally relating vulgar material about her to his fellow students.
- (u) Students sending written notes and emails with requests for intimacy in exchange

for grades.

(v) Character assassination of female teachers to gain political, academic, or financial gains

(w) Female student initiating intimacy for benefits of grades, employment or finances.

(x) Using vulgar language to address females (student, faculty and other employees).

(y) To touch one's intimate parts in the presence of females without any reason.

(z) Transferring a younger member of the faculty to another department against her will by the authorities as a punitive measure for not complying with undue requests for sexual favours.

(aa) Threatening female students by using forged/fake documents and pictures to blackmail them into compliance.

(bb) Anonymous letters/pamphlets/e-mails leading to defamation or character assassination of employees/teachers/students.

5. LUMS COMMUNITY AND COMPLAINTS AGAINST THE LUMS COMMUNITY

(1) For the purpose of this Policy, members of the LUMS Community are defined as:

(a) The Board of Governors, all administrative, research, teaching and non-teaching employees of LUMS, as well as students (including interns).

(b) Someone working at LUMS through a service provider that has a contract or arrangement with LUMS.

(c) Stakeholders such as students/employees seeking to join the LUMS Community.

(2) A complaint of sexual harassment can be filed against any member of the LUMS Community.

(3) The complainant can be anyone who is aggrieved by the conduct of any member of the LUMS Community when harassment takes place on the LUMS premises or in the context of LUMS-related activities on any other premise.

(4) If sexual harassment is proved against someone who is working at LUMS through a service provider that has a contract with LUMS, LUMS can, if the behaviour warrants it, prevent the accused from working at LUMS. However, LUMS does not have authority over the individual's work agreement with the relevant service provider.

(5) LUMS will inform all external agencies/service providers who do business on the LUMS

campus of the existence of this Policy and LUMS shall also obtain undertakings from them that they shall ensure the implementation of this Policy within their organisations while providing services to LUMS.

(6) Students engaged in LUMS-sanctioned academic activities on premises off-campus (including placement, internship, practicum, and research) will have access to the provisions of the policies of the hiring or supervisory agencies, where such policies exist. Students at off-campus placements may seek advice from the Inquiry Committee.

6 ASSURANCE OF FAIR TREATMENT

(1) It is mandatory to treat all complaints and identity of complainants as highly confidential throughout the process.

(2) The complainant, the accused, and any other parties to proceedings under this Policy are to be treated fairly. This may involve the making of special arrangements, two (2) examples of which are described below.

(a) Where the complainant at the time of making a complaint is either a student or instructor of the accused, LUMS may, in appropriate circumstances, after the accused has been informed that a complaint has been made, and after receiving recommendations from the Inquiry Committee, make arrangements with the appropriate administrator for certain work and examinations of the student to be supervised and evaluated by a neutral person.

(b) Where the complainant is a staff member whose performance is normally evaluated by the accused, the complainant is to receive fair employment treatment and protection from adverse employment-related consequences during the procedures of the trial. To that end, LUMS may, after the accused has been informed that a complaint has been made, and in consultation with the complainant, have the complainant's performance assessed by another administrator and where practicable temporarily reassign the complainant/accused until the complaint is resolved; or delay the complainant's performance appraisal and/or awarding of merit pay until the complaint is resolved, in which case subsequent payment for merit shall be retroactive to the date it would normally have been received, and mark-up shall be paid on the amount owed. These assurances shall also be offered to witnesses in a case.

(3) Should any special arrangement of the type described in Clause 6(2) above be required, the Inquiry Committee shall, after the accused has been informed that complaint has been made, make the request for the special arrangement of the appropriate LUMS administrator, and shall provide the administrator with any details of the complaint necessary to enable the administrator to decide what special arrangements are appropriate. The administrator shall treat in confidence all information provided by the Inquiry Committee.

