

# AGA KHAN UNIVERSITY

## Guidelines, Policies and Procedures

<b>Policy Name</b>	Student Anti-Harassment Policy
<b>Policy Number</b>	KE - 016
<b>Approved by</b>	Academic Senate
<b>Date of Original Approval</b>	October 16, 2022
<b>Contact</b>	University Registrar

### 1.0 PREFACE

- 1.1 The Aga Khan University recognizes that a safe and respectful environment is important to address concerns related to harassment. For a healthy learning and work environment to exist, a culture of mutual respect must exist. Lack of mutual respect is apparent when the victim of harassment, sexual or otherwise, has no formal grievance mechanism to address the wrongs experienced.
- 1.2 The Aga Khan University is committed to providing its students with an environment that is free from all forms of harassment, intimidation, bullying, ragging / hazing, discrimination or exploitation. Each student enrolled at the University is responsible for fostering mutual respect and dignity for being familiar with this policy and for refraining from conduct that violates this policy.

### 2.0 PURPOSE

- 2.1 To educate students in the recognition and prevention of harassment and to provide effective means of getting rid of harassment to the extent possible from the learning environment.
- 2.2 To foster zero tolerance for sexual or any other kind of harassment and to ensure that all complaints of sexual harassment are taken seriously duly investigated with transparency and appropriately addressed.
- 2.3 To promote a culture of openness, with no fear of retaliation either as a victim or a “whistle-blower”.

### 3.0 SCOPE

- 3.1 This policy is applicable to all students enrolled in AKU’s academic programmes, including undergraduate or graduate certificate, diploma or degree programmes, including interns, residents and fellows of the Postgraduate Medical Education (PGME) programme, visiting students and anyone participating in AKU’s academic activity.
- 3.2 A parallel document of the Aga Khan University Human Resources “Harassment Policy”, covers faculty and staff.

## 4.0 DEFINITIONS

4.1 No policy document can give an exhaustive description and/or definition of behaviours that fall within the ambit of harassment. This set of definitions is meant to serve as a guide for acts that will be considered as contravening the spirit and intent of the University's *Guiding Principles*.

### 4.2 Harassment

4.2.1 Any unwelcome conduct, verbal and/or physical, towards a student because of his / her age, level, marital status, national / ethnic origin, sex, creed, caste, colour, religion, disability, gender identity, sexual orientation or any other reason when such conduct creates an intimidating, hostile or offensive learning environment. Targeting student(s) because of being physically or mentally challenged shall also constitute an act of harassment, examples of which may include but are not in any way limited to:

- 4.2.1.1 Ridicule, derogatory comments, inappropriate jokes and insults
- 4.2.1.2 Unwarranted behaviour that is shown towards a student that has the impact of making that student feel that her / his respect and dignity has been violated
- 4.2.1.3 Display or circulation of materials and / or pictures, physically or electronically (e.g., via email, SMS, social media, etc.) which are degrading, sexually promiscuous and intimidating
- 4.2.1.4 Shouting at a student, using insulting and abusive language, humiliating or publicly condemning / criticising her / his competence
- 4.2.1.5 *Quid pro quo* - "something for something" (demanding a favour, act or service, that the recipient states they will repay in some way)

### 4.3 Sexual Harassment

4.3.1 Elaboratively, sexual harassment includes any unwelcome sexual advance, request for sexual favours by verbal, written or other means of communication, physical conduct of a sexual nature or a sexually demeaning attitude that interferes with the victim's work/ academic performance; or creates an intimidating, hostile, offensive work/study/learning environment in which continuation of a course of study is conditional to compliance and refusal results in punitive action <sup>1</sup>.

4.3.2 Sexual harassment includes but is not limited to inappropriate gazing at a person's body, unsolicited physical contact including but not limited to touching, patting or pinching

4.3.2.1 Verbal conduct of a sexual nature may include but not limited to:

4.3.2.1.1 Unwelcome verbal advances, sexually oriented comments about physical appearance, requests for sexual favours and continued suggestions for private social activity after it has been made clear that such requests and suggestions are unwelcome.

4.3.2.2 Offensive verbal conduct could also include jokes of a sexual nature, offensive flirtation or lewd remarks of a sexual nature, such as expressions of sexual interest that are addressed directly to the student.

4.3.2.3 Invasion of personal space (standing too close)

- 4.3.2.4 Non-verbal conduct of a sexual nature may include the display of or forced to see sexually suggestive pictures, objects or written material, or sexually suggestive gestures. Verbal or non-verbal conduct that creates a sexually offensive learning environment also constitutes sexual harassment.
- 4.3.2.5 Demanding sexual favours or sexually directed remarks / behaviour constitutes sexual harassment when submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic decision.

