



Habib University
shaping futures

Habib University Policy Approval Cover Sheet

Title	Habib University's Sexual Harassment Policy
Appendices (if any)	A & B
Approval and Consent	
<p>I certify that the attached policy has been reviewed by University Policy Committee (UPC) at Habib University</p> <p>Vice President Operations and Finance / Chair of the UPC</p> <p>Name: <u>Shahnoor Sultan</u> Signature: <u></u></p> <p>Date: <u>November 18, 2020</u></p>	
<p>President's Approval</p> <p>Name: <u>Wasif A. Rizvi</u> Signature: <u></u></p> <p>Date: <u>November 18, 2020</u></p>	

SEXUAL HARASSMENT & MISCONDUCT POLICY

1. Introduction

In keeping with laws of the Government of Pakistan¹ and Habib University's guiding philosophy of *Yohsin*, with its mission to "promote creativity, academic freedom and the exchange of ideas in an intellectually-stimulating environment characterized by mutual respect and collaboration," ***the University has zero tolerance for any type of sexual harassment, misconduct*** or patterns of behavior that a reasonable person would construe as intimidating, harassing, exploitative, bullying, discriminatory or deliberately designed to impact adversely the culture of mutual respect, personal dignity and equality that Habib University strives to maintain at all times.

The following documents are affixed as Annexures in this policy:

- a. **"Annexure A"** - Forums/Committee and reporting authorities under the Sexual Harassment Policy.
- b. **"Annexure B"** – Framework governing the work of investigating officer.

2. Defining Sexual Misconduct

Sexual misconduct, broadly defined, is a pattern of unwelcome conduct or communication of a sexual nature, including online communication that unreasonably interferes with an individual's work or learning performance or, which in the mind of a reasonable person, creates an intimidating, hostile, or offensive work or learning environment. Simple teasing intended in friendly jest, isolated offhand and unintended though awkward comments are not normally treated as harassment. However, these behaviors can become repetitive, and, if offensive, should be addressed before a pattern of genuine harassment emerges. Behavior and communication under this policy become harassment when they are so frequent or severe that, from the perspective of a reasonable person, they create a hostile or offensive work or learning environment, or when they result in an adverse employment or academic decision, or an adverse assessment of a person's performance at work or in class.

3. Isolated Incidents

Sexual misconduct most usually reveals itself as a pattern of behavior, as opposed to an isolated incident. While a single incident would not normally create a hostile work or learning environment, it could if it were severe. Furthermore, a single incident that is not severe in its own right, if repeated, can create a hostile environment.

¹ Most notably the Protection against Harassment of Women in the Workplace Act of 2010.

4. Protected Speech & Creative Expression

The expression of differing political, intellectual, philosophical, ethical, religious, aesthetic and cultural opinions, or the presentation of creative artistic, musical, dance, theatrical, film, photographic, poetic or literary works in the classroom, online, or on campus more widely, insofar as they do not directly sexualize, disparage, threaten, or harm specific individuals through techniques such as *ad hominem* attacks or name calling, and are not purely pornographic in nature, do not normally fall under the definition of sexual harassment. As expressed by the American Association of University Professors (AAUP): “Much speech that may not be proscribed may nonetheless be morally objectionable... Threats and verbal assaults need not be tolerated, but ideas—however offensive and however offensively expressed—may be met only with other ideas.” As an academic institution committed to free intellectual inquiry and to the free expression of ideas, nothing in this policy shall be construed to justify the proscribing of free inquiry or the expression of ideas at Habib University simply because individuals find the ideas, images or works to be personally offensive.

5. Examples of Sexual Misconduct

- i. Examples of sexual misconduct include: indecent exposure, inducing another to expose their private parts, engaging in voyeurism, installing spyware on a victim’s computer or cell phone, surveillance or other types of observation, including repetitive staring for extended periods (e.g., 10 seconds or more), “peeping,” or defamation – either through outright lying to others or spreading malicious rumors about the victim, or through the unauthorized disclosure of confidential information or photographs of a sexual nature; non-consensual touching, using drugs or medications with the aim of incapacitating others for the purposes of perpetrating an act of sexual misconduct upon them, blackmail and threats to harm oneself or others as a means of coercing sexual or intimate acts. Other serious offenses, such as domestic violence, dating violence, and stalking, also constitute sexual misconduct and can result not only in University disciplinary sanctions but also in criminal prosecution. Major categories of sexual misconduct include:
- ii. **Sexual Intimidation**
Sexual intimidation includes any behavior which creates a threatening, discomforting and/or embarrassing state for the victims in an effort to force them to engage in a sexual act or to accept unwelcome sexually explicit comments made by the perpetrator verbally, through non-verbal gestures or in writing. Sexual intimidation includes but is not limited to making stereotypical remarks about the abilities of people based on their gender or sexual orientation, sending emails with unwelcome sexual content, making repeated unwanted phone calls with an explicit sexual intention or with a consistent demand to engage in a relationship.