7. THE INQUIRY COMMITTEE

(1) The Inquiry Committee shall comprise as follows:

(a) LUMS, acting through its Vice Chancellor (the “VC”), has constituted a standing Inquiry Committee to look into complaints of sexual harassment. The Inquiry Committee shall consist of three (3) members of whom at least one (1) member shall be a woman. One (1) member shall be from senior management of LUMS and one (1) shall be a senior representative of the employees/students or a senior employee/student of LUMS. The VC shall also designate the Chair of the Inquiry Committee from those appointed.

(b) Members will be appointed to the Inquiry Committee for staggered terms to provide for continuity of experience. These will be two (2) year terms. Shorter terms may be required occasionally to fill vacancies. No member shall serve for more than two (2) consecutive terms. Former members will be eligible for re appointment after a gap of two (2) years since the last appointment.

(c) The VC may consider reappointing at least one (1) member of the Inquiry Committee for two (2) consecutive terms for institutional continuity.

(d) 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. Such member may be from within or outside LUMS. The VC 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.

(e) The VC may co-opt a person from outside of LUMS if there is ever a lack of suitable individuals within LUMS and if this person meets the criteria of an Inquiry Committee member.

(2) 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. All these duties shall be undertaken in consultation with the other members of the Inquiry Committee.

(3) Members of the Inquiry Committee will attend training by professionals in the field to learn about the particular sensitivities that surround issues of sexual harassment, the procedures that effect fair resolutions, gender equality, trauma management, and the penalties and sanctions appropriate to the various breaches of this Policy or violations of the law and deterrents to further such breaches or violations. This training will not deal with specific cases currently before the Inquiry Committee and is in no way meant to fetter the independence of any Inquiry Committee member to decide any case on the basis of the evidence presented in that case and according to his or her understanding and conscience.

8. POWERS OF THE INQUIRY COMMITTEE

(1) The Inquiry Committee shall have the 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 Policy, 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 Clause 11.

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

Explanation: Allegations of sexual harassment made out of malice or intent to hurt the reputation of the person against whom the complaint is filed are considered complaints made with mala fide intentions. Making a mala fide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, constitutes a serious violation of this Policy. However, a case that is not proved cannot be taken as a false claim or as an illustration of mala fide intention.

(4) The Inquiry Committee may, if deems fit, issue interim no-contact or other orders between the complainant and the alleged accused. LUMS 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.

(5) Decisions of the Competent Authority on the recommendations of the Inquiry Committee shall be binding and cannot be appealed within LUMS. They can be appealed before the Ombudsman.

9. PROCEDURE FOR HOLDING INQUIRY

(1) The Inquiry Committee, within three (3) days of receipt of a written complaint, shall:

- (a) communicate to the accused the charges and statement of allegations levelled against him, the formal written receipt of which will be given;
- (b) require the accused within seven (7) days from the day the charge is communicated to him to submit a written defence and on his failure to do so without reasonable cause, the Inquiry 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 defence of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) 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.

(3) 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.

(4) The Inquiry Committee has 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.

(5) Following the hearing, the members of the Inquiry Committee shall deliberate in light of the guidelines mentioned in **Annexure III** hereto. The presence or absence of evidence cannot always be the sole criteria on which a judgment can be made, provided that the failure to provide evidence is justified in certain circumstances. The credibility of statements and context must be kept in mind during the deliberations. The Inquiry Committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is found to be valid, the Inquiry Committee will recommend an appropriate penalty as prescribed by the Policy.

(6) The following provisions shall be followed by the Inquiry 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 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 LUMS or the 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.

(7) The Inquiry Committee shall submit its findings, recommendations, and final decisions to the Competent Authority within thirty (30) 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 (1) or more of the penalties provided in Clause 11.

(8) Appeals against Minor and Major Penalties shall be conducted as per Clause 11 of the Policy.

(9) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under Clause 11 within one (1) week of the receipt of the recommendations of the Inquiry Committee.

(10) 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 the Competent Authority and Ombudsman, appointed under the 2010 Act, have been implemented.

(11) In case the complainant is in trauma LUMS will arrange for psycho-social counselling or medical treatment and for additional medical leave.

