

## **DISCIPLINARY PROCEDURES HARASSMENT, BULLYING, ABUSE AND RAGGING**

### **1. INTRODUCTION**

The University is committed to the promotion of a healthy and inclusive study and working environment for all. The University is determined to oppose and counteract sexual harassment, bullying, ragging and other forms of abuse. The University is mindful of the directive of the Honourable High Court Division of 14 May 2009 on addressing sexual harassment in the workplace and in educational institutions and the directive of the Honourable High Court Division of 12 January 2021 to create anti-ragging committees and other provision in educational institutions, including universities and affiliated colleges.

The University has established a Sexual Harassment, Bullying, and Ragging Elimination Committee SHBREC, and clarified the responsibilities of members of the university community to create a mutually respectful, trustful, and productive environment for all. To support the committee an independent administrative unit has also been established to investigate and support the elimination of all forms of discrimination, harassment, bullying, abuse and ragging.

We celebrate the diversity of our community, for example, gender, age, religion, disability, social status, and ethnicity. We are committed to uphold women's rights and all forms of human rights. We are also mindful that most of the survivors of sexual harassment tend to be women.

We are conscious that many survivors may be apprehensive of reporting incidents and that it is likely that some cases are unreported: Some of the reasons why an employee or student might conceal an incident include:

- The possibility of being doubted or not believed.
- Anxiety of being blamed for the incident.
- Fear of losing job, for example, through suspension or dismissal.
- Apprehension of being forced to resign.
- Fear of the offender (who may hold a superior position).
- Procedural complexity.
- Anxiety of facing more harassment in the workplace.
- Fear of damaging one's reputation.
- Lack of evidence and witnesses.
- Non-cooperation by supervisor and administration.
- Apprehension of stereotype and negative attitude

We acknowledge the potential impact of harassment, bullying and abuse: poor morale, stress, absence through sickness and a negative effect on student retention and attainment.

We wish to encourage our students and employees to grow during their time here, taking responsibilities as opportunities arise, and to support the progression of underrepresented groups in their careers here, including the promotion of gender equality.

The policy is applicable to the entirety of the university's operations and activities, both on-site and off-site, within and outside office/academic hours, online and on social media platforms, and to students, staff, volunteers, contractors, service providers and anyone else who operates within the university.

### 1.1. Preventive measures

The University will counteract sexual harassment or exploitation, bullying, ragging and abuse, and to encourage positive behaviour as set out in the **University Policy on the elimination of harassment, including sexual harassment, bullying, exploitation and ragging**. The preventive measures will include, for example;

- Orientation about current harassment, exploitation/bullying/ragging policies for each new member of staff and each new student, or any other new members of the university community.
- Training and development for all employees and students.
- Awareness Campaigns, and various preventive measures.

### 1.2. Definitions

#### **Harassment/sexual harassment**

Harassment is defined as a conduct or behaviour which could subject the receiver to physical and psychological distress. Sexual harassment is inappropriate, unwanted and unsolicited conduct or behaviour of a sexual nature perceived as harassment by the receiver, which has an adverse effect on the dignity and overall well-being of the person within the campus and outside.

#### **Bullying**

This includes any repetitive behaviour which may belittle, dominate, target or single out someone in a derogatory manner. It may occur directly (through verbal or physical assault) or indirectly through gestures and digital platforms. The use of electronic communication/social media, also referred to as "cyber bullying", is covered under this policy.

#### **Abuse**

This includes intimidation, threats, humiliation, discrimination, neglect, and exploitation and any other inappropriate or unwelcome behaviour.

#### **Ragging**

Ragging is a form of bullying. It could be verbal, psychological or physical.

#### **Abuse of authority**

Action taken by a person in a role of seniority or authority designed to humiliate or intimidate a subordinate directly or indirectly for whatever motive, may be, for example, as a form of exploitation, maybe in exchange for the prospect of the subordinate gaining some work-related or other benefit. This is to be distinguished from effective

performance management and a requirement that employees should meet reasonable and high work standards and defined objectives.

### **Victimization**

This occurs when a person is treated less favourably because s/he has asserted the right to make a complaint in good faith under the university's policies. This includes those who act in good faith as witnesses or supporters of a complainant.

### **Discrimination**

This occurs when a person is treated less favourably because of some factor because of characteristics such as gender, gender reassignment, age, religion, etc. Discrimination against minorities, race, and ethnicity, is classified as racism.

### **Creation of a hostile environment**

When abuses are not addressed and people lose faith in the capacity of the organization to protect their welfare.

