

COMSATS Institute of Information Technology

Rules on Harassment, Sexual Harassment and Abuse of Authority, 2009

INTRODUCTION

1. Harassment of any type, including sexual harassment and abuse of authority, contravenes the basic norms of decent behavior, morality and ethics and is a violation of the COMSATS Institute of Information Technology's Charter, Statutes, Rules and Regulations and is against the accepted standards of conduct.

TITLE

2. The Rules, framed in pursuance of section 25(2)(g) of COMSATS Institute of Information Technology Ordinance 2000, shall be called the "COMSATS Institute of Information Technology Rules on Harassment, Sexual Harassment and Abuse of Authority, 2009."

COMMENCEMENT

3. These Rules shall come into force with immediate effect.

DEFINITIONS

4. In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them as under:
 - (a) "Institute" means the COMSATS Institute of Information Technology.
 - (b) "Rector" means the Rector of the Institute.
 - (c) "Campus" means a campus of the Institute.
 - (d) "Campus Director" means the Director of a Campus of the Institute.
 - (e) "Institutional Members" refer to each and every faculty member, employee, and student of the Institute, and are covered under these Rules.
 - (f) "Inquiry Committee" refers to the Committee so constituted to investigate the complaint of harassment, sexual harassment or abuse of authority.
 - (g) "Harassment" is any improper conduct of an individual that is directed at and offensive to another person in the workplace or classroom or laboratory or any other place connected with the Institute, directly or indirectly, and that the individual knew, or reasonably ought to have known, would cause offence or harm to the other person.
 - (h) "Sexual harassment" includes any sexual advance, or verbal or physical posture/gesture of a sexual nature, which causes interference with work performance or creates an intimidating, hostile or offensive work environment.

- (i) “Abuse of authority” is when an individual improperly uses the power and authority inherent in his/her given position to endanger another person’s job, undermine the person’s performance in that job or in the classroom, threaten the person’s economic livelihood or academic grades, or in any way maliciously interfere with or influence a person’s career.
- (j) “Punishment” means any penalty or penalties that may be imposed on an institutional member against whom an act of harassment, including sexual harassment or abuse of authority, has been proved, and will be in accordance with the penalties as contained in the relevant Statutes and Regulations governing employees and students discipline.

All other expressions and terms used in these Rules shall have the same meanings as are assigned to them under Section 2 of the COMSATS Institute of Information Technology Ordinance 2000.

POLICY STATEMENT

- 5. The Institute is committed to ensuring that all its workplaces including classrooms, offices, laboratories, playgrounds, cafeterias, mosques, or any other place connected with the Institute directly or indirectly, are free from offensive behavior, harassment, including sexual harassment, abuse of authority and discrimination. The Institute is also committed to promoting a work culture in which every institutional member understands, and is able to carry out, his/her personal responsibilities for maintaining the dignity of all other institutional members.
- 6. Harassment, including sexual harassment and abuse of authority of any kind, is not acceptable. The Institute shall not permit or condone such behavior under any circumstances and shall ensure zero tolerance. The Institute shall not tolerate any form of harassment including sexual harassment or abuse of authority, whether based on age, disability, ethnic origin, gender, marital status, race, religion, or any other personal characteristic. The Institute shall also not accept any conduct that is offensive, humiliating, embarrassing or intimidating to the other institutional member.
- 7. Complaints of harassment including sexual harassment or abuse of authority shall be taken very seriously by the Institute. Any conduct that is found to constitute harassment including sexual harassment or abuse of authority shall be dealt with in a manner consistent with the severity of the infraction, including appropriate administrative or disciplinary action under the relevant disciplinary Statutes, Rules and Regulations.

PREVENTION

8. Role of Institutional Members

Institutional members are responsible for:

- (a) Treating all other institutional members courteously and respectfully and not undermining their personal dignity; be mindful of their own personal behavior at all times, and of how others may perceive this.
- (b) Understanding the standards/norms of conduct/behavior that are required, and the kinds of conduct/behavior that are potentially harassing, or that may constitute an abuse of authority.

- (c) Reporting apparent breaches of this policy to a higher-level institutional member, who is responsible to take appropriate action.
- (d) Cooperating fully with those responsible for dealing with a complaint under these Rules, ensuring that confidentiality is respected.

9. **Role of Institutional Members in Authority**

Employees with supervisory and/or management responsibilities are responsible for:

- (a) Maintaining a high standard of personal conduct in dealing with all institutional members, and leading by example in maintaining the personal dignity of other institutional members.
- (b) Ensuring that all institutional members are aware of their rights and responsibilities under these Rules, and of the courses of action and sources of support that are available to them.
- (c) Intervening promptly when alerted to actual or potentially inappropriate or offensive conduct and reiterating the required standards of conduct.
- (d) Taking prompt action to report, informally resolve, refer as appropriate or investigate, alleged incidents of harassment including sexual harassment or abuse of authority.
- (e) Using normal supervisory and appraisal processes to examine any perceived concerns about personal behaviors that might seem to be harassing or offensive, and discussing what remedial action may be needed to improve standards of behavior.
- (f) Taking all reasonable steps to protect the confidentiality of all those affected by allegations, prior to and/or during any investigation, including record-keeping, communication systems and practices.
- (g) Providing all institutional members with opportunities for awareness education and training related to prevention and resolution of harassment, including sexual harassment or abuse of authority.

