

# **The Imperial College of Business Studies Lahore**



## **POLICY ON PROTECTION AGAINST SEXUAL HARASSMENT**

**THE IMPERIAL COLLEGE OF BUSINESS STUDIES, LAHORE**  
(Chartered under Imperial College of Business Studies Ordinance 2002, Punjab Ordinance no. XIX, 2002)  
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## **1. PRINCIPLES AND PURPOSES OF THE POLICY**

- 1.1. The Imperial College of Business Studies, Lahore (ICBS) is highly consequential institution in society that are dedicated to the pursuit and dissemination of knowledge. Members of the education community have several important rights and privileges, central among which is the right to pursue inquiry and search for knowledge without hinderance from unlawful or otherwise unacceptable constraints. The Higher Education Commission (the “HEC”), which has been mandated by law to prescribe conditions under which HEIs in the country may be opened and operated, takes very seriously the freedom of teachers, researchers, scholars, students and other members of the education community to live and work in a safe environment in which their dignity is protected.
- 1.2. Protection against sexual harassment is important not only because it threatens the freedom and conduciveness of the environment at institutions of higher learning. At a more fundamental level, such conduct is unacceptable because it violates personal dignity and shall not be tolerated at ICBS.
- 1.3. In accordance with the terms of this policy, sexual harassment shall be prohibited at ICBS, and shall constitute a punishable offence under the policy. The ICBS affirms the right of every member of the education community live, study and work in an environment that is free from sexual harassment. The goal of this policy 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.
- 1.4. All Administrators, Directors, Faculty, head of the Department chairs, and another supervisory or leadership positions have an obligation to be familiar with and implement this policy and its procedures. ICBS are encouraged to formulate internal policies that further strengthen or expand the protections available under the HEC’s policy on sexual harassment.
- 1.5. This policy is consistent with and has been made in light of the provisions of the Protection Against Harassment of Women at the Workplace Act 2010 (as amended) (the “2010 Harassment Act”). It extends the protection against sexual harassment to

all members of the education community, and provides the option to aggrieved persons to seek recourse to resources within the ICBS or to seek redressal through the provisions of the 2010 Act.

## 2. PROHIBITED CONDUCT

21. “Sexual harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, where:
  - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual participation in any activity at the ICBS
  - b) Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decision 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.
22. Sexual harassment may be overt or subtle, and can range from visual signals or gestures to verbal abuse to physical contact along with hand or sign language to denote sexual activity, persistent and unwelcome flirting.
23. The following behaviors are specifically prohibited under this policy. This following are meant to provide specificity to the definition provided in clauses
  - 2.1. However, it is not an exhaustive list, and other behaviors that fall within the scope of the definition above shall also be prohibited.
    - A. ***Especially Egregious Non-Consensual Acts***: Acts that would be included in the category of rape. In situations will be covered under the laws of the country, and law enforcement institutions and the courts will investigate and adjudicate accordingly, the ICBS administration has a special obligation to take preventative measures, offer immediate assistance and take interim measures when required.
    - B. ***Non-Consensual Sexual Contact***: Includes sexual contact with another person without consent.
    - C. ***Sexual Exploitation***: Taking of actions that violate the sexual privacy of others or taking sexual advantage of another without their consent. For example, taking

pictures, videotaping, viewing or distributing explicit images or sexual information of another person without their consent.

- D. ***Other Pervasive or Severe Behaviors***: It is not necessary that there be actual sexual contact for a behavior to be categorized as sexual harassment. Other unwelcome behaviors are also prohibited if
- a. They are based on an individual's sex or gender
  - b. Persistent or highly serious
  - c. Create an atmosphere which is intimidating or hostile.

These include but are not limited to lewd remarks or gestures, highly offensive jokes of a sexual nature, commenting inappropriately about another's body, and stalking.

- E. ***Sex Discrimination***: Adverse treatment of individuals based on their sex or gender rather than on merit. This would include instances such as the singling out (for such adverse treatment as lower salary or grades, or more severe punishment) of person(s) on the basis of sex or gender.

24. All the actions categorized as sexual harassment when done physically or verbally would also be considered as sexual harassment when done electronically such as through the internet, e-mails, social media, texting, telephone, voicemail etc.
25. All actions of harassment or discrimination may be taken by a person of any gender against a person of the same or another gender, and would need to be considered by the ICBS if the act qualifies as a prohibited act under the policy.
26. Sexual harassment is especially offensive when perpetrated by persons in authority, and when submission is made a condition toward any ICBS activity or benefit.
27. Sexual harassment will be considered especially egregious when the accused knew or reasonably should have known that the victim was in an impaired or incapacitated state. However, impairment of the accused, such as a result of the use of any illegal substances, shall not diminish their responsibility for harassment under this policy.