## **1.3 Examples of sexual harassment, exploitation, abuse, ragging and bullying**

### **1.3.1 Verbal:**

- Humiliating someone with derogatory names.
- Discriminatory comments
- Intimidation
- Body shaming/making comments about a person's body, appearance or clothes.
- Whistling at someone.
- Making sexual comments.
- Turning discussions into sexual topics.
- Telling sexual jokes or stories.
- Asking about sexual fantasies, preferences, or history.
- Asking personal questions about sexual life.
- Making the sound of kissing.
- Repeatedly propositioning a person who is not interested.
- Telling lies or spreading rumours about a person's personal life.
- Demands or requests for sexual favours
- Unhealthy discussions and unwelcome advice on women's sexual and reproductive matters.
- Exerting pressure or giving threats in case of refusal to love/marriage proposal
- Sending sexually suggestive messages, through letters, telephone calls, mobile phone calls, SMS, MMS, pictures, emails, online communication applications (i.e., Skype, Viber, Imo, WhatsApp, WeChat) or social media platforms (i.e., Facebook, Twitter, LinkedIn, Instagram, TikTok) notices,

cartoons, or writing on benches, chairs, tables, notice boards, office walls, classrooms, and washrooms, etc.

### **1.3.2 Non-verbal:**

- Staring at someone
- Gestures
- Blocking a person's path
- Following a person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Displaying or disseminating pornography
- Making sexual gestures with hands or through body movements
- Making sexually suggestive facial expressions
- Taking photographs or videos for the purpose of blackmail or disgrace
- Implicitly and explicitly using/condoning sexual behaviour to threaten or insult someone and to control/influence/affect the pay/terms and conditions of employment/job promotion or career of a staff member

### **1.3.3 Physical:**

- Giving a massage around the neck or shoulders
- Touching a person's clothing, hair, or body
- Hugging, kissing, patting, or stroking
- Standing close or brushing up against another person
- Any physical contact of sexual nature
- Pushing or shoving

### **1.3.4 Cyber:**

Cyber harassment refers to the harassment using online and offline cyber platforms. This may occur through the use of various messengers, social media, text messaging, professional communication platforms, or derogatory websites to demean, insult, or harass an individual or group through personal or professional attacks. Cyber harassment can include, for example, comments made in chat rooms, sending offensive or cruel email, or even harassing others by posting on blogs or social networking sites.

- Usage of sexually explicit/double meaning/demeaning language in text messages
- Creating and spreading sexual memes/trolled pictures
- Posting dirty & sexual jokes on social media relating to someone's personal life or mentioning the person
- Sending dirty jokes or explicit contents (pictures/videos/animations/web-links) through text messages, MMS, online platforms
- Threatening someone through indirect or direct contents (pictures/videos/stories/web-links) or messages
- Usage of offensive and explicit means and words to cause mental harm
- Body shaming

- Spreading rumours through social media, text messages, or group threads
- Spreading someone's pictures without consent/ intentionally misinterpreting and discussing about her/his personal life
- Stalking someone to cause harm, and discomfort
- Hacking, invading or interfering with someone's personal or professional accounts is a major harassment and crime. It really does not matter whether any harm or occurrence was done as hacking itself is an offense.
- Hacking followed by leaking personal information or contents related to personal or professional life.
- Usage of different contents or performing different cyber acts to defame someone (i.e. changing someone's gender or name in social media profile by hacking her/his account)

Various types of new software are capable of data/ content/ image/ video manipulation, and if necessary, technical experts may be consulted.

## **2. RAISING CONCERNS INFORMALLY**

Complaints may often be resolved at an informal level. The individual concerned may not realise that his or her behaviour is unwelcome or upsetting. There may be cultural or language differences with an impact on behaviour or how it is perceived. An informal discussion may help to build understanding on the effects of behaviour and agreement to make changes. Informal and amicable resolution of issues is usually much easier if matters are raised without delay.

A student or employee may find it helpful to keep a diary of the instances of apparent harassment or bullying. It is important to note the date, time and place of the incident, exactly what was said or done, the context in which it was said or done, how it made them feel and what action was taken (if any). The names of any witnesses should be noted and relevant documents retained.

The student or employee should keep a record of the date s/he spoke to the person or people and the response.

If the student or employee does not feel s/he is able to speak to the person or people directly, s/he may prefer to write, outlining the behaviour they find unacceptable, together with example(s), and asking for the behaviour to stop. The student may wish to add that, if the unacceptable behaviour continues, that s/he intends to take the matter further using this procedure.