iii. **Sexual Exploitation**

Sexual exploitation is taking nonconsensual and abusive sexual advantage of a person or through coercively-obtained consent whether through interpersonal or group intimidation, emotional blackmail, or any other forms of manipulation, such as lying about one's intentions, using games such as group dares, initiation or hazing rituals, trivializing or ridiculing of personal limits/choices, etc. Sexual exploitation often involves the abuse of power, authority and trust to gain personal benefits including but not limited to monetary benefit, political advantage, social benefit or to fulfill personal desires. It includes the non-consensual production and/or distribution of audio or video recording of sexual activities of another person, non-consensual distribution or sharing of still images, and/or video and audio recordings of an individual's sexual activity, intimate body parts, or nakedness, and/or spying on others who are in intimate or sexual situations.

iv. **Sexual Harassment**

Sexual harassment includes unwelcome verbal, written, or physical behavior of a sexual nature, targeted towards an individual because of that person's gender or based on gender stereotypes. Unwelcome behaviors include but are not limited to lewd jokes or remarks, verbal innuendos, repeated and unwelcome flirtations or advances, display of pornographic content with the intent to harass, indecent exposure, unwanted physical contact, threats of a sexual nature, repeated demands for an unwelcome romantic or sexual relationship and/or forced or non-consensual sexual contact. Sexual harassment also occurs when consent to unwelcome sexual advances is induced by blackmail with either positive or negative consequences for the victim's education, employment, working or learning environment. Sexual harassment can entail propositions, conditions and practices that are linked to the achievement of higher or lower grades than one has earned, the awarding of, or exclusion from access to, scholarships or participation in a University program or activity, as well as pay enhancements, or the implicit or explicit promise or threat of negative or positive bias in any workplace or academic reviews. Harassment may also include creating a generally hostile or demeaning environment for working and learning as retribution when sexual overtures and advances are rejected.

v. **Sexual Assault**

Sexual assault is a form of sexual violence and can happen to any persons irrespective of their gender, sexual orientation or age. Sexual assault refers to any forced sexual act against the victim's will. Sexual assault is frequently an abuse of physical or positional power, status and/or authority. Sexual assault is a criminal act, and it can take many forms and may include sexual contact with minors or children.

6. Affirmative Consent

To avoid any possible confusion about whether consent to any physical contact has been freely given, Habib University employs the standard of affirmative consent. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in any intimate activity. It is the responsibility of each person involved in the intimacy to ensure that he or she has the affirmative consent of the other(s) to engage in intimacy. Affirmative consent must come at each stage. For example, affirmative consent to hold hands, hug or touch each other affectionately does not imply affirmative consent to kiss or any other form of more intimate contact. Furthermore, a previous act of affirmative consent does not imply regular, repetitive or perpetual consent to that or any other form of intimate contact.

7. Important Definitions under this Policy

i. Complainant

A complainant is the person whose rights under this policy are alleged to have been violated. Complainants are always presumed to be lodging truthful reports and complaints in good faith, unless and until a full and impartial investigation of their charges reveals, through a preponderance of evidence, that their accusations are false or malicious in character.

ii. Respondent

A respondent is the person who is alleged to have engaged in misconduct under this policy. Respondents are always presumed to be innocent under this policy unless and until a full and impartial investigation of the charges made against them reveals, through a preponderance of evidence, that the charges lodged against them are accurate and that these constitute actual sexual misconduct.

iii. Inquiry Committee

A three-person committee, at least one of whom must be a woman, appointed by the President of Habib University, in accordance with the 2010 Protection Against the Harassment of Women Act. The Inquiry Committee chooses its own Chair and oversees the implementation of Habib University’s policies and procedures for preventing and addressing cases of sexual harassment to ensure that, in accordance with clause (xiii) of the Schedule of the 2010 the Protection Against the Harassment of Women Act, that the minimum standards of that Act are fulfilled at Habib University. As this clause of the 2010 Act envisions and encourages more robust sexual harassment policies than are required under the Act, and whereas Habib University’s sexual harassment policies and procedures are demonstrably more robust than those envisioned under the 2010 Act, the Inquiry Committee delegates some procedural responsibilities to other authorities as outlined in this policy. However, the Inquiry Committee retains ultimate authority to ensure that the minimal standards of fairness and protection guaranteed under the 2010 Act are in place at Habib

University. The Inquiry Committee also has ultimate authority to adjudicate when issues arise regarding the implementation of Habib University's Sexual Harassment Policy. The Habib policy allows for both a formal and an informal reporting mechanism. Complaints of sexual harassment may be reported directly to any member of the Sexual Harassment Inquiry Committee. Informal reporting begins with the Designated Reporting Officers described below. **(Please refer to "Annexure A", page 18.)**

