Anti-Discrimination
Anti-Harassment Policy
&
Complaint Procedure

Year 2020

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Section-1: Definitions

In this Policy Document, unless otherwise specified, or anything repugnant to the Act and Statutes of National University of Modern Languages, the following expressions shall have the meanings as follows:

1.1 ***Procedure*** is the process followed for implementing the policy.

1.2 ***Financial Year*** is a period of twelve months starting from July 01 till June 30.

1.3 ***Underrepresented*** insufficiently represented.

1.4 ***Underrepresented group*** describes a subset of a population that holds a smaller percentage within a significant subgroup than the subset holds in the general population.

1.5 ***Discrimination*** is adverse treatment of any employee/student based on their actual or perceived membership in a protected class or category of persons to whom they belong, rather than on the basis of their individual merit with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, evaluating, or deciding how to compensate that employee.

1.6 ***Harassment*** is unwelcome verbal or physical conduct directed toward, or differential treatment of, an employee/student because of his/her membership or perceived membership in any protected group or on any other prohibited basis (e.g., race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status or citizenship status). The harasser can be the employee's supervisor, a supervisor in another area, a coworker, or someone who is not an employee of the University, such as a client or customer or a student/intern.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, intimidating, mocking, degrading or ridiculing another person or group.
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols.
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets/name-calling, or demands.
- Physical assault or stalking.
- Displays or electronic transmission of derogatory, demeaning or hostile materials.
- Unwillingness to train, evaluate, assist, or work with an employee/student.

Sexual/gender harassment is a specific form of discriminatory harassment and constitutes employee misconduct. Sexual/gender harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being **transgender** and occurs under this policy when an employee/student is being treated “less well” than other employees/students because of his or her sex/gender by being subjected to unwelcome verbal or physical conduct of a sexual nature. It can be caused by, for example, unwanted touching, offensive and suggestive gestures or comments, asking about a person’s sex life or telling sexual jokes. Generally, sexual/gender harassment is described as either “hostile environment” or “quid pro quo.”

Sexual/gender harassment which creates a "hostile environment" consists of words, signs, jokes, pranks, intimidation or physical conduct, which are of a sexual nature, or which are directed at an individual because of that individual's sex/gender. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace/class room, which are offensive or objectionable to the recipient, which causes the recipient discomfort or humiliation, or which interferes with the recipient's job performance/studies.

A **hostile work environment** results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile, offensive or objectionable working environment.

Quid pro quo sexual/gender harassment is another form of sexual/gender harassment which occurs when a person in authority makes sexual demands or requests for sexual favors are made in exchange for job benefits, continued employment, or as a basis for making any other employment decision. A person in authority for this purpose is someone who can affect or impact an employee's terms, conditions, or privileges of employment because he/she can take or impact action such as hiring, firing, promoting, disciplining, scheduling, training, evaluating or deciding how to compensate that employee.

A single incident of inappropriate sexual behavior may be enough to rise to the level of sexual/gender harassment under this Policy. Conduct that a reasonable person would consider nothing more than "petty slights" and/or "trivial inconveniences" may not amount to sexual/gender harassment under this Policy. However, such conduct may still violate other expectations for appropriate/professional employee conduct set by the University and, accordingly, may result in discipline as determined appropriate by the University. What is "reasonable" or what amounts to "trivial inconveniences" or "petty slights" will depend on the circumstances and the parties involved, as well as the nature and duration of the conduct. This Policy is not intended to be a civility code but is meant to prevent prohibited discrimination and harassment.

Sexual/gender harassment is not limited to the physical workplace and may, therefore, occur at related University activities off premises and while traveling on University buses. Activity by cell phone, emails, text messages and social media, for example, even if they occur away from the workplace premises, not during work hours, can also constitute harassment prohibited by this Policy.

Examples of Sexual/Gender Harassment:

Sexual/gender harassment is unwelcome verbal or physical behavior based on a person's gender; it can include unwanted touching; offensive and suggestive gestures or comments; asking about a person's sex life or making sexualized remarks about a person's appearance; sexualizing the work environment with imagery or other items; or telling sexual jokes. Examples of prohibited conduct and the types of acts that may be unlawful sexual harassment are:

- Physical assaults of a sexual nature, such as:
    - Rape, sexual battery, molestation, or attempts to commit these assaults.
    - Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's/student's body, or poking another employee/student's body.
- Adverse action or treatment after someone refuses sexual advances.