ROLE OF THE INSTITUTE

10. The Institute is responsible for:

- (a) Providing leadership in the prevention of harassment including sexual harassment and abuse of authority by fostering a climate of mutual respect and by providing role models of the required standards of behavior.
- (b) Ensuring that all institutional members are informed of the required standards of conduct, informing them of these Rules, and ensuring that all institutional members are aware of their responsibilities and rights, and on how to obtain support, if needed.
- (c) Briefing new institutional members on these Rules during orientation sessions, and providing ongoing training for all institutional members on preventing and managing harassment, including sexual harassment and abuse of authority.

- (d) Ensuring that timely and appropriate action is taken when workplace harassment is alleged, and that the confidentiality of individuals is reasonably protected; taking appropriate action to maintain the safety and well-being of all concerned and to protect the interests and reputation of the Institute.
- (e) Where necessary, taking disciplinary or other corrective measures to deal with breaches of these Rules, including breaches by perpetrators of harassment, supervisors who unreasonably fail to take proper action to deal with harassment or abuse of authority, and individuals who make frivolous or malicious complaints of harassment, including sexual harassment and abuse of authority.
- (f) Monitoring the effectiveness of these Rules' implementation.

11. The Institute is further responsible for the implementation of these Rules by:

- (a) Developing training and information material to inform all institutional members about harassment including sexual harassment, and abuse of authority, and measures for its prevention.
- (b) Advising institutional members, supervisors and managers concerning the informal resolution process and mediation, and taking all possible steps to resolve complaints informally.
- (c) Determining the outcome and appropriate action to be taken in response to breaches of these Rules.
- (d) Ensuring that all concerned are informed of the outcome in a timely fashion; making appropriate arrangements for dealing with requests for review of decisions or with complaints about how these Rules were applied during a complaint. Ensuring that appropriate and up-to-date information regarding these Rules is made available to all institutional members.

RIGHTS

12. Complainants have the right to:

- (a) Make a complaint; be accompanied by a willing colleague, or a parent/guardian, in case of students, during the key stages of this procedure e.g., during interviews.
- (b) Be assured of confidentiality and professional standards of conduct while a complaint is being investigated.

13. Alleged perpetrators have the right to:

- (a) Be assured of due process during the handling of any complaint or the investigation into a complaint.
- (b) Be accompanied by a willing colleague, or a parent/guardian, in case of students, during the key stages of this procedure e.g., during interviews.
- (c) Be informed at the appropriate stage when a formal complaint has been made, and be informed of the allegations leveled against him/her.

- (d) Be assured of confidentiality and professional standards of conduct while the complaint is being investigated.

DISPUTE RESOLUTION PROCESS

14. An Inquiry Committee shall be constituted at each campus to investigate the complaints related to harassment, sexual harassment and abuse of authority.
 - (a) The Inquiry Committee shall comprise the following members:
 - (i) The Rector/Campus Director or his/her delegated representative, as Chairperson.
 - (ii) Two Professors nominated by the Rector/Campus Director, as members;
 - (iii) One senior female faculty/staff member nominated by the Rector/Campus Director.
 - (iv) One person nominated by the Rector/Campus Director to act as Secretary.
 - (b) The Inquiry Committee shall be convened as and when required.
 - (c) The quorum for a meeting of the Inquiry Committee shall be at least three members.
 - (d) The terms of office of the members of the Inquiry Committee other than the ex-officio members shall be two years.
15. Complainants have the right to choose either informal or formal channels for resolving a dispute. Every effort shall be made to resolve problems early, through open communication and in a cooperative manner. In many instances, the use of conflict resolution mechanisms, such as coaching, counseling and facilitation, can resolve issues and prevent situations from escalating to the point where making a formal complaint becomes necessary. It is, however, the right of any institutional member to proceed directly to the formal stage, especially if the allegations are serious or previous attempts to deal with matters informally have failed.
16. An institutional member who feels offended (the complainant) by the actions of another institutional member (the alleged perpetrator) is encouraged to report the incident to a member of the Inquiry Committee.
17. The complainant must submit a signed complaint to the Inquiry Committee for this purpose.
18. A complaint must be submitted within one month from either the date of the incident of alleged harassment including sexual harassment or abuse of authority or the most recent alleged incident, if the complaint is about a persistent pattern of inappropriate behavior.
19. On receipt of a complaint, the Secretary Inquiry Committee shall acknowledge receipt of the complaint to the complainant as well as inform the alleged perpetrator within five working days.