### 3. JURISDICTION

- 3.1. This policy will be implemented on the students, faculty, staff, other members of the ICBS community (such as interns, residents etc.), or third parties (such as service providers, visitors etc.), if the misconduct occurs:

- a) On the ICBS campus or in its immediate vicinity
- b) off the ICBS campus, if
  - (i) The conduct occurs in connection with an ICBS recognized program or activity
  - (ii) The conduct may create a hostile environment or pose a safety risk on campus
- c) Using the institute computing or network resources accessed from an off-campus location, which shall be deemed to have occurred on campus.

#### **4. Harassment Committee**

- 4.1. The Harassment committee of ICBS consist of two members of ICBS administration (these are nominated as “**Focal Persons**”), at least one of whom shall be a woman, to offer support and immediate assistance to those who have experienced sexual harassment. Contact information of such individuals shall be easily available to all employees and students of ICBS, including on the ICBS official website.
- 4.2. The ICBS shall also constitute an Inquiry Committee to investigate and adjudicate any allegations of prohibited conduct (the “**Inquiry Committee**”) Those who have experienced sexual harassment may also contact members of the Inquiry Committee for support and advice.

#### **5. COMPLAINTS AND REPORTING**

- 5.1 A complaint may be lodged by any person who has experienced sexual harassment with either the Focal Person or with any member of the Sexual Harassment Inquiry Committee.
- 5.2 In cases in which the conduct in question falls within the scope of the 2010 Harassment Act, the affected person shall also have an option to submit a complaint to the Ombudsperson in accordance with the provisions of the 2010 Harassment Act.
- 5.3 Complainants shall be encouraged to submit complaints promptly, preferably within 3 months but no later than 12 months from the last date of the alleged harassment. An extension of up to 1 year may be granted by the Focal Persons or the Inquiry Committee upon written request stating the reasons for the delay in submitting the complaint.

5.4 All members of the HEI community are encouraged to report any instances of sexual harassment that they may have observed to the Focal Persons or the Inquiry Committee. For the purposes of safeguarding the campus community, HEIs have an obligation to investigate material violations of this policy even in the event that a formal complaint has not been filed.

5.5 As soon as a complaint or report is received by one of the designated resources, it shall be shared by him or her (within a period of 24 hours) with all Focal Persons and members of the Inquiry Committee for further action.

5.6 For minor violations, complainants may opt to make an informal complaint to either the Focal Person or the Inquiry Committee.

The primary objective of informal resolution mechanism is to take preventative action, so that minor violations are detected early and appropriate warning is given to the accused to stop the offending behavior before it reaches a higher degree of seriousness.

## **6. INTERIM MEASURES AND SPECIAL ARRANGEMENTS**

6.1. As soon as a complaint or report is received by designated resources or any member of the ICBS administration, depending on the nature and seriousness of the offence, the Focal Persons shall take appropriate steps to provide interim measures that may be requested by the affected persons or as otherwise may be deemed appropriate. If the affected person is not satisfied with the measures taken, he or she may contact any member of the Inquiry Committee for necessary action. Interim measures include but are not limited to:

- a) Adjustment in class or examination schedules, including for the purposes of attending hearings; access to counselling services or other appropriate medical assistance;
- b) Change in the work assignments;
- c) Arrangement for any assessments or evaluations to be made by a neutral person;
- d) Adjustment to class schedule, including withdrawal from course or changing the section;
- e) Notifying the campus security officials (or law enforcement in case of

serious violations) regarding the violation;

- f) Impositions of a ICBS wide order designed to prohibit contact or communication between certain persons;
- g) Change of the housing arrangement of certain persons; or
- h) Any other measures that may be deemed appropriate.

## **7. INQUIRY COMMITTEE**

- 7.1. The Inquiry Committee shall be responsible for the investigation and adjudication of any complaint received in connection with the violation of this policy.
- 7.2. The Inquiry Committee will work as directed by HEC:
  - a) The committee shall be constituted with three members, out of which one is woman and one of the members shall be a member of the senior management of the ICBS.
  - b) All members of the committee will be appointed by the Rector.
  - c) Members of the Committee shall be individuals who are known for being principled, credible, fair, gender-sensitive and have a strong character (someone who will not change their decision due to pressure from friends, colleagues or seniors). They shall have no conflict of interest in particular cases, and shall be impartial and unbiased.
  - d) Members of the Committee shall be appointed for a term of two years. No member shall serve for more than two consecutive terms. Former members will be eligible for reappointment after a lapse of two years.
  - e) One of the members of the committee shall be appointed as the Convenor by the Rector, whose duties shall include, but are not limited to: maintaining order during hearings, answering procedural questions, granting or denying adjournments, maintaining proper documentation of the proceedings, which shall constitute the official record and reporting recommendations of the Committee to the Rector. All these duties shall be undertaken in consultation with the



Committee members.

