

## Introduction

The “Sexual Harassment Elimination and Prevention Policy”<sup>1</sup> adopted by East West University (hereinafter EWU) is designed to prevent sexual harassment in any form against anyone studying, teaching or working in the institution. The policy is premised on equality and the assumption that sexual harassment is an offensive and injurious act that must be dealt with by the institution firmly by adopting appropriate measures. The policy specifies what constitutes sexual harassment and details the procedures that are to be followed to address the causes and consequences of sexual malice. What follows also includes information about the Sexual Harassment Complaint Committee constituted by the university to deal with related incidents and the measures that are to be followed by victims to lodge complaints. Information will also be found on the means and the nature of the punishment to be meted out to those deemed guilty of acts of sexual harassment committed within the campus or issuing out of campus-related causes and activities.

In short, the booklet contains the “East West University Sexual Elimination and Prevention Policy” in its entirety so that everyone in the campus becomes aware of the nature of sexual harassment and is made fully cognizant of university procedures in dealing with offenders and helping victims so that the EWU campus becomes a safe place where everyone can study and work freely and fully.

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*This policy document was first compiled in 2019 by the EWU Sexual Harassment Elimination and Prevention Policy Committee on the basis of guidelines provided by the Bangladesh National Women Lawyers Association (BNWLA), and in line with University Grants Commission of Bangladesh (UGC) policy recommendations. Professor Sufia Islam (Pharmacy) was the Convener of the Committee and Ms. Mahua Zahur (then Senior Lecturer, Law) its Member-Secretary. Committee Members also included Professor Fouzia Mannan (Sociology), Professor Anindita Paul (Mathematics and Physical Sciences), Professor Fakrul Alam (ex-Pro-Vice Chancellor), and representatives of the UGC and BNWLA.*

*The minor revisions were suggested and then approved in the EWU Syndicate meeting of November 27, 2018; we would like to thank the syndicate members present on the occasion.*

## **East West University Sexual Harassment Elimination and Prevention Policy**

### **1. The Purpose and Title of the Policy**

Whereas East West University (EWU) is an institution that promotes the mandate of equality - irrespective of religion, caste, age, profession and gender - as enshrined in the Constitution of the People's Republic of Bangladesh,

Whereas EWU is an institution that believes that an act of harassment adversely affects individuals physically and mentally, and prevents them from taking equal opportunity, is inconsistent with the Constitution of Bangladesh, and at the same time constitutes a criminal offence,

Whereas EWU is an institution that believes that using one's professional and social standing to harass a subordinate and dependent is an offensive act,

Whereas EWU is an institution that promotes and inculcates ethical standards, values and norms, and is committed to the ideals of equal opportunity, transparency and non-discrimination,

Whereas EWU is an institution sensitive to the needs of its students and staffs, and is committed to providing a humane, responsive and invigorating atmosphere for productive learning and innovative thinking,

Whereas it is submitted that, as a result of harassment, of which sexual harassment is the most serious, the victim faces a grave loss,

Whereas it is admitted that any harassment, including sexual harassment, affects individuals adversely,

Whereas it is admitted that incidences of sexual harassment seems to be matter of great concern in different forms, including the use of cyber space,

Whereas harassment and sexual harassment affects individuals-

- causing harm for all,
- hindering mental progress,
- inducing permanent mental pressure,
- affecting their dignity,
- affecting their self-confidence, self-respect and self-independence,
- hindering their education or profession, or compelling them to leave their education or profession, or even leave their abodes and the country,
- threatening their lives, or causing permanent physical harm, or even taking their lives,
- endangering their families and relatives,

- creating uncertainty in them about leading secure lives, and preventing them from leading lives lived with dignity in society,

Whereas higher educational institutions are committed to creating a congenial environment for higher education by extending legal and administrative facilities, through which all teachers, students, officials, staff members and other employees, applicants and visitors can, without any obstacle created thereto, improve their qualifications and realize their potentials,

Whereas, in some ways, the existing laws, rules and measures of the land do not sufficiently address incidences of sexual harassment,

It is hereby necessary to adopt a policy for the prevention and elimination of sexual harassment in EWU.

The policy will be known as “EWU Sexual Harassment Elimination and Prevention Policy”.