(12) LUMS may also offer compensation to the complainant in case of loss of salary or other damages.

(13) 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.

(14) 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.

(15) 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.

(16) Closed hearings shall take place as a rule.

(17) LUMS shall prohibit reprisals or threats of reprisal against any member of the LUMS Community who formally or informally avails of this Policy as there is a possibility of further victimization or hindrance in the launching of complaints. LUMS prohibits threats or actions against anyone who participates in proceedings held under its ambit.

(18) Retaliation or any other action against the complainant 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.

(19) The complainant may also request informal proceedings provided in **Annexure I and II** to this Policy.

10 OTHER GUIDELINES

(1) All persons who allege sexual harassment under the provisions of this Policy and the 2010 Act must be advised to contact the Inquiry Committee. This provision will ensure that all such complainants will have access to a common source of consistent and expert advice and that reliable data may be gathered on the incidence of discrimination and harassment in the LUMS Community. 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 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 a solution, if a solution is deemed necessary.

(2) A staff member (e.g. from the Human Resource Department or the Shaikh Ahmed Hassan School of Law) 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 LUMS.

(3) Confidentiality shall be enjoined on the Inquiry Committee and those who are working with them. This does not preclude the discreet disclosure of information in order to elicit the facts of the case, or to implement and monitor properly the terms of any resolution. In the event that the complaint is prima facie valid and the complainant wishes to keep the complaint confidential and not proceed with any kind of complaint resolution then the entire peer group/department of the accused, such as fellow teachers or students of the same batch, shall be required to attend workshops/trainings that address the general, not specific, issue of sexual harassment and why sexual harassment is harmful, if the Inquiry Committee so requires and deems appropriate.

(4) The Inquiry Committee and their support staff will be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.

(5) 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 her/his choice.

(6) Teaching, research, and non-teaching staff who participate in the procedures outlined in

this Policy shall be given release time to consult with the Inquiry Committee and attend formal hearings pertaining to their cases. Students will be assisted in adjusting schedules as necessary to attend their formal hearings.

(7) Should the Inquiry Committee believe at any time that the health or safety of members of the LUMS Community is at risk, they may notify the Director of Security Services and the appropriate administrative officer of LUMS. In a situation where there is threat to either of the two (2) (complainant and accused) or the members of the Inquiry Committee, the campus security services and resident officer/director security of the campus shall need to be alerted.

(8) No one shall be compelled to proceed with a complaint.

(9) All staff and students of LUMS should receive orientation/introduction at the commencement of their association with LUMS 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.

11. PENALTIES, SANCTIONS AND REMEDIES

(1) If the Inquiry Committee finds the accused to be guilty it shall recommend the imposing of one (1) or more of the following penalties to the Competent Authority:

(a) Minor penalties:

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

(b) Major penalties:

- (i) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (ii) compulsory retirement;
- (iii) removal from service;
- (iv) dismissal from service; and
- (v) fine to be given to LUMS. A part of the fine can be used as compensation for the complainant.

12. APPEAL AGAINST MINOR AND MAJOR PENALTIES

(1) Any party aggrieved by the decision of the Competent Authority/Inquiry Committee on whom Minor or Major Penalty is imposed may within thirty (30) days of written communication of decision prefer an appeal to an Ombudsman established under the 2010 Act.

(2) A complainant aggrieved by the decision of the Competent Authority/Inquiry Committee may also prefer appeal within thirty (30) days of the decision to the Ombudsman.

(3) The Ombudsman may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty (30) days in respect of which such appeal is made. It shall communicate the decision to both the parties and LUMS.

13. PROCEDURE WHERE COMPLAINANTS ARE UNWILLING TO FILE A WRITTEN COMPLAINT

(1) 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 VC and a fact finding initiative shall commence.

(2) 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.

(3) 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.

(4) Informal proceedings may also be initiated as provided in **Annexure I**.

14. EDUCATION FOR PREVENTION.

(1) To ensure prevention of sexual harassment on campus, LUMS 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 LUMS 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.