iv. Designated Reporting Officer

Is an appropriately trained individual, officially designated by the University, and clearly identified on its website, to hold informal conversations with any member of the Habib community who is in the process of determining whether or not they wish to file a complaint under this policy. Designated Reporting Officers are trained to neither encourage nor discourage potential complainants from filing charges. The role of Designated Reporting Officers is merely to listen, ask relevant questions to help clarify what happened and to answer any procedural questions. If a complainant ultimately decides to file a charge, the Designated Reporting Officer is also trained to receive confidential reports of sexual misconduct outlined in this policy from any members of the Habib University community (including current students, alumni, staff, faculty or invited guests) who feel that they are or may be becoming targets of sexual misconduct perpetrated by any other member of the Habib community (including current students, alumni, staff, faculty or invited guests). Once a Designated Reporting Officer receives a formal complaint, they will inform both the Chair of the University's Sexual Harassment Inquiry Committee and the appropriate Conduct Officer as described below. The Designated Reporting Officers shall also serve as Ombudsmen as described under the 2010 Protection against the Harassment of Women in the Workplace Act. 9 **(Please refer to "Annexure A", page 18 of this policy).**

i. Investigating Officer

Is an appropriately trained investigator, who may either be a disinterested Habib University employee or employees with no prior connection to any of the parties involved in the case, or an independent lawyer or trained forensic investigator, who is officially designated and hired by the University to conduct fact-finding investigations on behalf of the University into alleged cases of sexual misconduct. The Investigating Officer is appointed by and reports to the Conduct Officer as described below. The framework governing the work of Investigating officer is affixed as **"Annexure B", page 20** of this policy.

ii. Complainant's Advocate

Is any person who is a current member of the Habib community (defined as enrolled students, or staff and faculty currently on the payroll or on authorized leave from the University) who are specifically and explicitly designated by the Complainant to offer advice and emotional support, or

to speak on behalf of the Complainant, or to advocate on behalf of the Complainant with any officially designated University representative or body dealing with the case brought by the Complainant under this policy.

iii. Respondent's Advocate

Is any person who is a current member of the Habib community (defined as enrolled students, or staff and faculty currently on the payroll or on an authorized leave from the University) who are specifically and explicitly designated by the Respondent to offer advice and emotional support, or to speak on behalf of the Respondent, or to advocate on behalf of the Respondent with any officially designated University representative or body dealing with the case brought against the Respondent under this policy.

iv. Conduct Officer

Is the duly appointed University representative who receives reports from either the Sexual Harassment Inquiry Committee, through the formal route, or from Designated Reporting Officers through the informal route. The appropriate Conduct Officers appoint qualified Investigating Officers and receive reports from them. The Conduct Officer also keeps the Chair of the University's Sexual Harassment Inquiry Committee apprised of all actions in the case. Once a case has been referred to the Conduct Officer, either via the formal route from the Sexual Harassment Inquiry Committee or via the informal route from a Designated Reporting Officer, the Conduct Officer informs both the Complainant and Respondent that a case has been opened and that an investigation is underway. It is also the Conduct Officer who reaches a determination of insufficient evidence, innocence or responsibility based on final investigative reports, and any additional questioning of the parties that may be needed. It is also the Conduct Officer who ultimately proposes sanctions for misconduct for those found responsible. Finally, it is Conduct Officers who convene official hearing bodies to hear appeals as outlined below in this policy. For cases involving only students, the Conduct Officer is the Director of Student Affairs. For cases involving only staff, the Conduct Officer is the Director of Human Resources. For cases involving only faculty, the Conduct Officer is the Vice President for Academic Affairs and Dean of Faculty. For cases involving parties from different constituencies, the Conduct Officers for each constituency will act jointly in the case. In the event that a charge is being made by or against a Conduct Officer, the President of the University will designate an alternate Conduct Officer to stand in for the Conduct Officer who is either the Complainant or Respondent.

v. The Appropriate Conduct Review Board

Are the committees charged under this policy for hearing cases when the Respondent appeals either the finding of responsibility by the Conduct Officer, the assignment of a sanction or both. In cases where faculty are Respondents, the appropriate review board is the Faculty Committee on

Professional Conduct (FCPC). In cases where students, alumni, or staff are the Respondents, the appropriate review board is the University Conduct Review Board (UCRB). Due to the sensitive and highly confidential nature of sexual harassment and misconduct cases, students do not sit on any cases involving the appeal of sexual harassment cases.

8. Procedures

i. Initial Reporting & Designated Reporting Officers

Whenever current members of the Habib University community (defined as currently enrolled students, alumni of Habib, faculty members or staff under current contract, or on authorized leave, or invited guests of Habib University) believes that they either have been, or may be becoming, the targets of sexual harassment or sexual misconduct, as soon as possible but no longer than 365 calendar days since the last incident of sexual harassment or misconduct. The statute of limitations for initiating a report under this policy shall be no longer than 365 calendar days since the most recent incident of sexual harassment or misconduct. Complainants may choose to report either formally to the Habib University Sexual Harassment Inquiry Committee or they may initiate an informal conversation with a Designated Reporting Officer. If a formal report is filed directly with the Sexual Harassment Inquiry Committee, the Chair will refer the case to the appropriate Conduct Officer as outlined under this policy. In cases where the Complainant wishes to pursue the informal route initially, they should report the matter and have confidential conversations with any of the officially Designated Reporting Officers affixed in “**Annexure A**” of this policy.

ii. The Informal Route

In cases where the potential Complainant prefers the informal route, in the initial stage of the process, the Designated Reporting Officer will have an informal but confidential conversation with the Complainant to discuss the events precipitating the report. The Designated Reporting Officer will also ensure that the Complainant is aware of the full range of support resources available. Designated Reporting Officers do not interact with Respondents under any circumstances. Following the initial conversation and any required follow-up conversations, the Designated Reporting Officer will also share these procedures with the Complainant, ensure that the Complainant understands fully how the process works, answer any questions that the Complainant may have, and, at the appropriate time, formally ask if the Complainant wishes to proceed with a formal investigation and hearing process by making a formal complaint. If the Complainant chooses to proceed with the charge, the steps outlined in this policy will determine each subsequent step.