20. The Inquiry Committee shall ensure that the complainant is safe, and shall discuss and jointly agree to any necessary interim measures while a complaint is being resolved, investigated or decided.
21. The Inquiry Committee shall conduct an initial review to determine whether the complaint can be resolved either informally through mediation or formally through investigation. The complainant shall be advised accordingly. After consideration of any additional and relevant issues raised by the complainant, the Inquiry Committee shall take a decision as to how to proceed with the complaint. In cases where informal process of mediation is chosen, it shall be entirely voluntary and must be agreed to by both parties. If any of the parties does not agree, the course of action under ensuing Section 23 shall be followed.

THE INFORMAL PROCESS

22. The objective of the informal resolution process is to allay any concern or resolve any conflict as soon as possible, in a fair and respectful manner and without having to resort to the formal complaints process. The steps are as follows:
 - (a) If the complainant and the alleged perpetrator agree to mediation, the Inquiry Committee may obtain mediation services from any suitably experienced institutional member from within the Campus/Institute who is acceptable to both the concerned.
 - (b) The mediator shall manage the process, but the concerned shall be responsible for the outcome, which may include a resolution acceptable to both. During mediation, an appropriate supporter or representative may accompany the complainant, the alleged perpetrator or both.
 - (c) When a resolution is reached, the complainant and the alleged perpetrator must agree to it in writing, and a confidential copy of the resolution must be sent to the Inquiry Committee. The matter shall then be considered as settled and closed.
 - (d) In case the informal resolution fails and the committee feels that a formal inquiry is needed the course of action under ensuing Section 23 shall be followed.

THE FORMAL PROCESS

23. The formal process for submission of a complaint is as follows:
 - (a) If either the complainant or the alleged perpetrator does not agree to mediation, or if no resolution is reached during mediation, the Inquiry Committee may take up the complaint for more detailed investigation.
 - (b) Alternatively, if it is satisfied that all necessary facts are available and that the complainant and the alleged perpetrator have been given a reasonable opportunity to be heard, the Inquiry Committee may decide that no further investigation is necessary, and instead proceed directly to its recommendations as per ensuing Sections.
 - (c) If it is decided that a fuller investigation is warranted to obtain additional information, the complaint shall be taken up for necessary action. The complaint shall be registered and the complainant and perpetrator shall be notified of this.
 - (d) The Inquiry Committee shall normally conduct separate interviews with the complainant, the alleged perpetrator and any witnesses. The Inquiry Committee shall

also have the discretion to call on other institutional members who may provide information that is material to the investigation, or to request for relevant documents.

- (e) The Inquiry Committee shall review all the facts and evidence surrounding the complaint of harassment, and shall prepare a written report containing the findings, conclusions and recommendations. The report of the Inquiry Committee must ensure completeness and consistency of investigation standards. The investigation report shall be submitted to the Campus Director or the Rector, as the case may be.
- (f) Malicious complaints are considered as misconduct, and if during the course of an investigation it is determined that the complaint was malicious, the complainant shall be liable for disciplinary proceedings under the relevant Statutes, Rules and Regulations governing employees or student discipline.
- (g) On receipt of the investigation report, the Rector or the Campus Director, as the case may be, shall consider the findings and recommendations and after the alleged perpetrator has been afforded due opportunity including personal hearing, take a decision regarding the penalty or disciplinary action to be taken.
- (h) The Inquiry Committee shall inform the complainant and the alleged perpetrator of the decision in writing, after completing all due process requirements.
- (i) Both the complainant and the alleged perpetrator may request a review of either the decision or any alleged failure to implement the procedures and principles fairly and reasonably.
- (j) Disciplinary actions to be taken as a result of the conclusive proof of the complaint shall be taken in light of the relevant Statutes, Rules and Regulations governing employees or student discipline, as the case may be. The punishment / penalty shall be commensurate with the severity of the proven offence.

CONFIDENTIALITY

- 24. All participants shall keep the contents of the mediation process and discussions and any resolution strictly confidential. No record of mediation or the subsequent resolution shall be attached to individual personal files. Documents or other records that are created in the course of informal procedures or mediation shall be destroyed by the mediator at the end of the proceedings, unless the mediator, with the agreement of both the complainant and the alleged perpetrator, believes there is a significant reason to retain all or some of them. The complainant and/or alleged perpetrator involved in informal resolution or mediation, and their representatives, may retain copies of any records or documents signed by either party.

RECORDS

- 25. The Inquiry Committee shall ensure that all records of a formal complaint, and any supporting documentation, are kept confidentially and separately alongside the complainant's and the alleged perpetrator's personal files. Any investigation files shall also be held separately and confidentially by the Inquiry Committee.
- 26. A summary record of the complaint (withholding the name of the complainant) and any action taken shall be kept on the personal file of the perpetrator only if disciplinary action has been taken against that individual.

RESIDUARY PROVISION

27. Whenever any difficulty arises in giving effect to any of the provisions of these Rules, the Board, in individual cases, may make such decisions, not inconsistent with these Rules, as may appear to be necessary, provided it is not ultra vires to the provisions of the Institute's Charter.

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