## **2. The Objectives and Extent of the Policy:**

The policy will be adopted to prevent and eliminate sexual harassment of all forms with the following purposes:

- To specify an act of sexual harassment as a serious punishable offence
- To build up a sense of security and trust for law among victims of sexual harassment
- To enlighten every one of the consequences and liabilities of the act of sexual harassment
- To provide effective remedies for victims and sufferers of sexual harassment
- To create awareness among all concerned

### **2.1. The special purpose of this policy:**

- To ensure safe and simple complaint procedures for sexual harassment
- To ensure proper punitive action against perpetrators
- To ensure legal and institutional security of complainants and witnesses
- To ensure specific and effective complaint procedures
- To determine acts of harassment and disparagement of the complainant/s and their families as punishable
- To take necessary measures to address cases of sexual malice

### **2.2. The extent of the policy:**

- The policy shall apply to students, faculty members, officials, staff members, applicants and visitors concerned within the territorial limit of EWU
- The Policy shall extend to acts of sexual harassment when the victim or the perpetrator is related to EWU

- c. The policy shall extend to acts of sexual harassment using cyber space when the victim or the perpetrator is related to EWU.

### **3. Definition of Sexual Harassment:**

#### **3.1. Sexual harassment means:**

- a. Teasing through remarks or indecent gesture within or outside the classroom, through sexually inflicted gestures, abusive remarks, insults, humiliation or stalking
- b. Disparaging or teasing or attempting to tease either in person or through communication by letter, telephone, cell phone, e-mail, sms posters and so forth, writing in the wall, benches/chairs/tables/notice boards, notices or cartoon
- c. Exhibiting movies, photographs, digital images, paintings, cartoons, leaflets, letters, remarks or posters to harass sexually, maliciously, or purposively scandalizing, or with the intention thereto
- d. Preventing participation in academic, sport, cultural, organizational activities, or other non-academic activities because of sexually biased ideas, or with the intention of sexual harassment
- e. Displaying sexually offensive behavior within or beyond the classroom by faculty members or students, by initiating irrelevant and sexual discussion aimed at a faculty member or students
- f. Spreading scandals or attempting character assassination, with the intention of sexual harassment or sexual defamation
- g. Displaying sexually offensive behavior towards newly admitted students
- h. Making love proposals, and exerting pressure or posing threats in case of love proposals
- i. Compelling someone to do something, or preventing someone from living a normal life, or from engaging in educational or professional life because of threats of sexual harassment or intimidation
- j. Touching any part of the body in any way with the intention to fulfill sexual desire
- k. Establishing or attempting to establish sexual relationships through intimidation or deception, or by using professional or administrative positions
- l. Attempting to rape or committing rape.
- m. Engaging in any other act that may constitute sexual harassment.

**3.2.** This policy extends to an act or behavior directly or indirectly constituting sexual harassment that originates from religious, caste, community or gender discrimination.

### **4. The EWU Sexual Harassment Complaint Committee:**

- a. EWU will have a duly constituted Sexual Harassment Complaint Committee. The committee will be empowered to receive complaints, to conduct investigations, and to make recommendations.

- b. The Complaints Committee will consist of seven members. The majority of its members will be women. The head of the complaints committee will be a woman, if available.
- c. The Complaints Committee will have a representative from UGC and another one from an organization working on gender issues and sexual abuse.
- d. The EWU Complaints Committee will submit annual reports to UGC.

## **5. Complaint Procedures:**

The following measures must be followed in the complaint mechanism:

