

# Appendix B

## Code of Conduct on Sexual Harassment

### Introduction

1. Brac University strives to provide a place of study and work free of sexual harassment. The university has a policy of “Zero Tolerance” to sexual harassment of any kind. Whenever such a case is reported or detected, the university takes all measures necessary to stop the harassment and take strict disciplinary and legal action against the offender. This policy is meant to protect every individual irrespective of religion, caste, sex, sexual orientation or ethnic group, from any form of sexual harassment.

### Aim

2. The Aim of this policy is to:
  - 2.1 Set up a mechanism for the protection of persons suffering the consequences of sexual harassment
  - 2.2 Lay down a procedure to lodge complaints and investigate cases of sexual harassment including disciplinary measures punishments for various conduct
  - 2.3 Ensure the setting up and implementation of a code of conduct for all to abide by
  - 2.4 Create awareness about sexual harassment, including its consequences as a punishable offence.

### Sexual Harassment Defined

3. Sexual Harassment is defined most widely as behavior that constitutes unwelcome sexual advances, requests for sexual favors, and any unwelcome conduct that could be construed as sexual in nature. The act may be direct or indirect, explicit or subtle. Both

female and male may be subjected to sexual harassment. Although both female and male may be subjected to sexual harassment, usually most victims of sexual harassment are women.

### **What Constitute Sexual Harassment**

4. Sexual Harassment includes a wide range of conduct. Any unwelcome conduct that a person of ordinary prudence would find offensive, sexual or inappropriate constitutes sexual harassment. All staff/faculty and students are prohibited from engaging in such conduct, in particular the conduct described below:
  - 4.1 Unwelcome behavior such as physical contact or attempt to establish physical contact such as sexual flirtations, touching, groping, etc.
  - 4.2 Harassing someone by sending sexually explicit or implicit letters, e-mails, telephone calls, SMS and Internet based networking such as Facebook etc.
  - 4.3 Displaying pornography or indecent picture or drawings, writing on walls, furniture, notice board etc.
  - 4.4 Any demand or request to establish a sexual relationship.
  - 4.5 Any attempt to establish a sexual relationship by deception, coercion or false pretenses.
  - 4.6 Indecent gestures, vulgar jokes, teasing through abusive language, stalking, passing remarks having sexual and/ or obscene connotations.
  - 4.7 Taking any form of photographs or recording for the purpose of blackmailing and defaming the person.

- 4.8 Raising irrelevant sexual topics inside or outside the classroom, especially where a teacher-student relationship is concerned.
- 4.9 Sexually harassing or humiliating new or junior students on campus by the seniors.
- 4.10 Making unwanted proposals to establish amorous relationships, exerting pressure or posing threats in case of refusal to the proposal.
- 4.11 Using administrative or professional authority by a senior to establish sexual relationship with a junior by creating fear or intimidation.
- 4.12 Restraining someone from sports, cultural, organizational and academic activities on the grounds of gender or sexual or sexual orientation.
- 4.13 Spreading rumors to humiliate and socially disgrace someone.
- 4.14 Any conduct that aims to sexually humiliate, disgrace or embarrass a person.
- 4.15 Discrimination on grounds of gender or any other difference.
- 4.16 Inappropriate or harassing comments or conduct made to a person because of his or her gender or sexual orientation.

## **Measures to curb Sexual Harassment**

5. Brac University will take measures as described below to curb sexual harassment; however other measures may also be instituted as necessary.
  - 5.1 Create a healthy, clean and egalitarian environment so that students, faculty or staff, irrespective of their gender, are free from discrimination at Brac University.
  - 5.2 Distribute copies of the Code of Conduct including the Sexual Harassment Policy to all members of faculty and staff when they sign in. All existing faculty/staff are to receive a copy of the policy and sign the Code of Conduct with respect to Sexual Harassment.
  - 5.3 Distribute copies of the Student's Code of Conduct including the Sexual Harassment Policy and Code of Conduct along with their orientation documents. All new students will sign the Code of Conduct that will be retained with respective student's records.
  - 5.4 Distribute copies of Code of Conduct and Sexual Harassment Policy among existing students. Existing students will sign the Sexual Harassment Policy that would be retained with their student records.
  - 5.5 Arrange a presentation on awareness on sexual harassment and the BracU policy on Sexual Harassment during new students' Orientation Programme.
  - 5.6 Arrange for seminars, discussion and meetings at the University to raise awareness about sexual harassment. Attendance in these programmes would be mandatory. These meetings will inform students and staff/faculty about the complaints procedure and victim redress options. In this context it should be remembered that sexual harassment is a

weapon usually employed by men to control women's bodies, mobility and eve life.