(2) This Policy shall be:

(a) available on the LUMS website in English and Urdu

(b) be a part of the package (in English and Urdu) that all new employees/students receive

(c) displayed in prominent locations on campus in English and Urdu

(3) The names of the members of the Inquiry Committee shall be made visible/accessible to the LUMS Community through its website and other methods of prominent display.

(4) LUMS shall invite members from the Sexual Harassment Watch¹, or such other or similar group, to conduct awareness raising sessions on sexual harassment for the LUMS Community.

(5) LUMS 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 LUMS employment. This will be an ongoing activity.

(6) All departments at LUMS 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.

15. CONSENSUAL RELATIONSHIP WITHIN THE LUMS COMMUNITY

In contrast to sexual harassment conduct, personal relationships among consenting adults of the LUMS Community that do not breach the social and cultural norms of the society and occur outside LUMS's working or academic environment are, in general, a private matter. However, under this Policy it is highly inappropriate for any member of the LUMS 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. 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.

16. RECORDS WITH REGISTRAR

(1) All notes and records arising from procedures of an informal or formal resolution of a case of sexual harassment under this Policy shall be maintained in a permanent confidential file, with the Registrar, at LUMS.

(2) The notes/records referred to in Clause 16 (1) above shall be maintained by the individual appointed to assist the Inquiry Committee. No one apart from this person and the Inquiry Committee shall have access to the see records, except as otherwise instructed by the

¹ Sexualharassmentwatch.org

Inquiry Committee.

17. APPEAL MECHANISM

Any party not satisfied with the Inquiry Committee's decision in a case taken up by it may appeal to the Ombudsman (see **Annexure IV** hereto).

18. REVIEW MECHANISM

This Policy shall, in light of the records maintained under Clause 16, be reviewed every year to evaluate whether the mechanisms/procedures/remedies under the Policy are successful and what actions may be implemented by LUMS to further achieve the objectives of decreasing/eliminating sexual harassment.

ANNEXURE I

(see Clause 4 (2))

CODE OF CONDUCT

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

A. General

The Code of Conduct provides a guideline for behaviour of all members of the LUMS Community, including the management, to ensure a work and academic environment free of harassment and intimidation.

B. Harassment

1. "Harassment" means any unwelcome sexual advance, request for sexual favours 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 behaviour 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 (3) significant manifestations of sexual harassment in the work and academic environment:

(a) Abuse of authority

A demand by a person in authority, such as a supervisor or instructor, for sexual favours in order for the complainant to keep or obtain certain benefits that may be associated with the complainant's job, or academic life. Examples of such benefits can include but are not limited to a wage increase, a promotion, training opportunity, the job itself, and good grades.

(b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favours, or other verbal or physical conduct of a sexual nature, which interferes with an individual's work or academic performance or creates an intimidating, hostile, abusive or offensive 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 favour can result in retaliation, which may include limiting the employee's future promotions or training, distorting the evaluation reports, generating gossip against the employee or student, hampering the student's opportunities (academic or non-academic) or other ways of limiting access to his/her rights. Such behaviour is also a part of the harassment.

2. Other examples of harassment may include:

(1) Passing on pornographic material in print or electronic form, or passing on written offensive messages of a sexual nature would also be considered sexual harassment.

(2) Unwelcome references to a person's appearance or body, where they cause psychological harassment and serve to deny colleagues/peers their dignity and respect.

C. Procedure for Complaints

1. An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis.

2. 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, within fifteen (15) days of the harassment, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code of Conduct. The request may be made orally or in writing.

Persons seeking advice at this stage need not reveal their names or the names of the other persons concerned.

3. If the case is taken up for investigation at an informal level, a senior faculty member or administrative officer 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.

4. 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.

5. 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.

6. The complainant may make formal complaint through her representative, or directly to any member of the Inquiry Committee. The Inquiry Committee member approached is obligated to initiate the process of investigation. The representative shall facilitate the process and is obligated not to cover up or obstruct the inquiry.