9. When Complainant Chooses Not to Proceed with a Formal Charge

If the Complainant chooses not to proceed with a formal charge at this point, the Designated Reporting Officer will determine whether any remediation is needed or not. Typically, if the Designated Reporting Officer feels that some misunderstanding or unintended carelessness by the potential Respondent has precipitated the complaint, the Reporting Officer will have a conversation with both the appropriate Conduct Officer with jurisdiction over the potential Respondent and the Chair of the Sexual Harassment Inquiry Committee. Normally, the Conduct Officer and/or the Chair of the Sexual Harassment Inquiry Committee will then have an informal and confidential conversation with the potential Respondent to discuss the concerns and suggest alterations in conduct that should alleviate further problems. The Conduct Officer will keep a record of the concern and the proposed remedy, but no notation will be made in any official files of the potential Respondent at this point. If there is a repeated pattern of inappropriate conduct involving the same Respondent, however, prior reports may be offered as evidence and cited in later cases.

10. Filing a Formal Charge & Launch of the Official Investigation

- i. In cases where the initial Complainant decides to proceed with a formal complaint, the Designated Reporting Officer will take the official complaint form to the Chair of the University Sexual Harassment Inquiry Committee, who will then refer it to the appropriate Conduct Officer or Officers with jurisdiction over both the Complainant and the Respondent within two business days of its submission.
- ii. The Conduct Officer or Officers will then launch a formal investigation of the matter within one week of receipt of the official complaint by first assigning the case to an authorized Investigating Officer, who will conduct a formal investigation of the matter and interview relevant parties and collect evidence in a timely manner, which should normally not exceed one month.
- iii. The Conduct Officer or Officers will also officially inform both the Complainant and the Respondent under their jurisdiction within one week of their receipt of the official complaint of the nature of the charges and also inform them that an official investigation has being launched. If the Conduct Officer is away from campus due to business, vacation, illness or an emergency, the Complainant will be informed of the delay caused by the absence of one or more Conduct Officers, and the notification process will occur within one-week of the Conduct Officer's or Officers' return to campus.
- iv. Both Complainant and Respondent will also be instructed by the Conduct Officer(s) to avoid any communication with each other, either directly or indirectly, on the matter. The Conduct Officer(s) may also, at their

discretion, direct one or both parties to avoid any contact whatsoever with the other party by issuing a “no contact” order, and make any necessary arrangements for the physical separation of the individuals involved in the case if they are working in close proximity to each other. In the event that a “no contact” order has been issued, any attempt by either the Respondent or the Complainant to communicate with the other party through intermediaries (mutual friends, relatives, peers, colleagues, etc.) will constitute a breach of the “no contact” order. This violation of the “no contact” order will also be added to the body of evidence in the case and may result in separate disciplinary action. If in the view of the Conduct Officer(s) campus safety requires limitations on campus access by either the Complainant or Respondent, or both, such limitations on campus access may be imposed at the discretion of the Conduct Officer(s) at any time.

- v. Both Complainant and Respondent shall have the right to designate a single personal Advocate from the Habib community. If an Advocate is designated, it is the responsibility of the party exercising the option to have an Advocate to inform the Conduct Officer(s) in writing (via either email or paper) of this choice. The Advocate must be a current member of the Habib community (defined as a currently enrolled student, alumni, or currently employed faculty or staff member, which may include faculty or staff on official leave). The Advocate may accompany the person being advised to any meetings or hearings that arise as a result of the case. With the permission of the Complainant or Respondent, the respective Advocate may also speak on behalf of the person represented. With the express permission of the person represented, the Advocate may also intercede with any officer or hearing body involved in the case, with or without the presence of the person represented, to seek clarifications or to transmit relevant information. Advocates are not permitted to interact with each other in order to discuss case-related matters, unless they are either in the presence of the Conduct Officer(s) or before the relevant conduct review board (either UCRB or the Faculty Committee on Professional Conduct).
- vi. The Conduct Officer(s) will provide both parties and their Advocate(s) with a link to this policy and enquire as to whether there are any questions about the policy or procedures.
- vii. During the investigation, all parties are required to cooperate fully and truthfully with the Investigating Officer looking into the case. All interactions with the Investigating Officer are highly confidential and should not be disclosed to any other party. Violation of this confidentiality may lead to further sanctions. Both the Complainant and the Respondent have the right to request that the Investigating Officer take the testimony of witnesses. However, any tampering with witnesses or efforts to coordinate testimony to an Investigating Officer are a clear violation of

this policy and will lead to an appropriate administrative sanction as determined by the appropriate Conduct Officer with jurisdiction.

