

AU Policy on Harassment

1. Introduction

- 1.1 Air University is committed to providing its students, faculty and staff a safe, comfortable and conducive educational and working environment where their rights and privileges are always protected and their personal equity, dignity and safety is never compromised.
- 1.2 Harassment may consist of unwelcome or offensive behavior that contributes to a hostile educational or work environment. These can come from a student, a faculty member, a co-worker, supervisor, boss, or vendor that can cause a person to feel uncomfortable, humiliated or threatened. All the unwelcome or offensive actions are categorized as harassment when done physically, verbally as well as electronically such as through the internet, e- mails, social media, texting, telephone, voicemail etc.
- 1.3. Air University protects its members from all types of workplace harassment which include:
 - 1.3.1. **Physical Harassment:** Includes violence, both physically or to property and other types of physical abuse
 - 1.3.2. **Personal harassment:** Also called bullying, involves unwanted remarks, insults, offensive and derogatory statements, putting constantly someone down with condescending statements
 - 1.3.3. **Discriminatory Harassment:** Directed at someone's gender, age, cast, ethnicity, religious sect, life style or some other form of protected class who is subjected to offensive or intimidating remarks
 - 1.3.4. **Psychological Harassment:** The victim is often put down, belittled or has to listen to needless condescending remarks (both at professional as well as personal level) that can affect his or her psychological well-being or mental health. These negative remarks can be aimed at the victim from.
 - 1.3.5. **Cyber bullying:** Done online. Involves threatening statements, spreading rumors, fake news against the victim and making one's private data (whether real or forged) viral on social media with the aim to harm his/her mental health, personal reputation and integrity.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

- 1.3.6. **Sexual harassment:** When the offender behaves in a romantic or sexual way towards the victim who is clearly uncomfortable and does not want attention of this nature. There is also something known as Quid Pro Quo sexual harassment where the superior makes a sexual request or advancement to the victim and if not taken up, a threat of something negative happening is made, such as losing their grades, job or not getting a promotion. It is especially offensive when the persons in authority make such submissions a condition toward any AU activity or benefit.
- 1.3.7. **3rd Party Harassment:** This type of harassment comes from someone who is not a permanent member of AU community. These can include vendors, contractors and visiting faculty members etc.
- 1.3.8. There are still other forms, such as **verbal harassment, power harassment and retaliation harassment**. All of this contributes to a toxic and hostile workplace.

2. Aim: To prevent all types of harassment from taking place, and where necessary to act upon complaints of harassment promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.

3. Applicability: The policy is applicable to AU staff, faculty and students at the main campus, sub-campus and affiliate colleges. This policy is also applicable to other members of the AU community such as interns, hostellites etc., or third parties such as vendors, service providers, visitors etc. The jurisdiction of this policy also encompasses AU’s computing or network resources accessed from an off-campus location, which shall be deemed to have occurred on campus. This policy covers all types of harassment as mentioned above.

4. DESIGNATED RESOURCES

4.1 The AU shall designate at least two members of the administration, preferably females, as the “Focal Persons”, one representing directorate of Student Affairs and another directorate of the HR, in order to offer support and immediate assistance to all such students as well as the employees, who have experienced harassment of any nature. Contact information of such individuals shall be easily available, including on the AU website.

4.2 The AU shall also constitute a sexual Harassment Inquiry Committee to investigate and adjudicate any allegations of prohibited conduct in accordance with the policy.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

Those who have experienced sexual harassment may also contact members of the Inquiry Committee for support and advice.

5 COMPLAINTS AND REPORTING

5.1 A complaint may be lodged by any person who has experienced harassment with either the Focal Persons, proctors or with any member of the respective Inquiry Committees including Sexual Harassment Committee.

5.1.1 AU Students are encouraged to file their written complaints through the directorate of Student Affairs

5.1.2 AU employees are advised to report their harassment complaints in written form to the directorate of HR

5.1.3 Upon receiving any harassment complaint, both the focal persons (at HR as well as from Student Affairs) will evaluate the nature of the complaint in order to identify and categorize it from the types of harassment. Where required, the input from the registrar may also be sought in identifying harassment category

5.2 Initial reporting of the complaints shall be done in following ways:

5.2.1 All the reported cases, whatever category they may fall into, shall be notified to the Vice Chancellor and/or the Registrar

5.2.2 If an AU student files a personal, physical, psychological harassment complaint (which includes bullying, physical fight or mental torture etc) against another AU student, the proctors at directorate of Student Affairs shall forward it to AU Disciplinary Committee which will complete its due process within 48 hours.