- f) In case a complaint is made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.

- 73. The ICBS shall endeavor to provide training to members of the Inquiry Committee in investigation and adjudication of conduct prohibited under this policy.
- 74. An ICBS staff member shall be appointed to assist the Inquiry Committee. This work shall include responsibilities such as organizing meetings, acting as a liaison between the 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 ICBS.

## **8. INVESTIGATION AND ADJUDICATION**

- 81. All complaints alleging Sexual Harassment shall be forwarded to the Inquiry Committee within 24 hours of being received by the Focal Persons or any other office forwarded to Sexual Harassment Committee.
- 82. As soon as is reasonably practicable after receiving a complaint, the Inquiry Committee shall determine whether the alleged conduct in the complaint meets the criteria set forth in Sections 2 (Prohibited Conduct) and Section 3 (Jurisdiction) of this policy. If it is determined by a majority of the members of the Inquiry Committee that the alleged conduct meets the aforementioned criteria, a formal investigation shall be initiated.
- 83. In the absence of a formal complaint, if a serious violation of this policy is reported to the Inquiry Committee, or a series of allegations against the same person are received, the Inquiry Committee may determine by majority vote to initiate proceedings after notifying the Rector.
- 84. After initiating the investigation, and not later than three days of the receipt of a written complaint, the Inquiry Committee shall:
  - a) Communicate to the accused the charges and statement of allegations leveled against him/her, the formal written receipt of which will be given
  - b) Require the accused within seven days from the day the charge is

communicated to him/her to submit a written defense and on his/her failure to do so without reasonable cause, the Committee shall proceed and expedite

- c) Enquire into the charge and may acquire and examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary (including by summoning potential witnesses) and each party shall be entitled to cross examine the witnesses against him/her.

85. The following rules shall be applicable to the hearings conducted by the Inquiry Committee:

- a) All hearings shall be closed hearings
- b) The Inquiry Committee will hear statements from the complainant(s) and respondent(s), the witnesses if any (as required) and study any other documents and/or evidence as presented by the relevant parties or collected in the process of conducting inquiry
- c) The Inquiry Committee shall have discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.
- d) The Chair of the Inquiry Committee shall have the power to compel a witness to attend, and the complainant(s) and/or respondent(s) may request the Chair's aid in this regard.
- e) The complainant and the respondent 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.
- f) The Committee shall have 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;
- g) Objective documentation of the proceedings of the Inquiry Committee shall be maintained where high confidentiality of the records and other such material shall be upheld at all times;
- h) The respondent shall be allowed to cross question the complainant and

witnesses unless the committee decides otherwise;

- i) Where any procedural matter is not dealt with in this policy, the Inquiry Committee may, guided by the principles of fairness, establish any appropriate procedure.
86. Members of ICBS have an obligation to cooperate in an investigation, and refusal to cooperate may result in disciplinary action. There may be circumstances in which the complainant may wish to limit their participation in the proceedings. The complainant shall not be subject to discipline, but the HEI may be obligated to proceed with the investigation.
  87. Following the formal hearing, the members of the Inquiry Committee shall deliberate and determine the validity of the complaint based on the totality of the circumstances. The presence or absence of evidence cannot always be the sole criteria on which a judgment can be made. The credibility of statements and context must be kept in mind during the deliberations. The committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is found to be valid, the Committee will recommend an appropriate penalty.
  88. The Inquiry Committee shall complete the inquiry and recommend its final decision within a period of 30 days. It shall then send its decision to the Rector giving its findings in writing by recording reasons thereof (which shall include any note of dissent) for endorsement and action. Recommendation of the Inquiry Committee shall be implemented within seven days.

## **9. CONFIDENTIALITY**

91. Confidentiality shall be enjoined on the Focal Persons, the Inquiry Committee and all others involved in the process. This does not preclude the reasonable and discreet disclosure of information in order to elicit the facts of the case, or to implement and monitor properly the terms of any decision.
92. The Focal Persons, members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.
93. All notes and records arising in connection with an investigation shall be maintained in a confidential file at HEI.

## **10. PENALTIES**

101. In cases in which the respondent is a student, the following sanctions may be imposed:

- a) In case of minor violations, the student/administrator/Teaching /non-teaching /any third party may be issued a warning or reprimand. These shall be considered when adjudicating future violations.
- b) In case of more serious violations, the following formal sanctions may be imposed: disciplinary probation, withholding of degree for a period of time, suspension or expulsion.
- c) The following may be added to any of the penalties listed above: campus service; relocation from campus housing; exclusion of the respondent from a designated portion(s) of ICBS buildings or grounds, or from one or more involvement in any ICBS designated activities, (provided such penalty is appropriate to the offence and where the penalty does not prevent the respondent from pursuing her/his studies); attending educational program; inclusion of decision in the student's record, except in the case of the first instance of a minor violation (for up to seven years).