11. The Final Investigative Report

Once the Investigating Officer has completed the report, the report, along with any evidence discovered, will be submitted to the appropriate Conduct Officer(s) for review. Both the Complainant and Respondent may view the final investigative report and make brief notes of their own on the reports but may not make copies of the report or evidence which remain the property of the University. Both the Complainant and the Respondents have the right to ask their Advocate to review the report, although the report remains in the hands of and under the sole control of the Conduct Officer(s). Reviewing the report may allow Advocates to better advise the person they are advising or representing in the case. The Final Investigative Report is a confidential document and its contents may not be publicly disclosed by anyone. Disclosure of the report or its contents to the public in any way will be subject the person or persons who disclose the report or its contents to disciplinary action.

12. False Reporting

False reporting is a serious violation of professional conduct and of University policy. To knowingly file or make false or malicious complaints of alleged discrimination, harassment and/or sexual misconduct will result in severe sanctions, including permanent separation from Habib University. A complaint of false reporting may be pursued using the same steps followed for discrimination, harassment, and sexual misconduct related complaints as outlined in this policy. A complaint of false reporting which is filed in good faith under this provision shall not constitute retaliation. A finding of “no responsibility” is not, by itself, evidence that the underlying complaint was not filed in good faith.

13. Retaliation

Retaliation against anyone in connection with the execution of this policy is also strictly forbidden and may result in severe sanction up to and including permanent separation from Habib University. Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual’s exercise of a right or responsibility under this policy, including participation in the reporting, investigation or hearing as provided in this policy. Retaliation includes adverse actions intended improperly to deter involvement of another in the procedures set forth in this policy and may involve actions intended either to intimidate or to penalize individuals for their participation in any aspect of the review of a charge of sexual harassment or sexual misconduct.

14. Counter Charges

Because counter charges are a common form of retaliation, once an investigation of sexual harassment or sexual misconduct has been launched, counter charges, including charges of false reporting, made by the Respondent against the Complainant will normally be held in suspension until the original case has been fully resolved. Once the original case has been resolved, counter charges may proceed but must strictly follow all of the requirements and guidelines for a genuine complaint under this policy. Any malicious effort to use counter charges as a retaliatory strategy will be dismissed and will subject those making malicious counter charges to severe sanction under the anti-retaliatory provisions of this policy. Persons found responsible for engaging in retaliation related to a complaint under this policy shall be subject to disciplinary action. Persons who believe that they have been or are being retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the appropriate Conduct Officer(s).

15. Review of the Investigative Report

The Conduct Officer(s) will review the findings of the investigation and determine whether there is sufficient evidence to support further action or not. In cases where there are multiple Complainants and/or multiple Respondents associated to a single incident or a series of incidents, the Conduct Officer(s) will decide whether the case shall be handled as a single case or as multiple separate cases.

16. Unsubstantiated Charges

In the event that the Conduct Officer(s) determines that there is insufficient evidence to support the charges or that the complaint seems to have arisen from a genuinely unintended misunderstanding, the Conduct Officer(s) will confer with the University's Sexual Harassment Inquiry Committee, and, if the Committee concurs, the Conduct Officer will inform each party in writing of this finding and may make any separate recommendations to the Respondent that the Conduct Officer feels are appropriate to avoid future confusion and misunderstanding.

17. Substantiated Charges

In cases where findings support the conclusion of "responsibility" by the Respondent, the Conduct Officer(s) will inform the University's Sexual Harassment Inquiry Committee of the findings. Once the Committee concurs, the Conduct Officer will inform the Respondent. Both the Complainant and Respondent will be informed in writing of the finding of "responsibility."

18. Assignment of a Sanction by the Conduct Officer

In cases where a finding has been made against the Respondent, the Conduct Officer(s) will also propose an appropriate sanction to the University's Sexual Harassment Inquiry Committee. Once the Committee concurs with the proposed sanction, the Conduct Officer will inform the Respondent. If the Respondent accepts the sanction, it will be executed and documented in the Respondent's permanent file and the matter considered closed. Due to important confidentiality considerations the Complainant will not necessarily be informed of all the details of sanctions applied against the Respondent, but the Complainant will, at a minimum, be informed what nature of sanction was imposed.

19. Appeal of the Finding and/or Sanction

In cases where the Respondent rejects either the finding of responsibility or the proposed sanction, within no more than one week the Respondent must make a formal request in writing to the Conduct Officer in charge of the case requesting a formal hearing. If a written request for a full hearing has not been received by the Conduct Officer within one week, then the decisions announced by the Conduct Officer shall be implemented and documented.