5.2.3 If an AU student files a personal, physical or psychological harassment complaint against some AU staff or faculty member, the case will be forwarded to the HR Grievance Redressal Committee

5.2.4 If an AU student files a discriminatory harassment complaint against some AU staff or faculty member, research supervisor, advisor or even the head of the department, the case will be forwarded to the Academic Grievance Redressal

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

Committee Comprising Director Academics, Registrar and a dean from some neutral faculty

- 5.2.5 If the harassment complaint filed by an AU student against another student, faculty or staff member is identified as the sexual harassment complaint, it will be immediately reported to the AU Harassment Inquiry Committee through the focal person
- 5.2.6 If the complaint falling into sexual harassment category is being filed by any AU employee (staff/faculty) against any other AU employee or student, it will be reported to the AU Harassment Inquiry Committee through the focal person
- 5.3 In cases in which the conduct in question falls within the scope of the 2010 Harassment Act, the affected person shall also have an option to submit a complaint to the Ombudsperson in accordance with the provisions of the 2010 Harassment Act.
- 5.4 In the event that a complainant is reluctant to contact the Focal Persons or any members of the Inquiry Committee, the complainant may contact a colleague, instructor, the employment supervisor, manager, department chair, dean or VC. It will be the responsibility of the individual contacted to report the case to the Inquiry Committee without identifying either the complainant or the alleged offender and to ask for advice on procedure and policy from them to effect solution, if a solution is necessary.
- 5.5 Complainants shall be encouraged to submit complaints promptly
- 5.6 All members of the AU community are encouraged to report any instances of sexual harassment that they may have observed to the Focal Persons or the Inquiry Committee. For the purposes of safeguarding the campus community, AU has an obligation to investigate material violations of this policy even in the event that a formal complaint has not been filed.
- 5.7 As soon as a complaint or report is received by one of the designated resources, it shall be shared by him or her (within a period of 24 hours) with all Focal Persons and members of the Inquiry Committee for further action.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

5.8 For minor violations, complainants may opt to make an informal complaint to either the Focal Person or the Inquiry Committee. The primary objective of informal resolution mechanism is to take preventative action, so that minor violations are detected early and appropriate warning is given to the accused to stop the offending behavior before it reaches a higher degree of seriousness. If the incident reported through this mechanism constitutes any prohibited conduct, the Inquiry Committee shall deal with the complaint accordingly

6 INTERIM MEASURES AND SPECIAL ARRANGEMENTS

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

6.1.1 adjustment in class or examination schedules, including for the purposes of attending hearings

6.1.2 taking necessary action to provide emotional/moral support to the victim, helping him/her cope with the stress factor

6.1.3 access to counseling services or other appropriate medical assistance

6.1.4 change in the work assignments

6.1.5 arrangement for any assessments or evaluations to be made by a neutral person

6.1.6 adjustment to class schedule, including withdrawal from course or changing the section

6.1.7 notifying the campus security officials or law enforcement through the Directorate of A&S in case of serious violations

6.1.8 impositions of university wide order designed to prohibit contact or communication between certain persons

6.1.9 change of the housing arrangement of certain persons; or

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

6.1.10 any other measures that may be deemed appropriate

7. INQUIRY COMMITTEES

7.1. Following types of Committees are constituted by the Vice Chancellor to investigate the harassment cases of varying nature at AU:

- a) Disciplinary Committee for handling bullying or personal physical or even psychological harassment cases of AU students
- b) HR Grievance Redressal Committee for handling bullying or personal physical, discriminatory or even psychological harassment cases of AU employees
- c) Harassment Inquiry Committee to handle sexual harassment cases of AU students, staff or faculty members
- d) Academic Grievance Redressal Committee to handle discriminatory cases of AU students against their teachers, supervisors or HoDs

7.2 The respective Inquiry Committees shall be responsible for the investigation and adjudication of any complaint including those of sexual harassment, received in connection with the violation of this policy.