- Unwanted sexual advances, propositions or other sexual comments, such as:
    - Requests for sexual favors accompanied by implied or overt threats concerning the employee-complainant's job performance evaluation, a promotion, or other job benefits or detriments.
    - Subtle or obvious pressure for unwelcome sexual activities.
    - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
    - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning, pornographic in the workplace or on computers, emails, cell phones, social media or similar physical or digital locations.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
    - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job.
    - Sabotaging an individual's work.
    - Bullying, yelling or name-calling.

1.7 ***Sexual assault*** is a sexual act against the will and without the consent of the employee complainant or where the employee-complainant is incapable of giving consent.

1.8 ***Retaliation*** is any adverse action taken against an individual (applicant) because he or she filed a charge of discrimination or harassment (including sexual/gender harassment), complained to the University or a government agency about discrimination or harassment (including sexual/gender harassment) on the job / in the University, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination, such as a family member.

Examples of retaliation include termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

Discrimination, harassment (including sexual/gender harassment), retaliation, and sexual assault are unacceptable in the University. Employees/students who violate this Policy will be subject to appropriate disciplinary/punitive action, which may include dismissal from the university service/roll. Violations of the Policy can expose the University to legal liability and can also expose the individual who has engaged in discriminatory and harassing actions to legal liability.

1.9 ***Transgender*** is a person whose gender identity differs from the sex the person had or was identified as having at birth.

Section-2. Policy and Procedure

Anti-Discrimination-Anti-Harassment Policy and Complaint Procedure

1. Purpose:

National University of Modern Languages (NUML) is committed to maintaining an environment that encourages and fosters appropriate conduct among its all stakeholders and motivates respect for individual values. Accordingly, the University is committed to enforcing this Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure at all levels in order to create an environment free from discrimination, harassment, retaliation and/or sexual assault. The policy demonstrates the University's strong commitment to prevent discrimination and harassment especially against underrepresented groups and transgender. Sexual harassment is not only prohibited by the University, but is also prohibited by Higher Education Commission (HEC).

2. Scope:

The policy applies to the whole University including its campuses.

3. Policy Statement:

- Discrimination or harassment based on race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the University. Such discrimination or harassment violates University policy and will not be tolerated.
- The University prohibits discrimination, harassment (including sexual/gender harassment), sexual assault and retaliation against employees, students, interns, contractors and other third-parties conducting business with the University. These are considered forms of employee misconduct and sanctions will be enforced against individuals engaged in such misconduct.
- Any form of retaliation against anyone who has complained of or reported discrimination, harassment (including sexual/gender harassment), or sexual assault, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, violates both this policy and applicable law, and may result in discipline.

4. Reporting Discrimination, Harassment, Retaliation, or Sexual Assault

4.1 Any employee/student who believes that they have been subjected to discrimination, harassment (including sexual/gender harassment), retaliation or sexual assault prohibited by this policy, or any employee/student who has witnessed such discrimination, harassment (including sexual/gender harassment), retaliation or sexual assault, should immediately report the circumstances in accordance with the procedure set forth below. The University may investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

4.2 Responsibilities of Directors, Deans and HoDs

i. It is imperative that Directors, Deans and HoDs not only adhere to but enforce this policy. Academic and Administrative Staff have a special obligation not to engage in discrimination, harassment, retaliation or sexual assault. All personnel have an affirmative duty and are

required to promptly report any discrimination, harassment, retaliation or sexual assault that they observe, learn about from others, or reasonably suspect has occurred with respect to an employee/student.

ii. Staff members who knowingly allow discrimination, harassment (including sexual/gender harassment), sexual assault, and/or retaliation to continue will be disciplined.

4.3 Responsibilities of Management

In cases where an investigation confirms a violation of this policy, management in the relevant Campus/Department/Branch/Office/Cell must ensure that appropriate remedial action, which may include disciplinary action, is implemented. HoD/Assistant Director must provide confirmation to their respective Dean/Director within 14 days that the appropriate action has occurred. Management is also responsible for regular monitoring to ensure that all remedial and/or disciplinary steps are completed and no further discrimination or harassment occurs in the work environment.