20. The Hearing Process

- i. In the event that a formal appeal hearing has been requested by the Respondent, the Conduct Officer in charge will make every effort to convene the appropriate Conduct Review Board hearing within two weeks during the regular fall or spring academic terms or as soon as possible if the request is received during an official University break or over the summer term. For faculty Respondents, the Dean of Faculty will inform both the Chair of the University Sexual Harassment Inquiry Committee and the Chair of the Faculty Committee on Professional Conduct (FCPC) of the appeal and transmit to the Chair of the Faculty Committee on Professional Conduct the Dean's findings, the investigative report and information on the sanction imposed. The Chair of the Faculty Committee on Professional Conduct will then convene the appeal hearing as soon as possible within the time frames indicated at the beginning of this section. In the case of either student or staff Respondents, the appropriate appeal committee is the University Conduct Review Board (UCRB) as described in **Section 7, sub-section (ix) above**.
- ii. All Conduct Review Board hearings are confidential and closed to the public. Only Conduct Officers; Conduct Review Board members; Respondent(s) and their Advocate(s), and any witnesses called by the

Conduct Review Board may attend hearings. Neither the Complainant, nor the Complainant's Advocate, is present for the Conduct Review Board hearing. The Conduct Review Board, regardless of whether it is the Faculty Committee on Professional Conduct (FCPC) or the University Conduct Review Board (UCRB), is an appellate body; it is not authorized to conduct a new investigation of the case, but may evaluate the evidence presented and judge the appropriateness of both the verdict of the Conduct Officer and the sanctions proposed by the Conduct Officer. If the Conduct Review Board, regardless of whether it is the UCRB or the FCPC, determines that there may be substantial new evidence that was not heard by the Conduct Officer, the Conduct Review Board may refer the case back to the Conduct Officer for further investigation and action.

- iii. During hearings of either the Faculty Committee on Professional Conduct or the University Conduct Review Board, the Conduct Officer(s) will present the findings of the case and the proposed sanctions to the hearing body. The Respondent, or designated Advocate will have the right to cross-examine the Conduct Officer on any aspect of the findings. The Respondent or designated Advocate will then present their case to the Conduct Review Board. The Conduct Officer will then also have the right to cross-examine the Respondent following their presentation to the Conduct Review Board. No external representatives or legal advisors are permitted to attend or participate in official University hearings.
- iv. The relevant Conduct Review Board, either the UCRB or the FCPC, has the right to call additional witnesses if it so desires, and both the Respondent (or the Respondent's Advocate) and the Conduct Officer will have the right to cross-examine any additional witnesses called by the Conduct Review Board itself.
- v. Once all the evidence has been presented, and the Conduct Review Board has had the opportunity to ask its own questions, the Conduct Review Board members will retire for confidential deliberations and reach a final decision about the appropriateness of the original finding and/or sanction.
- vi. The Conduct Review Board may determine: (1) that both the original verdict and sanction are appropriate; (2) that neither the original verdict nor sanction are appropriate; or (3) that the original verdict was correct but that the sanction should be modified in a manner which may be determined by majority vote.
- vii. Modification of the sanction by the appropriate Conduct Review Board (either the UCRB or the FCPC) may involve either a greater or lesser sanction against the Respondent. The Chair of the University's Sexual Harassment Inquiry Committee, the Conduct Officer and the Respondent will all be informed by the Chair of the appropriate Conduct Review Board in writing of the Board's final decision.

21. Further Appeals

The decisions of both the Faculty Committee on Professional Conduct (FCPC) and the University Conduct Review Board (UCRB) are final and may not be appealed as both bodies are themselves the appropriate appellate bodies for the University. However, the Respondent retains the right to appeal to the University Grievance Committee in cases where a demonstrable and significant procedural error by either the Faculty Committee on Professional Conduct or the University Conduct Review Board has occurred and has resulted in real and substantive injury to the Respondent.

22. Reporting to the Original Complainant by the Conduct Review Board

In the event that a Conduct Review Board determines that the original finding by the relevant Conduct Officer was not justified by the evidence, the Complainant will be informed by the Chair of the Conduct Review Board of that final judgment. However, the Complainant will not have the right under this policy to appeal further the final judgment of the Conduct Review Board unless the Complainant is in possession of substantial new evidence that might change the verdict in the case. In that event, the Complainant shall provide the Conduct Officer with any new substantive evidence within 10 business days of being informed. If the Conduct Officer confirms that the new evidence is substantive and may change the decision of the Conduct Review Board, the Conduct Officer shall transmit the new evidence to the Chair of the University's Sexual Harassment Inquiry Committee and the Chair of the Conduct Review Board, who will share it with the members of the entire Board for their collective determination of whether the new evidence justifies a new decision by the Board.

23. Standards of Evidence and Proof

The decisions under this policy shall be based on "a preponderance of the evidence" not the higher standard of "beyond a reasonable doubt." In other words, Conduct Officers and Conduct Review Boards must only show that it is more likely than not that the Respondent is responsible for the alleged misconduct. All evidence entered in cases covered under this policy must relate directly to the case at hand. This standard specifically excludes the past sexual history of either the Complainant or the Respondent. Cases shall be determined exclusively on the basis of the evidence relating directly to the case under consideration. In the event of a finding of guilt, however, the past record of the Respondent in terms of related actions may be considered by the Conduct Officer or the Conduct Review Board in the assignment of an appropriate sanction. Conduct Officers will serve as the custodians of all evidence and records arising from the investigation and hearing of cases under this policy.