102. In cases in which the respondent is a member of the faculty, researcher or employee/staff of the ICBS, the following sanctions may be imposed (individually or in combination), keeping in view the terms of the applicable employment policies:

- a) Oral or written reprimand
- b) Counselling or training
- c) Inclusion of the decision in a specified personnel file(s) of the respondent;
- d) Exclusion of the respondent from a designated portion(s) of ICBS buildings or grounds, or from one or more designated campus activities, where such penalty is appropriate to the offence and where the penalty does not prevent the respondent from carrying out her/his professional duties;
- e) The imposition of a fine
- f) Recommendation for suspension of the respondent without pay
- g) Recommendation that dismissal proceedings be commenced
- h) Other sanctions, as deemed appropriate, in accordance with the terms of the

employment policies.

## **11. RIGHT OF APPEAL**

- 11.1. Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within a period of 30 days from the date of notification of the decision.
- 11.2. In cases in which the conduct falls within the scope of the 2010 Act, the aggrieved party shall have an option to file an appeal to the Ombudsman in accordance with the provisions of the 2010 Act.
- 11.3. There shall be a three-member appellate body (the “Appellate Body”) appointed by the Rector that shall include at least one senior member of the ICBS administration (at the level of Dean or equivalent) and at least one of the members of which shall be a woman. No member of the Inquiry Committee shall concurrently be a member of the Appellate Body. In case the complaint had been made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.
- 11.4. Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:
  - a) The alleged conduct does or does not fall within the scope of this policy.
  - b) The Inquiry Committee reached a decision without consideration of material information.
  - c) The imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct.
  - d) The adjudication process followed by the Inquiry Committee was procedurally unfair.
- 11.5. In order to reach its decision, the Appellate Body may communicate with the parties, the members of the Inquiry Committee or other members of the HEI community as it deems fit.
- 11.6. The Appellate Body may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within 30 days in respect of

which such appeal is made, and shall communicate the decision to both the parties, the Rector and the Inquiry Committee.

## **12. MALA FIDE ALLEGATION**

121. False 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 mala fide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy.
122. In the event that the Inquiry Committee determines that a false allegation made in the complaint with mala fide intent, it may recommend appropriate action against the complainant by sending its findings to the Rector (by recording reasons thereof and including any note of dissent) for endorsement and action. In cases in which the conduct falls within the scope of the 2010 Act, the Inquiry Committee may recommend the handing over of such cases to the Ombudsperson for taking further action against the complainant who made the false allegation with mala fide intent.

## **13. PROTECTION AGAINST REPRISAL**

131. ICBS shall not allow reprisal or threats of reprisal against any member of the education community who makes use of this policy (formally or informally). ICBS shall also prohibits such threats or actions against anyone who participates (e.g., testifies, assists, *etc.*) in proceedings held under its jurisdiction.
132. Retaliation or any other action against complainant of sexual harassment 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.

#### **14. SPECIAL CONSIDERATIONS REGARDING RELATIONSHIPS BETWEEN INDIVIDUALS**

- 14.1. In contrast with sexual harassment, personal relationships among consenting adults of the Education community that do not breach the social and cultural norms of the society are, in general, a private matter.
- 14.2. 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 who's academic or work performance he or she will be required to make professional judgments. The policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in such cases. Relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all involved. In particular, intimate or romantic relationships between faculty members and students (whether at the undergraduate or the graduate level) shall be prohibited.

#### **15. EDUCATION FOR PREVENTION**

- 15.1. To ensure prevention of sexual harassment on campus, ICBS should develop programs to educate 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. This shall be done in the ICBS by multiple ways, including those listed below.
- 15.2. The ICBS Sexual Harassment Policy information regarding the 2010 Act shall be:
  - a) Available on the ICBS official website
  - b) Be a part of the package that all new hires receive
  - c) Be a part of orientation of new students and included in any written material given to them
  - d) Be included in the HEI's Prospectus (a summarized version); and
- 15.3. Displayed in prominent locations on campus. The names of the Focal Persons and the members of the Inquiry Committee shall be made visible/accessible to the all members of ICBS and anybody link with ICBS community through its website, posted on notice boards, etc.

154. The ICBS shall ensure that its relevant members (e.g., Focal Persons, members of the Inquiry Committee, HR personnel, etc.) attend a training to educate themselves on sexual harassment and relevant the laws and policies. Once trained, designated HR personnel shall be made responsible for educating all personnel, staff, faculty, students that join the ICBS.
155. All departments at ICBS must disseminate and display 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.