#### 4.4 Bullying / Ragging / Hazing

- 4.4.1 Bullying means offensive, abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions which makes the student feel upset, threatened, humiliated and /or vulnerable, which undermines the student's self- confidence and/or reduces the student's feelings of self-esteem and self-worth, and which may cause the student to suffer stress.
- 4.4.2 Ragging and /or hazing means the practice of using rituals and any other acts, conduct or practices by which the dominant power of senior students, former students or alumni, is brought to bear on students who are in any way considered junior by other students. Ragging and /or hazing includes individual or collective acts or practices which include, but are not limited to:
  - 4.4.3 Involvement in physical or psychological assault or threat or use of force or wrongful confinement or restraint
  - 4.4.4 Violating the status, dignity and honour of such students
  - 4.4.5 Exposing students to ridicule and contempt and affect their self-esteem
  - 4.4.6 Verbal abuse and aggression, indecent gestures and obscene behaviour
  - 4.4.7 Breaching the confidentiality of any information related to the student (e.g. grades, health issues, fee etc.)

#### 4.5 Cyber-bullying

- 4.5.1 Cyber-stalking is the use of the internet and mobile technology such as email, SMS text, social media or other electronic communications, to stalk and generally refers to a pattern of threatening or malicious behaviours, including communicating a credible threat of harm.
- 4.5.2 Cyber-harassment usually pertains to unconsented conduct such as threatening or harassing email messages, instant messages, or to social media and blog entries or websites dedicated solely to torment an individual. Cyber- harassment differs from cyber-stalking in that it is generally defined as not involving a credible threat.

### 5.0 REPORTING

- 5.1 AKU encourages the reporting of all incidents of harassment, regardless of who the alleged offender may be. The University assures that all complaints that are reported will be taken seriously, will be investigated thoroughly and expeditiously and that all parties will be treated with respect.
- 5.2 As harassment usually occurs when individuals are alone, it is often difficult to produce evidence. It is strongly recommended that members of the University community report any offensive behaviour immediately to, or someone they trust, or seek guidance / help.

5.3 Students, who either believe that they have become the victim of harassment or have witnessed harassment, should immediately report their concerns through any of the following routes:

- 5.3.1 Report to the Dean of their academic entity
- 5.3.2 Report to the director /coordinator /academic head of their programme
- 5.3.3 Associate Dean, PGME, or the Dean of Students / University Registrar & Vice Provost, as applicable
- 5.3.4 Use the Safe Disclosure route (*see details in section 9 below*)

## **6.0 RESOLUTION PROCEDURES**

### **6.1 Informal Resolution**

Informal resolution is aimed at bringing together the parties to discuss and resolve the complaint. A student who believes that s/he has been harassed may choose to discuss the matter with the person who has engaged in the behaviour and / or request that a member of his / her academic entity act as a liaison for an informal discussion with the involved student or member of faculty so as to resolve the matter.

### **6.2 Formal Resolution**

Where a student does not wish to pursue the informal resolution procedure or where the informal resolution procedure is unsuccessful, the formal resolution procedures should be undertaken. Students could lodge a formal complaint with any of the following offices: Dean of Students or the Vice Provost & University Registrar, as applicable, for assistance in pursuing the matter or use the Safe Disclosure process to lodge a complaint.

- 6.2.1 If a member of faculty or staff receives repeated allegations of offenses against the same individual, but each student making the allegation is unwilling to file a written complaint or appear as a complainant, that member of the University community shall inform the Safe disclosure office or the Dean of Students / Vice Provost & University Registrar, as applicable, about the same.
- 6.2.2 The Student Anti-Harassment Policy Review and Investigation procedures shall be used in cases where a student charges another student with harassment or where a student charges a member of faculty with harassment.
- 6.2.3 The Human Resources "Harassment Policy" shall be used in cases where a student charges a member of staff with harassment.
- 6.2.4 The Dean of the student's academic entity, in coordination with director/coordinator /academic head of the student's programme, the Associate Dean, PGME, or, in the case where a staff member is involved, a Human Resources senior manager, shall attempt to make temporary arrangements so that the accused and the complainant do not have to interact during the investigation period.

Retaliation from either party shall be strictly monitored. During the process of the investigation, class and clinic schedules shall be strictly monitored. Any occurrence of retaliation by the accused shall result in suspension from the University.