8. SEXUAL HARASSMENT INQUIRY COMMITTEE

8.1 The constitution of sexual Harassment Inquiry Committee is as follows:

8.1.1. The committee shall consist of three members, at least one of whom shall be a woman and one of the members shall be a member of the senior management of AU.

8.1.2. All members of the committee shall be AU employees and will be appointed by the Vice Chancellor (the VC)

8.1.3. Members of the Committee shall be individuals who are known for being principled, credible, fair, gender-sensitive and have a strong character (someone who will not change their decision due to pressure from friends, colleagues or seniors). They

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

shall have not conflict of interest in particular cases, and shall be impartial and unbiased.

- 8.1.4. Members of the Committee shall be appointed for a term of two years (shorter terms may be required occasionally to fill vacancies). No member shall serve for more than two consecutive terms. Former members will be eligible for reappointment after a lapse of two years.
- 8.1.5. One of the members of the committee shall be appointed as the Chair by the VC, whose duties shall include, but are not limited to: maintaining order during hearings, answering procedural questions, granting or denying adjournments, maintaining proper documentation of the proceedings, which shall constitute the official record and reporting recommendations of the Committee to the VC. All these duties shall be undertaken in consultation with the Committee members.
- 8.1.6. In case a complaint is made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.
- 8.2 The AU shall endeavor to provide training to members of the Inquiry Committee in investigation and adjudication of conduct prohibited under this policy.
- 8.3 An AU staff member shall be appointed to assist the Inquiry Committee. This work shall include responsibilities such as organizing meetings, acting as a liaison between the committee and the other parties involved, record keeping, making and updating a database to track the processing of complaints, and ensuring appropriate awareness raising about the issue of sexual harassment at AU.

9. INVESTIGATION AND ADJUDICATION

- 9.1 All complaints alleging any type of Harassment including Sexual Harassment shall be forwarded to the respective Inquiry Committee within 24 hours of being received by the Focal Persons or any other office of the AU.
- 9.1 In sexual harassment cases, the Inquiry Committee shall determine whether the alleged conduct in the complaint meets the sexual harassment criteria set forth in the Section 1.3.6. of AU Harassment Policy, Sections 2 (Prohibited Conduct) and Section 3 (Jurisdiction) of HEC Sexual Harassment policy. If it is determined by a majority of

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

the members of the Inquiry Committee that the alleged conduct meets the aforementioned criteria, a formal investigation shall be initiated.

- 9.2 In the absence of a formal complaint, if a serious violation of this policy is reported to the respective Inquiry Committee, or a series of allegations against the same person are received, the Inquiry Committee may determine by majority vote to initiate proceedings after notifying the VC.
- 9.3 After initiating the investigation, and not later than three days of the receipt of a written complaint, the Inquiry Committee shall:
 - 9.3.1 communicate to the accused the charges and statement of allegations leveled against him/her, the formal written receipt of which will be given;
 - 9.3.2 require the accused within seven days from the day the charge is communicated to him/her to submit a written defense and on his/her failure to do so without reasonable cause, the Committee shall proceed ex- parte; and
 - 9.3.3 Enquire into the charge and may acquire and examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary (including by summoning potential witnesses) and each party shall be entitled to cross- examine the witnesses against him/her.
- 9.4 The following rules shall be applicable to the hearings conducted by the Inquiry Committee:
 - 9.4.1 All hearings shall be closed hearings
 - 9.4.2 The Inquiry Committee will hear statements from the complainant(s) and respondent(s), the witnesses if any (as required) and study any other documents and/or evidence as presented by the relevant parties or collected in the process of conducting inquiry
 - 9.4.3 The Inquiry Committee shall have discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

9.4.4 The Chair of the Inquiry Committee shall have the power to compel a witness to attend, and the complainant(s) and/or respondent(s) may request the Chair's aid in this regard

9.4.5 The complainant and the respondent may at any stage of any of the procedures outlined in this policy be represented and/or accompanied by another person of her/his choice

9.4.6 The Committee shall have the right to acquire any relevant piece of evidence to further their understanding of the case and the relevant parties, witnesses and administration are required to provide them with this documentation and/or evidence to facilitate the investigation