4.4 Procedure

i. Inquiries regarding this policy may be sent to the Director Administration, Jinnah Block.

ii. Employees/students wishing to file a complaint of discrimination, discriminatory harassment, sexual harassment, or retaliation may file a complaint by filing a complaint form given in Section-3.

iii. Individuals who wish to seek advice anonymously should call Administration Branch directly.

iv. The Investigatory File
   a. Every complaint will trigger the creation of an investigatory file.
   b. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and any documents created or used during the investigation.
   c. For the duration of the investigation, Administration Branch will maintain the investigatory file. Upon completion of the investigation, the Branch will close the file. Additionally, the Branch will record and maintain complaints in a database management file consistent with the NUML's fiscal year.
   d. The Branch will maintain records of all complaints for a period of seven (7) years after the conclusion of an investigation.

v. The University encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witnesses' memory and other evidence is most likely to be available. There is no fixed deadline for reporting discrimination, harassment, retaliation or sexual assault complaints to the University.

4.5 University Investigation and Disposition of Complaints

i. The University will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The University will make every effort to complete its investigation within forty-five (45) days of a report of discrimination or harassment and will keep the investigation confidential to the extent possible. The investigator may find it necessary to extend the time period for completing an investigation in some circumstances.

The investigator will provide the complainant with notice of any extension and where necessary and appropriate, give them a new timetable for completion of the investigation.

ii. Where a complaint alleges a potential violation of the policy, the investigation will include an interview with both parties, as well as the person who made the initial report, if different than one of the parties, and/or any other person who may have information regarding the incident, each of whom is expected to cooperate with any investigation. The investigator may also review relevant documents. Both parties will have an opportunity to be heard and present information.

iii. The investigation process is strictly internal to NUML.

4.6 Findings and Recommendations

i. The investigator will report the findings to both parties and relevant Director/Dean as may be appropriate.

ii. Where the investigator concludes that a violation of this policy has occurred, the relevant Campus/Department/Branch/Office/Cell will take prompt and appropriate remedial action, including disciplinary action.

iii. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal.

iv. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge depending on the nature and severity of the conduct.

4.7 Confidentiality

The University will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

4.8 Non-Retaliation

i. The University will not in any way retaliate against an individual who reports a perceived violation of this Policy, participates in any investigation, or otherwise opposes perceived discrimination, harassment (including sexual/gender harassment), or retaliation, including as a witness.

ii. It will also not retaliate against anyone associated with the individual who engages in such protected conduct, such as a family member.

iii. NUML will not further tolerate retaliation by any employee. Retaliation against anyone who complains of, testifies in, or assists in an investigation or proceeding involving discrimination, harassment (including sexual/gender harassment), sexual assault, or retaliation is a serious violation of this policy.

iv. Anyone who believes they have been subjected to retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints of discrimination, harassment (including sexual/gender harassment), or sexual assault.

v. Any person found to have retaliated against another individual will be subject to the same disciplinary action provided under this policy for other violations.

Section-3: Complaint Form

Discrimination and Harassment Complaint Form

Employees/students can file a complaint of discrimination, discriminatory harassment, sexual harassment, or retaliation through this form.

NUML is committed to maintaining a learning and working environment that is free of bias, prejudice, discrimination and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Discrimination and harassment based upon race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, marital status, citizenship status, or any other legally protected basis are prohibited by law and undermine the character and purpose of the University. Such conduct is illegal and against University policy, and will not be tolerated.

Completion of this form will initiate a complaint with Administration Branch. The Branch is the University's internal unit charged with investigating allegations of discrimination in the working and learning environment in accordance with the NUML's Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.

Contact Information:

Name: _____ **Gender:** _____

Department: _____

Designation (*not* for students)**:** _____

Phone#: _____ **E-mail id:** _____

Your Status (Faculty member/Administrative Staff/Student/Intern/Contractor/Employment Applicant/third-party conducting business with the University)**:**

_____

Name of the person you believe has discriminated against you:

_____

Designation (*not* for student)**:** _____

Program + Semester + Shift (if student): _____

Department: _____

Relationship to You (supervisor/co-worker/faculty etc.)**:** _____

Please explain the specific actions or events that have resulted in your allegation(s) that you were discriminated against. Please include details about dates and locations where appropriate, as well as names of any witnesses: _____

_____

_____

_____
_____
_____
_____

NUML's Anti-Discrimination and Anti-Harassment policy addresses harassment and discrimination that is based on a specific protected class (for example: race, gender, gender identity, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, marital status, citizenship status, or any other basis protected by law or NUML policy). Please explain why you believe the events described above are related to a protected class or characteristic.

IMPORTANT:
Please identify the specific category (as outlined above) that you believe is the basis for the discrimination or harassment.

_____
_____
_____
_____
_____
_____