- 5.7 Display copies of the code of conduct in prominent public areas on notice boards and the BracU website.
- 5.8 Form a Complaints Committee in the University to address complaints of sexual harassment and widely publicize its formation.
- 5.9 Establish a process by which the victim can file a complaint in confidence. The process will allow the victim, victim's guardian, and lawyer or authorized person to lodge a complaint on victim's behalf-orally or in writing. The victim may choose to file the complaint with any specific member of the committee.
- 5.10 Take all measures to ensure speedy and impartial investigation of all complaints and decide the matter in a just manner.

### **Complaint Committee**

6. A six-member committee will oversee the implementation of this policy. The chair of the committee will be the Pro-Vice Chancellor. The committee will consist of the following members:
  - 6.1 Chair of the Committee
  - 6.2 A female faculty member nominated by the VC
  - 6.3 A female member of the Academic Council nominated by the Governing Board who is not a member of faculty or staff of BracU
  - 6.4 A female member nominated by the Executive Director, BRAC

6.5 A student counselor nominated by the VC

6.6 Registrar (Secretary)

7. Additional members could be co-opted, if necessary. However, majority of members at any time must be female. The committee is required to submit an annual report on its activity to the Board of Trustees of the University.

### **Complaint Committee Working Procedure**

8. All complaints of sexual harassment must be submitted to the Committee within 30 working days of the occurrence. To verify the complaint, the Committee will:

8.1 In case of the incidents of minor nature, the committee will dispose of the matter summarily with the consent of both parties.

8.2 In all other cases, the Committee will investigate the matter.

8.3 In case of delay or any other defect in filing complaints of sexual harassment, the Committee shall determine whether and how the complaint is to be received.

9. The complaint Committee will have the power to send registered notice by mail to the parties and the witnesses, conduct hearings, obtain statements, gather evidence and examine all relevant material.

10. In such cases, apart from relevant oral evidence and direct evidence, circumstantial evidence, or evidence from which an inference must be made to make a conclusion of fact, should also be admissible. The Committee will then determine which inference the circumstantial evidence most strongly supports.

- 10.1 All agencies of the University will extend cooperation to the working of the Committee and would assist in the process of their investigation.
- 10.2 While recording the testimony of the complainants any question or behavior that is intentionally base or harassing should be avoided.
- 10.3 If the Complainant wants to withdraw the complaint or stop the investigation, then the reason behind this has to be investigated and mentioned in the report.
- 10.4 The Committee would submit its report to the VC within 30 working days of the filing of the complaint. The VC, if necessary, might extend the time limit to another 30 working days.
- 10.5 In case of false complaints/allegations, the Committee will recommend to the VC appropriate disciplinary action against the complainant.
- 10.6 The Committee will take decision on the basis of the views of the majority.

## **Punishments**

11. The University Authority may take one or more of disciplinary measures:
  - 11.1 Suspend a student from attending class or a faculty or staff from taking classes or attending work on receipt of a complaint against him/her.
  - 11.2 If the Committee finds the accused guilty, take appropriate disciplinary or legal action as per the code of conduct and service regulations within 30 working days of the filing of the report.

- 11.3 The punishment could range from the issue of a Letter of Warning to dismissal from service and in case of a student, expulsion from the University. In serious cases, the University may, in addition, inform law-enforcing agencies and take appropriate legal action.

### **Confidentiality**

12. The University recognizes that confidentiality is important. The Committee or the individuals who are responsible for investigation and disciplinary action will take all measures to ensure the confidentiality and privacy of individuals reporting or being accused.

### **Applicability of the Policy**

13. The Policy has come into force with effect from August 1<sup>st</sup>, 2010. All staff and faculty members and students will be under its purview. The policy will be read, and signed by all faculty members, members of the Staff and all students. A signed copy will be retained in the personal folder.