## **3. RAISING CONCERNS WITH THE UNIVERSITY**

If the student or employee does not feel able to contact the subject of the complaint, s/he may discuss the matter with a member of staff or supervisor. The student or employee may approach someone s/he is comfortable talking to, including, for example, the university's appointed Persons of Trust.

The SHBREC Secretariat will maintain a confidential helpline number (24/7) to receive calls as well as an email address.

Once a member of staff is aware of an allegation of bullying, harassment or discrimination s/he is obliged to take appropriate action. Such action as may be appropriate will be discussed in advance with the complainant. S/he should make a note and/or send an email to the student or employee summarising the outcome of the discussion. For the avoidance of doubt, the note or email should state whether the matter was discussed at an informal stage.

The affected student or employee should usually raise any complaint directly. Where, however, another student or an employee becomes aware of apparent bullying or harassment affecting a third person, s/he may raise a complaint.

Any complaints should be reported as soon as possible after the alleged incident, preferably within 30 calendar days or as soon as possible, although the complainant may give an explanation why the complaint is delayed beyond that time limit.

Researchers, contractors, volunteers, and programme participants may also raise concerns or complaints with SHBREC.

**Mediation should be considered at informal and formal stages, with SHBREC playing a role in the provision of such support.**

#### **4. FORMAL COMPLAINTS**

A complaint may be made through various routes, depending on what makes the complainant most comfortable: Persons of Trust, Student Life or Registry colleagues, counsellors, members of the Proctor's Office.

Each complaint will be treated confidentially and information shared only and strictly with those who need to know about the case.

A case will be assessed on the basis that it may reasonably be concluded that that it did or did not happen.

The senior SHBREC Administrative Officer will be responsible for the filtration of cases, checking decisions with the SHBREC Chair.

- The SHBREC Administrative Officer will refer minor issues to Persons of Trust or other officers to resolve informally at school or departmental level, in connection with the Proctor's Office for students and HR for employees (such minor issues might, for example, involve first-time issues of verbal harassment etc). Mediation may be used with the agreement of the involved parties.
- student disciplinary issues not involving harassment, bullying or ragging to the Proctor's Office
- Staff disciplinary issues not involving harassment, bullying or ragging to HR.

##### **4.1. Inquiry of cases involving harassment, bullying or ragging**

The SHBREC Committee will approve detailed written guidance procedures for the conduct of inquiries, to ensure a thorough, proportionate inquiry fair to all parties. The inquiry will be carried out by an inquiry team. There will be an opportunity for a hearing

for anyone facing an allegation after a "Show Cause" notice is issued by the review team. No inquiry or review, once initiated, may be stopped except with the approval of the Chair of SHBREC.

#### **4.1.1. Inquiry**

The inquiry team will have discretion to conduct the inquiry, ensuring that it is confidential, impartial, objective, equitable, unbiased, and independent, based on sound evidence, and gender sensitivity. The inquiry team will interview witnesses at its discretion and will ensure that anyone accused of an offence has a full opportunity to explain or defend any accusations.

The SHBREC inquiry officers will conduct the inquiry under the supervision of the Senior SHBREC officer. With at least one female included in the inquiry team for the inquiry of alleged incidents involving sexual harassment.

No person with any conflict of interest may be involved in the running of an inquiry nor attempt to influence the course of an inquiry.

Any person interviewed during an inquiry will have the right to be accompanied by a supporter (defined as a fellow student or a member of staff of the University: parents or guardians will not be allowed to take the role of supporter during the investigation process). Legal representation is not allowed at any stage of the internal proceedings for the student or the University.

The SHBREC administration will be responsible for producing an inquiry report which will be objective and factual and will not suggest a judgement or outcome.

#### **4.1.2. Review team**

A review team will receive the inquiry report and issue a show cause notice based on the inquiry findings. The review committee shall provide the alleged person with an opportunity of hearing.

The review team will consist of two members appointed from a list approved from time to time by the SHBREC Committee. One member will be a member of senior staff drawn from HR (in the case of an inquiry involving a member of staff) and the Registry or the Proctor's office (in the case of an inquiry involving a student) or another administrative or academic department. The other will be nominated by the SHBREC Committee. All members must receive training to enable them to act effectively.

No member of the panel may have had any role in conducting or overseeing the inquiry nor any other conflict of interest. The review team will have discretion to conduct the review ensuring that it is confidential, impartial, objective, equitable, unbiased, independent, based on sound evidence, and gender sensitive. The review team will

ensure that anyone accused of an offence has a full opportunity to explain or defend any accusations, including a hearing if he or she wishes.