24. Confidentiality

Every effort shall be made to protect the confidentiality of both parties under this policy. However, all parties must understand and recognize that the University has an equal obligation to ensure due process. Respondents have a clear right to know the identity of those making a complaint against them, and they also have a right to know the full nature and extent of the evidence offered against them and to respond fully to both the complaint and to the evidence. Respondents also have the right to offer counter evidence in their own defense. Additionally, there may be cases where, under penalty of law, the University is required to report information and evidence that comes to its attention through an investigation to local, provincial or national police authorities.

25. Sanctions.

The University's prioritizes restorative justice and education in its assignment of sanctions rather than retribution. Habib University expects all community members to learn and to grow and for every wrong act to be replaced with a just one. This principle does not imply any hesitation in the use of disciplinary measures, which can also have restorative and educational value. The point is that in the assignment of sanctions, the University emphasizes restoration of justice and education as opposed to retribution.

- i. Students found to have been involved in any act of sexual harassment or misconduct may have the following disciplinary measures imposed upon them, depending on the nature, frequency, and severity of the misconduct. This list is not intended to be an exhaustive or comprehensive list of possible student sanctions but rather as an illustrative range of possible sanctions.
 - a. Level 1 Sanctions for Students
 1. Verbal Warnings
 2. Written Warnings
 - b. Level 2 Sanctions for Students
 1. Disciplinary Probation
 2. Loss of Scholarship and/or Financial Aid
 3. Restitution through Community Service
 4. Parental Notification
 - c. Level 3 Sanctions for Students
 1. Suspension
 2. Expulsion
 3. Involvement of Law Enforcement

ii. Faculty and Staff found to have been involved in any act of sexual harassment or misconduct may have the following disciplinary measures imposed upon them, depending on the nature, frequency and severity of the misconduct. This list is not intended to be an exhaustive or comprehensive list of possible faculty and staff sanctions but rather as an illustrative range of possible sanctions.

- a. Level 1 Sanctions for Faculty & Staff
 - 1. Verbal Warnings
 - 2. Written Warnings
 - 3. Probation

- b. Level 2 Sanctions for Faculty & Staff
 - 1. Denial of Access to University Funding for Research & Travel
 - 2. Delay or Denial of Annual Salary Increases
 - 3. Delays in Eligibility for Promotion Reviews
 - 4. Delays in Eligibility for Sabbatical Leaves

- c. Level 3 Sanctions for Faculty & Staff
 - 1. Suspension without Pay
 - 2. Termination
 - 3. Involvement of Law Enforcement

All Level 3 sanctions are subject to Presidential review and approval.

Annexure A

Forums/Committee and Reporting Authorities under the Sexual Harassment Policy

Designated Reporting Officers – Refer to Section 7 (iv) of the Sexual Harassment Policy

1. Wajeeha Yasir; Manager, Engagement, Learning and Development;
Email: wajeeha.yasir@habib.edu.pk ; Ext: 6421
2. Mohsin Rizvi ; Director, Student Recruitment & Admissions;
Email: mohsin.rizvi@habib.edu.pk ; Ext: 4551
3. Nooruddin Merchant ; Assistant Director, Library and Education Programs;
Email: nooruddin.merchant@habib.edu.pk; Ext: 5510
4. Dr. Humaira Qureshi; Assistant Professor, Microbiology, DSSE;
Email: humaira.qureshi@sse.habib.edu.pk; Ext: 5249
5. Dr. Newal Osman; Visiting Assistant Professor, Comparative Humanities ;
Email: newal.osman@ahss.habib.edu.pk
6. Ms. Zuha Asif Siddiqui; Assistant Professor of Practice, Communication & Design ;
Email: zuha.siddiqui@ahss.habib.edu.pk; Ext: 5249

Investigation Officers – Refer to Section 7 (iv) of the Sexual Harassment Policy

1. Dr. Ishtiyahq Makda; Associate Dean, Academic Systems & Registrar
2. Dr. Rohama Malik; Assistant Professor, Communication & Design
3. Misha Imran; Assistant Manager, Student Recruitment

Conduct Officers – Refer to Section 7 (viii) of the Sexual Harassment Policy

1. Conduct officer for Faculty - Dean of Faculty.
2. Conduct Officer for Staff – Head of Human Resources.
3. Conduct officer for students – Head of Student Life.

Standing Inquiry Committee - Chairperson selected among the members for each case Individually. - Refer to Section 7 (iii) of the Sexual Harassment Policy

1. Tatheer Hamdani – President’s Chief of Staff and Director of Global Engagement.
2. Anum Sophie - Senior Manager Quality Enhancement Cell, Accreditation.
3. Waqar Naqvi - Head of Information Technology, Information Technology Department.