9.4.7 Objective documentation of the proceedings of the Inquiry Committee shall be maintained where high confidentiality of the records and other such material shall be upheld at all times

9.4.8 The respondent shall be allowed to cross question the complainant and witnesses unless the committee decides otherwise

9.4.9 Where any procedural matter is not dealt with in this policy, the Inquiry Committee may, guided by the principles of fairness, establish any appropriate procedure

9.5 Members of the AU community have an obligation to cooperate in an investigation, and refusal to cooperate may result in disciplinary action. There may be circumstances in which the complainant may wish to limit their participation in the proceedings. The complainant shall not be subject to discipline, but the AU may be obligated to proceed with the investigation.

9.6 Following the formal hearing, the members of the Inquiry Committee shall deliberate and determine the validity of the complaint based on the totality of the circumstances. The presence or absence of evidence cannot always be the sole criteria on which a judgment can be made. The credibility of statements and context must be kept in mind during the deliberations. The committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is found to be valid, the Committee will recommend an appropriate penalty.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

9.7 The Inquiry Committee shall complete the inquiry and recommend its final decision within a period of 7 days. It shall then send its decision to the VC giving its findings in writing by recording reasons thereof (which shall include any note of dissent) for endorsement and action. Recommendation of the Inquiry Committee shall be implemented within seven days.

10 CONFIDENTIALITY

10.1 Confidentiality shall be enjoined on the Focal Persons, the Inquiry Committee and all others involved in the process. This does not preclude the reasonable and discreet disclosure of information in order to elicit the facts of the case, or to implement and monitor properly the terms of any decision.

10.2 The Focal Persons, members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.

10.3 All notes and records arising in connection with an investigation shall be maintained in a confidential file at HEI.

11 PENALTIES

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

11.1.1 In case of minor violations, the student may be issued a warning or reprimand. These shall be considered when adjudicating future violations.

11.1.2 In case of more serious violations, the following formal sanctions may be imposed: disciplinary probation, withholding of degree for a period of time, suspension or expulsion.

11.1.3 The following may be added to any of the penalties listed above: campus service; relocation from campus housing; exclusion of the respondent from a designated portion(s) of AU buildings or grounds, or from one or more AU designated activities, (provided such penalty is appropriate to the offence and where the penalty does not prevent the respondent from pursuing her/his

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

studies); attending educational program; inclusion of decision in the student's record, except in the case of the first instance of a minor violation (for up to seven years).

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

11.2.1 oral or written reprimand

11.2.2 counseling or training

11.2.3 inclusion of the decision in a specified personnel file(s) of the respondent

11.2.4 exclusion of the respondent from a designated portion(s) of AU buildings or grounds, or from one or more designated AU activities, where such penalty is appropriate to the offence and where the penalty does not prevent the respondent from carrying out her/his professional duties

11.2.5 the imposition of a fine

11.2.6 recommendation for suspension of the respondent without pay

11.2.7 recommendation that dismissal proceedings be commenced; or

11.2.8 other sanctions, as deemed appropriate, in accordance with the terms of the employment policies

12 PARENTAL NOTIFICATION

12.1 In cases in which the victim is a student, and the focal person at the Directorate of Student Affairs finds it appropriate to inform or involve his/her parents at any stage of the case proceedings, the consent of the victim will be sought in this regard and the parents will be informed through the Directorate of the Student Affairs carefully and in appropriate manner

12.2 In cases in which the respondent is a student, his/her parents shall be duly notified with the case findings either through the Directorate of Student Affairs or the office of Registrar.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

13 RIGHT OF APPEAL

13.1 Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within a period of 15 days from the date of notification of the decision.

13.2 In cases in which the conduct falls within the scope of the 2010 Act, the aggrieved party shall have an option to file an appeal to the Ombudsman in accordance with the provisions of the 2010 Act.

13.3 There shall be a three-member appellate body (the "Appellate Body") appointed by the VC that shall include at least one senior member of the AU administration (at the level of dean, director or equivalent) and at least one of the members of which shall be a woman. No member of the Inquiry Committee shall concurrently be a member of the Appellate Body. In case the complaint had been made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.