The review team will consider the inquiry/investigation report and will send a 'show cause' notice to any accused person inviting him or her to respond to allegations, if the inquiry report includes such allegations. The accused person will have 7 working days to respond to the notice (unless the review team, for specific reasons) agrees to set a longer timescale. In case no response is received, the review team will forward the inquiry report and any other observations to SHBREC.

The review team will submit the report to SHBREC, after reviewing the circumstances, evidence and relevant statements. The review team may be invited to consider making a recommendation to university management for disciplinary action against anyone found to have made a vexatious or false accusation.

#### **4.2. SHBREC**

The inquiry/investigation report and the review report will be presented to the Committee. The Committee will determine the outcome of the inquiry/investigation, including a decision whether a disciplinary offence has been committed, and whether to make any recommendations to avoid future incidents.

Where the Panel decides that an offence has been committed, it will also determine the level of the offence and make recommendations for a penalty. The Committee will determine whether offences count as Level Low or Level 0 1, 2 or 3 for the purpose of the imposition of penalties within the list of prescribed university penalties. A minor and single instance may be treated mildly whereas a case of deliberate, malicious or persistent mistreatment may be viewed as of a higher level and appropriate for more serious sanction,

No one involved in the inquiry or review of the case may take part in the decision of the Committee.

The decisions of the Committee will be reported to the University Disciplinary Committee for endorsement.

### **5. TIMESCALES FOR THE PROCESS OF INVESTIGATION AND DECISION**

The process should be completed within 60 working days of the initiation of a formal complaint investigation. The parties involved should be informed when there is a need for an extension beyond that timescale, with the reasons and an indication of a revised timescale for completion.

### **6 APPEAL**



Any party to the case will have the right to appeal (within 07 working days of receiving the decision) against a decision of the panel as endorsed by the Disciplinary Committee:

An appeal may be exercised on the following grounds:

- a claim that the penalty was excessively severe in relation to the nature of the offence;
- a claim that the procedure was not implemented properly and that has had a material impact on the case:
- that the findings are perverse and have led to a manifestly unfair outcome:
- that there is significant new evidence, which could not, for a significant reason, be available to the Student Disciplinary Hearing or employee hearing.

The Vice Chancellor will consider whether the appeal, at first sight, meets the grounds to be considered,

The appeal will be heard by a panel appointed by the Vice Chancellor. The panel will be chaired by a member of the Syndicate together with two members of senior teaching or administrative staff with no previous involvement in hearing the case. The Registrar will appoint a Secretary to the Panel. The Secretary must not have had any previous involvement in the case. The Secretary will support the panel but will not be a member of the panel.

The Panel will have discretion to regulate its own proceedings to ensure a thorough, proportionate hearing fair to all parties. The Panel will determine whether to interview anyone involved in the case or to receive evidence in writing.

The Appeal Panel will make recommendations on the case to the Vice Chancellor, Chair of the Syndicate.

The Appeal Panel will act with delegated authority from the Syndicate and will report its conclusion for endorsement by the Syndicate.

The process should be completed within 20 working days of the receipt of an appeal. The parties involved should be informed when there is a need for an extension beyond that timescale, with the reasons and an indication of a revised timescale for completion.

## **APPENDICES**

### **1. Roles and responsibilities**

#### **1.1. SHBREC**

The Sexual Harassment, Bullying, and Ragging Elimination Committee (SHBREC) will include the committee itself and an administrative unit.

SHBREC is an independent body within the university, with the administrative unit of SHBREC reporting for line management purposes to the Vice Chancellor.

The SHBREC administration – led by the Senior Administrative Officer - will receive all complaints related to sexual harassment/bullying/ragging. The SHBREC administration will be responsible for the receipt, filtering and inquiry of all complaints, supporting the Committee with its responsibilities, promoting education and training on harassment, bullying and ragging and other preventative action, and for all aspects of administration, including record keeping in accordance with good practice. Persons of Trust will have a reporting line to the Senior Administrative Officer of SHBREC.

The Committee will report through the University Disciplinary Committee to the Syndicate. The Committee will oversee the implementation and periodic review of the harassment, bullying and ragging policies, review and make decisions and recommendations on cases.

The Vice Chancellor will appoint the Committee in consultation with the Disciplinary Committee. The Committee will include at least 7 and no more than 9 members, including at least two externals drawn from outside the University [The requirement for two externals is in line with the guidance of the High Court), with expertise in the handling of harassment, bullying and ragging cases. The Chair of the Committee will be female and equal gender representation will be achieved on the committee so far as feasible. The University Registrar, a senior representative of the Proctor's Office, and a senior representative of the Human Resources Department will be included as members of the Committee. The Committee will meet regularly and the quorum will be two thirds of the membership.