Faculty Committee for Professional Conduct (FCPC) – (Members selected for a period of (2) years). – Refer to Section 5.10 of the Faculty Handbook - 2019

1. Dr. Humaira Qureshi - Assistant Professor, Microbiology, DSSE. **(Chair Person)**
2. Aaron Mulvany - Associate Professor, SDP.
3. Abdullah Khalid - Assistant Professor, Integrated Sciences and Mathematics, DSSE.
4. Tariq Mumtaz - Lecturer, Electrical and Computer Engineering, DSSE.
5. Zahara Malkani - Assistant Professor of Practice, School of Arts Humanities and Social Sciences

Note: Two positions on the committee are vacant and will be filled tentatively by November, 2020.

University Conduct Review Board (UCRB) – (Chairperson selected on a case to case basis). – Refer to Section 5.11 of the faculty Handbook – 2019

Staff Representative

1. Shahnoor Sultan – Vice President, Operations & Finance.
2. Yasmeen Bano - Director Student Success, Office of Academic Performance.

Faculty Representative (Members selected for a period of (2) years). – Refer to Section 5.10 of the Faculty Handbook - 2019

3. Dr. Sameena Shah Zaman - Assistant Professor and Program Director for Integrated Sciences and Mathematics, DSSE.
4. Dr. Severine Minot - Assistant Professor, Social Development & Policy, School of Arts, Humanities and Social Sciences

Annexure B

Frame work governing the work of Investigating Officer

Scope and Capacity

The investigation officer is to ensure an impartial, fair and neutral investigation of facts in a case and to eliminate the possibility of any conflict of interest or the appearance of conflict of interest which might arise if the investigation officer were to be a full-time regular employee of the university. The individual hired as an investigation officer will typically be an external resource with experience as an attorney or forensic officer. However, at the discretion of the conduct officer and with approval of the Habib University, Inquiry Committee, the investigation officer(s) may be full time employee of Habib University.

This investigation officer will conduct a full, complete and impartial investigation on any and all matters assigned to them by the appropriate University Conduct Officer. The Investigating Officer will not render any judgment, nor present their findings in a manner that would indicate that they have reached a conclusion or judgment in the matter under investigation. The role of the Investigating Officer is simply to collect and present all of the evidence in a case fully and impartially, so that the appropriate University Conduct Officer may reach an impartial judgment in the matter as guided solely by the evidence collected by the Investigating Officer.

Any external investigation officer(s) will be hired on a contractual basis and will possess the necessary legal qualification and experience necessary to investigate and generate a report on a complaint in question.

Powers, Duties and Responsibilities

The investigating officer is vested with the following powers:

1. To investigate assigned cases and collect and record all evidences as necessary.
2. To call witness and all other parties to the case for interrogation in the matter.
3. Conduct a prompt, equitable, complete and impartial investigation into the cases assigned by the appropriate University Conduct officer(s).

The investigating officer is to carry out the following duties:

1. Conduct a full and complete investigation in a prompt and timely manner.
2. Collect all relevant data in the case and clearly state where evidence could not be collected.
3. Provide a final detailed investigation report, containing the facts of the matter, evidences presented, and statements recorded. This should be free from any judgment of the investigation officer as to how the case should be decided by the appropriate University Conduct officer or personal conclusion of the investigating officer.

The investigating officer is vested with the following responsibilities:

1. To ensure complete confidentiality of the matter and the parties of the case.
2. To maintain carefully all records in the case and submit those with the final report to the University Conduct officer.
3. To conduct all investigative meetings on campus whenever possible and to conduct and record any on-line meetings using Habib University's dedicated zoom account or similar video conferencing system.

Code of Ethics and Practices

The investigating officer is to abide by the following code of Ethics and Practices:

1. The investigative officer will remain completely impartial and record all evidentiary information faithfully.
2. The investigating officer will maintain confidentiality at all times and is to abide by the term of the NDA signed with the university, not to disclose any information regarding Habib or any investigations which they may be involved to outside parties unless required by the order of the provincial or national court of Pakistan.
3. The investigating officer will maintain professional decorum at all times as to reflect the standards and values of Habib University.
4. The investigating officer will disclose any possible conflict of interest that may arise in the course of their work with Habib University.

Reporting Authority and Standards

The following are the relevant reporting authorities for the investigation officer:

1. Primary Authority – Standing Inquiry Committee
2. For the matters pertaining to students – Director of Student Life (Direct Reporting)
3. For the matter pertaining to Faculty – Dean of Faculty (Direct Reporting)
4. For the matters pertaining to staff – Head of Human Resources (Direct Reporting)

The following standards and guidelines are to be followed by the investigation officer when generating the report:

1. The report is to be submitted by the investigation officer to the University conduct officer **“Annexure A”** (unless stated otherwise) after it has been reviewed and generated by the Investigating officer.
2. The investigating officer will generate clear and precise reports that are clear, coherent, legible and concise. The report generated must include the following contents:
 - a. Name of the parties involved.
 - b. A Case Summary.
 - c. The Complainant's testimony
 - d. The Respondent's testimony
 - e. Witness statements
 - f. All Documentary evidence arising from the case.
 - g. Findings of the inquiry officer which shall not include any opinions or

- personal judgments by the investigating officer.
- h. The report generated should only contain statement of facts and outline clearly what evidence supports or contradicts various statement made by the complainant(s), respondents(s) or witnesses in the case.