- a. The complaint has to be lodged with the EWU Complaint Committee within 30 working days of the occurrence
- b. The committee will ensure that the identity of the complainant, and also that of the accused, will not be disclosed until the allegation is proved
- c. The committee will ensure the security of the complainant
- d. Complaints can be lodged by victims, or through their relatives, friends or lawyers, and they can be sent by mail as well
- e. A complainant can file the complaint with a female member of the Complaint Committee separately
- f. The complaint can be submitted through a compliant box located in the open lounge of the 4th floor of the administrative block of the University within EWU premises
- g. To verify the complaint, the Complaint Committee will:
  - I. In case of minor harassment, if possible, the Complaints Committee shall dispose of the complaint with the consent of the parties involved, and shall, where applicable, report to the concerned authority of the educational institution or work place in the public or private sector, as the case may be
  - II. In all other cases, the Complaints Committee shall investigate the matter
  - III. The Complaints Committee will have the power to send registered notice by mail to the parties and the witnesses, and conduct hearings, as well as gather evidence and examine all relevant papers. In this type of complaint, apart from oral evidence, emphasis should be placed on circumstantial evidence
  - IV. To conduct the work of the Complaint Committee effectively, the relevant sections of EWU will be bound to extend any form of cooperation requested from them
  - V. The Complaints Committee will keep identities of complainants confidential. While recording file testimonies of the complainants, any

question or behavior which is intentionally base, insulting or harassing should be avoided

- VI. The testimony must be recorded following a camera trial procedure
- VII. If the complainant wants to withdraw the complaint or stop the investigation, then the reason behind this has to be investigated and mentioned in the report
- VIII. The Complaints Committee shall submit the investigation report with recommendation within 30 working days to the syndicate of EWU.
- IX. The period of 30 days may be extended up to 60 days where deemed necessary
- X. If it is proved that a false complaint has been filed intentionally, a report will be submitted to the syndicate, recommending appropriate action for the complaints
- XI. The Complaints Committee will take decisions on the basis of views expressed by a majority of its members.

## **6. Punishment:**

The accused faculty member, official or staff member will be suspended from all official responsibilities until the matter is finally resolved. In case of a student, the accused will be suspended from all academic activities.

**6.1.** Any of the following punishment can be inflicted in proportion to the gravity of the offence upon the perpetrator if he/she is a student-

- a. Oral warning
- b. Written warning
- c. Written warning and the dissemination of the same among all higher educational institutions
- d. Rustication for a year and dissemination
- e. Rustication for two years and dissemination
- f. Permanent rustication
- g. Dissemination of the act to all educational and workplaces
- h. Submission of the offender to a police official in order to take proper legal measures, as per the law of the land in case of cognizable offence like rape or attempt to rape.

**6.2.** Any of the following punishment can be inflicted in proportion to the gravity of the offence upon the perpetrator, if he/she is an official or staff-

- a. Oral warning
- b. Written warning
- c. Written warning and dissemination of the same among all higher educational institutions

- d. Suspension of increment, or other monetary benefits of the perpetrator, and award of compensation to the victims.
- e. Demotion of the perpetrator and award of compensation to victims,
- f. Compulsory retirement or termination of service
- g. Termination of service of the perpetrator, and award of compensation to victims where permissible
- h. Submission of the offender to a police official in order to take proper legal measures as per the law of the land in case of cognizable offence like rape or attempt to rape.

**6.3.** Any of the following punishment can be inflicted in proportion to the gravity of the offence upon the perpetrator, if he/she is a faculty member-

- a. Oral warning
- b. Written warning
- c. Written warning and the dissemination of the same among all higher educational institutions
- d. Suspension from conducting classes and examinations and other administrative responsibilities
- e. Suspension of increment or other monetary benefit of the perpetrator and award of compensation to victims.
- f. Demotion of the perpetrator and award of compensation to victims where permissible
- g. Compulsory retirement or termination of service
- h. Termination of service of perpetrators and award of compensation to victims
- i. Submission of the offender to a police official in order to take proper legal measures as per the law of the land in case of cognizable offence like rape or attempt to rape.

**6.4.** Any of the following punishment, can be inflicted in proportion to the gravity of the offence upon the perpetrator, if he/she is a resident or visitor within the University premise-

- a. Oral warning
- b. Written warning
- c. Written warning and the dissemination of the same among all higher educational institutions
- d. Prohibition of the perpetrator to visit, move and reside within the EWU premises
- e. Submission of the offender to a police official in order to take proper legal measures as per the law of the land in case of cognizable offence like rape or attempt to rape.

**7. Awareness**

The university will take appropriate measures for building awareness about the offence of sexual harassment and its consequences for the purpose of prevention and elimination of sexual harassment within and beyond EWU premise.

- 8.** The incidental cost of the complaint mechanism will be borne out of the EWU budget.