### **To be appointed by the Vice Chancellor in consultation with the Disciplinary Committee**

#### **1.2. Persons of Trust:**

Persons of Trust (PoT): The Senior Administrative Officer, in consultation with the Chair of the SHBREC Committee, will appoint Persons of Trust, who may include individuals from HR, Student Life, the Registry, senior faculty members, Counsellors, and the Residential Campus Coordinator. The Senior Administrative Officer will provide training and development for the Persons of Trust. The Persons of Trust will:

- create awareness on sexual harassment, bullying, ragging and its consequences in the institution.
- demonstrate 'Zero Tolerance' to sexual harassment, bullying, abuse and ragging within the institution.
- receive complaints from students and employees, including anonymous complaints of sexual harassment, bullying and ragging and pass them to SHBREC.

#### **1.3. Complainant/Survivor:**

- Be firm in protesting any acts of sexual harassment, bullying and ragging.

- Inform Persons of Trust or call helpline immediately after an incident takes place.
- Preserve necessary information, evidence and documents which will help to establish the complaint.
- Lodge a complaint or contact SHBREC as soon as feasible.
- Keep all matters confidential in support of the inquiry/investigation process.

#### **1.4. Counsellors:**

There should be male and female counsellors with female complainants assisted by a female counsellor. The Counsellors will:

- Support complainants and follow up on their welfare as required following the completion of a complaint process:
- Support any other members of the university community affected by harassment, bullying or ragging:
- Communicate with concerned departments if any support is required for complainants or others in need of support:
- Provision of confidential counselling and mediation.

#### **1.5. Human Resource Department:**

- Ensure dissemination of policies to all concerned:
- Provision of orientation and awareness for staff:
- Implementation of HR-related processes:
- Records retention policy and practice on personnel files
- Promote a safe workplace for ~~staff~~/faculty.
- Modify policy and disciplinary process (staff related) according to changes in time, context
- When an inquiry is taking place, HR should retain a record on the personal file of the employee to ensure that the employee cannot resign pending the outcome of the inquiry.

#### **1.6. Responsibilities of the Office of the Proctor:**

To ensure that disciplinary cases are managed in an impartial, efficient and timely manner.

- Ensure dissemination of policies concerned with Brac University students and staff members
- Provision of orientation and awareness for students
- Implementation of student related processes and policies.
- Promote a safe and dignified learning environment, in alignment with the campus safeguarding framework.
- Propose disciplinary policies and processes, in accordance with statutory, legislative and contextual changes.

Support SHBREC as required and take up other disciplinary issues not relating to harassment, bullying or ragging.

## 2. Support for those involved in a case

The SHBREC administration will co-ordinate support that may reasonably be provided to those affected by a case including, for example, medical assistance; legal support for cases that required state intervention; psychosocial support or help with rehabilitation.

## 3. Vexatious cases

The University may consider disciplinary action where there is evidence that complaints have been motivated by frivolous or malicious motives or to have engaged in falsification of evidence or information, or to have made false complaints.

## 4. Conflict of interest

No one with a conflict of interest may take part in the inquiry, investigation or the assessment of a case i.e. anyone with a personal interest in the outcome (for example a close colleague or a manager whose own performance might come under scrutiny as a result of an investigation). All those involved in a case must be free to take an independent and objective view of the evidence. Anyone who thinks s/he may have a conflict of interest must take guidance from the SHBREC committee. Anyone with a confirmed conflict of interest will be refused from taking part in the consideration of a case. A failure to declare a conflict of interest or any concealment of a conflict of interest may be taken as grounds for disciplinary action.

## 5. Levels of offences and penalties

**Level Low:** Notice, letter of warning, letter of advise / advice note, censure note, or final warning.

**Level 1:** In the case of a student, a final Warning and/or suspension for a period of one week to one trimester along with the removal of other specific benefits granted by the university (For example; Scholarships, medals, fellowships etc.). The imposition of penalties for staff must follow HR procedures.

**Level 2:** In the case of a student, suspension for a period of two trimesters to three trimesters along with the removal of other specific benefits granted by the university (For example; Scholarships, medals, fellowships etc.). The imposition of penalties for staff must follow HR procedures.

**Level 3:** In the case of a student, suspension for more than three trimesters (for the Department of Pharmacy-two semesters) to expulsion along with the removal of other specific benefits granted by the university (For example; Scholarships, medals, fellowships etc.). The imposition of penalties for staff must follow HR procedures.

Staff dismissal/removal: This must follow HR procedures.

*(See the Level of Offences and Punishment Matrix, BU Disciplinary Policies and Procedures.)*