7. Assistance in the inquiry procedure can be sought from any member of the LUMS Community who should be contacted to assist in such a case;

8. LUMS 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 or academic conditions. LUMS 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.

9. 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.

10. 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 behaviour immediately to someone they trust, even if they do not wish to make a formal complaint at the time. However, not reporting immediately shall not affect the merits of the case.

11. The Code of Conduct lays down the minimum standards of behaviour regarding protection of women from harassment at the workplace but will not affect any better arrangement that LUMS may have developed nor will it bar the grant of protection under this Policy.

ANNEXURE II

(see Clause 9(20))

Informal Resolution

1. The primary objective of the informal resolution process is problem solving, to stop the offending behaviour. The request for an informal resolution may be made orally or in writing.
2. If the incident or the case reported does constitute sexual harassment of a higher degree and the Inquiry Committee feels that it needs to be pursued formally for disciplinary action, then, with the consent of the complainant, the case may be taken up as a formal complaint.
3. The informal resolution will not directly or indirectly prejudice the integrity and objectives of the Policy.
4. If resolution is achieved through informal procedures, a Resolution Report prepared by the Inquiry Committee shall be signed by the complainant and the accused. Should the resolution include an action or remedy by LUMS, that aspect of the Resolution Report must also be agreed to, signed and, with respect to that aspect, enforced by the member of the LUMS Community with the authority for ensuring that the remedy is imposed or enforced. All parties shall receive a copy of the report and a copy shall be retained in the confidential files.
5. If no resolution can be reached, the Inquiry Committee shall inform the complainant of his/her options, such as that of filing a case formally.

ANNEXURE III

(see Clause 9 (6))

HELPFUL GUIDELINES FOR THE INQUIRY PROCESS

1. The Inquiry Committee members should make the environment of the inquiry process conducive for open discussion and unthreatening. Members of the Inquiry Committee should not reflect any bias in their attitude or their questioning. It is acknowledged that society typically blames women for whatever happens to them and usually makes an assumption that sexual harassment happens to women who are immoral or have encouraged an innocent man to provoke this behaviour. The Committee members need to be careful not to exhibit such biases and should remain neutral.
2. “Abuse of authority” cases are complex because of power imbalance between the complainant and the accused, and may require severe disciplinary action. Such cases could be linked with student grades, student evaluations, the facilitation or prevention of their participation in academic and extra-curricular events, and include other aspects affecting their student life; such cases could also be linked with the hiring and firing of an employee, promotion, work/ academic duties, relocation, leave, training and other aspects affecting employment. In such cases the Inquiry Committee members need to be aware that a reaction from the victim is not easy at the time when the offensive behaviour takes place because of fear or power of a senior person over a junior one. Therefore, strict measures of why the victim let it happen or why s/he didn't scream might not be relevant.
3. Cases which create a “hostile work or academic environment” could range from patterns of offensive behaviour over a period of time or single severe incidents of harassment.
4. **Annexure I** describes types of harassment but these are not always distinct from each other and can occur simultaneously. Additionally, sexual harassment can happen to men and women at all levels of hierarchy and between all relationships of equal and unequal power.
5. Harassment can occur outside working hours and workplace. It is the access that a perpetrator has to the person being harassed by virtue of an academic/LUMS related situation or relation that is relevant here.
6. To constitute sexual harassment, the conduct must be “unwelcome”. Exploration of a case must consider whether the person indicated to the other that the advances were unwelcome or not. It is possible that initially the victim might have considered the behaviour permissible, but later, due to personal reasons, personal choices or due to escalating advances, may want the person to stop that behaviour. In such situations, it is helpful to keep in mind that the initial permission should not be taken as a license for life. Or a welcome response for a friendly advance should not be taken as an assumed door opener for physical links. Whenever a person feels that her/his personal limits are being crossed and chooses not

to go any further, s/he has the right to convey this to the other person, and if that person does not stop that behaviour, it should be considered sexual harassment.