13.4 Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:

13.4.1.1 the alleged conduct does or does not fall within the scope of this policy

13.4.1.2 the Inquiry Committee reached a decision without consideration of material information

13.4.1.3 the imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct; or

13.4.1.4 the adjudication process followed by the Inquiry Committee was procedurally unfair

13.5 In order to reach its decision, the Appellate Body may communicate with the parties, the members of the Inquiry Committee or other members of the AU community as it deems fit

13.6 The Appellate Body may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within 7 days in respect of which such appeal is made, and shall communicate the decision to both the parties, the VC and the Inquiry Committee.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

14 MALA FIDE ALLEGATION

- 14.1 False allegations of harassment including sexual harassment made out of malice or intent to hurt the reputation of the persons against whom the complaint is filed are to be dealt with as serious offences. Making mala fide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy.
- 14.2 In the event that the Inquiry Committee determines that a false allegation made in the complaint with mala fide intent, it may recommend appropriate action against the complainant by sending its findings to the VC (by recording reasons thereof and including any note of dissent) for endorsement and action. In cases in which the conduct falls within the scope of the 2010 Act, the Inquiry Committee may recommend the handing over of such cases to the Ombudsperson for taking further action against the complainant who made the false allegation with mala fide intent.

15 PROTECTION AGAINST REPRISAL

- 15.1 The AU shall not allow reprisal or threats of reprisal against any of its members who makes use of this policy (formally or informally). AU also prohibits such threats or actions against anyone who participates (e.g. testifies, assists, etc.) in proceedings held under its jurisdiction.
- 15.2 Retaliation or any other action against complainant of harassment is to be taken seriously under the provisions of this policy. All allegations of retaliation would be investigated formally under the purview of this policy, and if substantiated, would result in appropriate disciplinary action.

16 SPECIAL CONSIDERATIONS REGARDING RELATIONSHIPS BETWEEN INDIVIDUALS

- 16.1 In contrast with sexual harassment, personal relationships among consenting adults of the AU community that do not breach the socio-cultural norms of the society and religious values are, in general, a private matter.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

16.2 Under the policy it is highly inappropriate for any member of the community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance he or she will be required to make professional judgments. The policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in such cases. Relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all involved. In particular, intimate or romantic relationships between faculty members and students (whether at the undergraduate or the graduate level) shall be prohibited.

17 EDUCATION FOR PREVENTION OF SEXUAL HARASSMENT

17.1 To ensure prevention of sexual harassment on campus, AU shall develop programs to educate its staff, faculty and students as well as provide written material for reference. Education is essential to sensitizing the university faculty, staff and students in order to eliminate sexual harassment on campus. This shall be done in multiple ways, including those listed below.

17.2 The AU Harassment Policy addressing Sexual Harassment, any of the university's internal policies as well as the information regarding the 2010 Act shall be:

- a) available on the AU website
- b) be a part of the package that all new hires receive
- c) be a part of orientation of new students and included in any written material given to them
- d) be included in the AU Prospectus (a summarized version); and
- e) displayed in prominent locations on campus

17.3 The names of the Focal Persons and the members of the Inquiry Committee shall be made visible/ accessible to the AU community through its website, posted on notice boards, etc.

17.4 The AU shall ensure that its relevant members (e.g., Focal Persons, members of the Inquiry Committee, HR personnel, etc.) attend a training to educate themselves on sexual harassment and the relevant laws and policies. Once trained, designated HR personnel shall be made responsible for educating all personnel, staff, faculty, students that join the Air University. This will be an ongoing activity.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			

17.5 All departments at AU must disseminate and display information about these programs, what constitutes sexual harassment, how to respond to it and what to do when someone asks for advice about sexual harassment.

Responsibilities:

All AU members including students, staff, faculty and administration with leadership positions have an obligation to be familiar with and to uphold this policy and its procedures along with informing all the members of AU about its existence.

Directorate of Student Affairs, while working in close coordination with the designated focal person(s), harassment inquiry committee(s), AU authorities and other resources, shall be the custodian/OPI of this policy.

OPI	Date of Applicability/Issue	Page No.	Signature
Directorate of Student Affairs			