## **7.0 INQUIRY PROCEDURES**

7.1 The procedures noted in this section of the policy deal with formal inquiries where the harassment has taken place between students or where the harassment has taken place between a student and a member of faculty or staff.

- 7.2 All matters related to the review and investigation of any charge of harassment will be undertaken in strict confidence. Also refer to the Safe Disclosure Policy for a description of procedures to ensure confidentiality.
- 7.3 Reports /complaints of harassment from students must be made in writing and signed by the person preparing the complaint within 10 working days of the incident. It should include a factual description of the incident, including quotations of any offending language used. The complaint should then be submitted to any of the following offices: Dean of Students or the Vice Provost & University Registrar (or her/his representative), as applicable, or the Safe Disclosure office
- 7.4 The office receiving the complaint, in coordination with the respective academic entity head, will review the information provided by the student.
- 7.5 Once it has been determined that all of the relevant information has been provided, the Safe Disclosure office, the Manager, Student Experience, University Registrar, as applicable, will convene an Investigating Committee to consider the case.
- 7.6 In cases where the student is charging another student with harassment, the student members of the Committee must be selected from another academic entity. In cases where the student is charging a member of faculty, the faculty members of the Committee must be selected from another academic entity.
- 7.7 Wherever possible, within five working days, from the day the charge is communicated, the respondent shall be requested to appear before the Investigating Committee for an interview, or submit a written defence. On her / his failure to appear before the Committee or to submit a written defence, without a reasonable cause, the Committee shall proceed *ex-parte*.
- 7.8 The Investigating Committee may request the attendance of appropriate individuals to appear before the Committee in order to provide information pertinent to the case.
- 7.9 Both parties, the complainant and the individual who has been charged with harassment, shall have the right to be accompanied by a colleague/friend from within the institution.
- 7.10 The Investigating Committee shall give its findings and recommendations in writing with appropriate reasons within 10 working days of the initiation of inquiry.
- 7.11 In cases where a student has been found guilty of harassment, the regulations noted in the University's *Student Code of Conduct and Disciplinary Procedures* shall provide the penalty (penalties) that may be assessed and the manner by which appeals are heard.
- 7.12 In cases where a member of faculty has been found guilty of harassment, the Investigating Committee shall inform and provide its recommendation to the faculty member's Dean and the Vice President, Human Resources. The Dean in consultation with the Vice-President, Human Resources or her /his representative regarding sanctions that may be imposed.

## **8.0 COMMUNICATION AND COMPLIANCE WITH THE POLICY**

- 8.1 The Manager Student Experience or the University Registrar, as applicable, in cooperation and coordination with the University's academic entity heads, shall be responsible for wide dissemination of this policy.

8.2 The Student Anti-Harassment Policy will be available on the Office of the Registrar website, [www.aku.edu/registrar](http://www.aku.edu/registrar).

## 9.0 Support and First Line of Contact

9.1 In the unlikely situation(s) in which students who are victims of an attack (sexual or otherwise) should be able to seek help from the Emergency Department in Aga Khan University Hospitals. Designated emergency helpline numbers should be provided to the students and also displayed in public spaces.

9.2 In the unlikely situation(s) in which students who are victims of an attack (sexual or otherwise) should be able to seek help from the Safety and Security Department in Aga Khan University. Designated helpline numbers should be provided to the students and also displayed in public spaces.

9.3 For students in AKU residence the hostel office should be open 24/7 for students to make a first contact in case of need.

## 10.0 COUNSELLING

10.1 Student counseling service must be available to students/victims of harassment.

## 11.0 Safe Disclosure Details

11.1 To report on harassment students could resort to the AKU Safe Disclosure Policy and Process as noted in the link below.

Intranet Portal Page link: <http://betaportal.aku.edu/IAD/Pages/Safe-Disclosure.aspx>

Policy Link: <http://betaportal.aku.edu/IAD/Documents/SD%20Policy-Sept2018-V2.pdf>

Expolink Reporting Weblink: <https://wrs.expolink.co.uk/aku>

Email: [safe.disclosure@aku.edu](mailto:safe.disclosure@aku.edu)

Phone

Country	Number	Comments
Kenya	0800 723 132	Free phone number

## END NOTE

1. "Protection Against Harassment at Workplace Act, 2010" and "Code of Conduct" available at Federal Ombudsman Secretariat For Protection Against Harassment of Women at Work Place - <http://www.fospah.gov.pk/code-conduct.php>.