7. Supervisory employees, co-workers, and peers. should be asked about their knowledge of alleged harassment. When witnesses are not identified, testimony may be obtained from persons who observed change in demeanour of the charging party after alleged incident. Other persons who the charging party discussed the incident with should be interviewed.

8. The report of the complainant may include:

(1) Detailed account of the complainant and the accused form a part of the evidence.

(2) Witness statements

(3) Statements of persons with whom the complainant might have discussed the incident, statements of persons from whom advice may have informally been sought, should be considered as evidence.

(4) Any other documentary, audio or video records can be submitted. Expert technical advice can be sought for such submissions.

9. The complainant should inform the accused about conduct constituting sexual harassment. It is advisable that records should be maintained in writing, all incidents noting dates, places, descriptions of acts, notifications to the accused and names of those to whom the incident may have been mentioned.

10. In some cases, sexual harassment determination can be based solely on the credibility of the complainant's allegation, if the account is sufficiently detailed and internally consistent.

11. Lack of corroborative evidence where such evidence should exist could undermine the allegations. By the same token, a general denial by the accused will carry little weight when contradicted by other evidence.

12. When dealing with harassment through a series of incidents, the investigators should not consider the series of incidents as separate specific incidents, but should consider the pattern. The cumulative impact of such incidents on the victim can make the work/ academic environment hostile.

13. Any person who aids or abets and covers the commission of any such act perpetrated by another, without which it could not have been committed, might also be considered liable under this Policy.

14. While probing the matter of sexual harassment, if the investigation results in the discovery of involvement of or aiding and abetting by any other person(s), the Inquiry Committee can sanction said individual(s) when they are LUMS members and recommend taking some action against them when they are not.

15. If other matters surface during the inquiry, they may be reported in an inquiry report if relevant; otherwise these should be reported to separate authorities.

ANNEXURE IV

(see Clause 17)

OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman has been set up at the Federal level and the Provincial level to deal with the complaints of sexual harassment. This office is headed by a person with the same qualifications as that of a Judge of a High Court, or a senior Government official, or an eminent educationist.

A. Functions of the Ombudsman

This office will deal with:

1. Appeals from the persons who are aggrieved by the decision of the Inquiry Committee.
2. Complaints made directly for cases of sexual harassment at LUMS.
3. Complaints from the management of LUMS, in case it believed that a complainant has made a mala fide attempt to intentionally defame someone.

B. Powers of the Ombudsman

1. The Ombudsman shall, for the purpose of the 2010 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:

- (1) Summoning and enforcing the attendance of any person and examining him or her on oath;
- (2) Compelling the production of evidence;
- (3) Receiving evidence on affidavits; and
- (4) Issuing commission for the examination of witnesses
- (5) 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

(6) The Ombudsman shall have the same powers as the High Court has to punish any person for its contempt.

C. Inquiry Procedures for the Ombudsman

1. The Ombudsman shall within three (3) days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of the written notice shall submit a written defence to the Ombudsman within five (5) days and his or her failure to do so without reasonable cause would allow the Ombudsman to proceed ex parte. Both the parties can represent themselves before the Ombudsman.
2. The Ombudsman shall conduct an inquiry into the matter according to the rules made under the 2010 Act and conduct proceedings as the Ombudsman deems proper.
3. For the purposes of an investigation under the 2010 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.

D. Decision of the Ombudsman

1. When making the decision on the complaint, the Ombudsman may impose any of the Minor or Major Penalties specified for the Inquiry Committee within the organization.
2. The Ombudsman shall record his/her decision and inform both parties and the management of the concerned organization for implementation of the orders. The management of the organization is bound to abide by the decision of the Ombudsman. If the decision is not implemented, the management shall be charged with the contempt of court.

E. Provision for Appeal

When a case is taken directly to the Ombudsman instead of an inquiry Committee and the complainant or the accused is aggrieved by a decision of the Ombudsman, he or she can, within thirty (30) days of decision, make a representation to the President or Governor, as the case may be, who may pass such order thereon as they may deem fit.