



Capital University of Science & Technology

Islamabad

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Notification

In pursuance of the decision taken in the 10th meeting of the Executive Committee vide item No. 8 held on 08-05-2018 to adopt Act No. IV of 2010 and Executive Director, PGC email of dated 04-07-2018 pertaining to protection against harassment at the workplace, the Vice Chancellor, competent authority of the Capital University of Science and Technology has been pleased to constitute the following Harassment Inquiry Committee to enquire into the complaints pertaining to workplace Harassment:-

- i. Dr. Mueen Aizaz Zafar Professor, MS department
- ii. Dr. Sahar Fazal HoD BI/Biosciences department
- iii. Malik Arshad Mahmood Registrar

2. The Committee shall follow the provisions of attached Act and Regulations while conducting the complaints relating to Harassment.

Malik Arshad Mahmood
Registrar

Distribution:

- All members of the Committee

Copy to:-

- P.S to the Vice Chancellor
- All Deans
- All HoDs
- All Sectional Heads
- All Faculty/Staff Members

FORMATION OF INQUIRY COMMITTEE UNDER THE RELEVANT FEDERAL/PROVINCIAL LAWS REGARDING PROTECTION AGAINST HARASSMENT AT THE WORKPLACE

In 2010 the Federal and Provincial Governments promulgated specific laws pertaining to the Protection Against Harassment at the Workplace. Under the provisions of these Acts Harassment Inquiry Committees are required to be formed to help eradicate the menace of harassment at the workplaces.

It has therefore been decided that all the Educational Institutions, acting through the Competent Authority, shall constitute a Harassment Inquiry Committee under the following Regulations:

A. DEFINITIONS:

1. In these Regulations, unless there is anything repugnant in the subject or context:
 - a. “**Accused**” means an employee working at the Educational Institution against whom a complaint has been made under these Regulations;
 - b. “**Competent Authority**” means the Pro-Rector/President/Vice Chancellor in case of a university and Principal in case of a college or school;
 - c. “**Complainant**” means a person who has made a complaint to the Inquiry Committee on being aggrieved by an act of harassment;
 - d. “**Educational Institution**” means an educational institution owned, managed or financed by any of the corporate entities forming the Punjab Group of Colleges. Such Educational Institutions will include those which have been lawfully established or being operated under any trademark owned by any of the corporate entities of the Punjab Group of Colleges.
 - e. “**Employee**” means a regular or contractual employee whether employed on daily, weekly, monthly or hourly basis, and includes an intern or an apprentice working at the Educational Institution or any related office under the same management;
 - f. “**Harassment**” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;
 - g. “**Harassment Inquiry Committee**” means the Harassment Inquiry Committee established under these Regulations;
 - h. “**Management**” means a person or body of persons responsible for the management of the affairs of the Educational Institution and includes an employer;
 - i. “**Workplace**” means the place of work or the premises where the Educational Institution or a related office (under the same management) operates and includes building and the adjoining open area.

B. GENERAL:

1. Each Educational Institution shall constitute a Harassment Inquiry Committee to enquire into complaints relating to Harassment.

2. The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior employee. A Chairperson shall be designated from amongst them by the Competent Authority.
3. The member from the senior management will be the Registrar in case of a university, in case of Colleges and Schools the member will be the Vice Principal.
4. The member from the senior employees will be a senior professor in case of a university. In case of colleges and schools the member will be a senior professor/lecturer.
5. Formal approval of the Competent Authority shall be required if a person other than the Registrar/Vice Principal/Senior Professor/Senior Lecturer has to be inducted.
6. In case a complaint is made against one of the members of the Harassment Inquiry Committee that member should be replaced by another for that particular case.
7. In case of any confusion as to the relevant law or procedure of the Inquiry Committee the Competent Authority shall issue clarification on a representation of the Harassment Inquiry Committee.

C. PROCEDURE FOR HOLDING INQUIRY:

1. The Harassment Inquiry Committee, within three days of receipt of a written complaint, shall:
 - a. communicate to the accused the charges and statement of allegations levelled against the accused, the formal written receipt of which will be given;
 - b. require the accused within seven days from the day the charge is communicated to submit a written defence and on his failure to do so without reasonable cause, the Committee shall proceed *ex-parte*; and
 - c. enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses produced against that party.
2. Subject to formal approval from the Competent Authority and the provisions contained herein, the Harassment Inquiry Committee shall have the power to regulate its own procedure for conducting inquiry through Rules.
3. The following provisions shall be followed by the Committee in relation to an inquiry
 - a. the statements and other evidence acquired in the inquiry process shall be considered as confidential;
 - b. an officer in the Educational Institution, if considered necessary, may be nominated to provide advice and assistance to each party;
 - c. both parties, the complainant and the accused, shall have the right to be represented or accompanied by a colleague;
 - d. no adverse action shall be taken against the complainant or the witnesses unless it is proven that the complaint or the evidence were malafide/fake;
 - e. the Inquiry Committee shall ensure that the accused or any other person shall in no case create any hostile environment for the complainant so as to pressurize the complainant from freely pursuing the complaint; and
 - f. the Inquiry Committee shall give its findings in writing by recording reasons thereof.
4. The Harassment Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties.

- a. Minor penalties
 - i. censure;
 - ii. withholding, for a specific period, promotion or increment;
 - iii. stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
 - iv. recovery of the compensation payable to the complainant from pay or any other source of the accused;
 - v. any other minor penalty deemed appropriate by the Inquiry Committee.
 - b. Major penalties
 - i. reduction to a lower post or time-scale, or to a lower stage in a time-scale;
 - ii. compulsory retirement;
 - iii. removal from service;
 - iv. dismissal from service; and
 - v. fine; a part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.
 - vi. any other major penalty deemed appropriate by the Inquiry Committee.
5. The Competent Authority shall impose the penalty recommended by the Harassment Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee.
 6. The Harassment Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and/or any appellate authority provided in the relevant law have been implemented.
 7. In case the complainant is in trauma the Educational Institution will arrange for psycho-social counselling or medical treatment and for additional medical leave.
 8. The Educational Institution may also offer compensation to the complainant in case of loss of salary or other damages.

D. POWERS OF THE HARASSMENT INQUIRY COMMITTEE:

1. In addition to the powers and functions mentioned herein, the Committee shall also have the power:
 - a. to summon and enforce attendance of any person and examine him on oath;
 - b. to require the discovery and production of any document;
 - c. to receive evidence on affidavits; and
 - d. to record evidence.
2. The Harassment Inquiry Committee shall have the power to inquire into the matters of harassment, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused.
3. The Harassment Inquiry Committee may recommend to the Provincial/Federal Ombudsperson (Harassment) or the Competent Authority for appropriate action against the complainant if allegations levelled against the accused found to be false and made with *mala fide* intentions.
4. The Harassment Inquiry Committee can instruct to treat the proceedings confidential.