



Prevention of Sexual Harassment, Exploitation and Abuse Policy (PSHEA POLICY)

Date of version: 31st, October, 2021.(31/10/2021)

Date of approval:

This is the new Policy and Procedures of BU.

1. INTRODUCTION

The Guidelines of the Judgment 14 May 2009 of the High Court Division of Bangladesh, in Writ Petition No. 5916/2008, was directed as follows:

“In view of the inadequacy of safeguards against sexual abuse, exploitation and harassment of women at work places and educational institutions whereby noble pledges of our Constitution made in so many articles to build up a society free from gender discrimination and characterized by gender equality are being undermined every day in every sphere of life, we are inclined to issue certain directives in the form of guidelines as detailed below to be followed and observed at all work places and educational institutions till adequate and effective legislation is made in this field.”

In compliance with the main principle of these guidelines, Brac University (BU) is committed to establishing the Prevention of Sexual Harassment, Exploitation and Abuse Policy (PSHEA) and maintaining gender equity at all levels of the institution and in all its activities, internally and externally to create a gender-sensitive and sexual harassment and exploitation-free environment.

Various measures have been taken by senior management, including the Registrar, the Brac University Human Resources Director, the Proctors office/Student Life/Persons of Trust to ensure that discrimination faced by women and men are addressed, and individuals of all gender have equal rights, and equal access to opportunities to achieve Brac University objectives.

Although individuals of all gender may be subjected to sexual harassment, exploitation and abuse irrespective of age, religion, ethnicity, social status, education or profession, generally, most of the survivors of sexual harassment and exploitation are women. Such conduct is regarded as a violation of the fundamental rights of staff, students, and shall be subject to penalties according to Brac University HR policy as well as in the eye of the law of the land and constitution of Bangladesh.

To eliminate sexual exploitation, abuse and harassment, Brac University has formed a high-level committee to make these initiatives more transparent, regulated and embedded. Thus, Brac University has introduced the 'Prevention of Sexual Harassment Exploitation and Abuse Policy' (PSHEA). This policy should be read alongside the Disciplinary Procedures approved by the Trustees for Harassment, bullying,

abuse and ragging. There are Internal Guidelines for the investigation of cases approved from time to time by the Sexual Harassment, Bullying, and Ragging Elimination Committee (SHBREC).

2. THE SEXUAL HARASSMENT ELIMINATION (SHE) POLICY

The key to success for an institution is ensuring honor towards core human values. Brac University considers sexual harassment, exploitation and abuse as an act of serious derogation of such values. To that end, the institution believes in ‘zero tolerance’ towards sexual harassment exploitation and abuse.

Prevention of Sexual Harassment Exploitation and Abuse (PSHEA) Policy aims at setting out the roles and responsibilities of different stakeholders in preventing sexual harassment, Exploitation and abuse. It also provides a mechanism where corrective measures can be taken to address complaints of sexual harassment, Exploitation and abuse. The ultimate objective of this policy is to create a healthy and harassment-free environment where students/employees, partners and the communities that the university serves respect each other and study/work as a team.

3. SCOPE

This policy is applicable for all its Institutes and Schools, Departments, Courses, Semesters, Programmes, Residential and Non-residential, Cafeteria, Open Spaces, Dormitory, Elevators, Residential Campuses etc. of Brac University. In addition, the policy will also apply to harassment and sexual exploitation taking place during field trips, social gatherings, convocation, group studying, workshops in the course of studentship or employment and any harassment by anyone after office hours. This will cover all students, faculties, management and staff of this university. It also applies when conducting field trips or any other work while serving the community and conducting research. The scope of this policy also applies to online learning environments, and on social media platforms.

4. AIMS AND OBJECTIVES

BRAC University is committed to ensuring a safe, sexual harassment and exploitation-free and friendly environment for all within the campus, and in spaces defined in the scopes. The aims and objectives of this policy are as follows:

- a. Create awareness on sexual harassment and its consequences on the Institution (BU).

- b. Establish 'zero tolerance' to sexual harassment within the institution.
- c. Receive complaints (with and without the name of the survivor) of sexual harassment exploitation and abuse from anyone associated with Brac University including members of the community involved in the external work of the university through, for example, research projects.
- d. Conduct investigations in an effective, impartial, reasonable, professional, and prompt manner.
- e. Take decisions through deliberation and resolve reported complaints.

5. DEFINITION OF SEXUAL HARASSMENT/HARASSMENT

Sexual harassment is an inappropriate, unwanted and unsolicited conduct or behavior of a sexual nature perceived as harassment by the receiver, which has an adverse effect on the dignity and overall well-being of the person within the campus and outside. Harassment is defined as a conduct or behavior which could subject the receiver to physical and psychological distress.

Abuse - This includes intimidation, threats, humiliation, discrimination, neglect, and exploitation and any other inappropriate or unwelcome behavior.

Abuse of authority - This is committed by a person in a position/role of seniority or authority directly or indirectly against their subordinates, designed or having the effect of causing humiliation or intimidation in exchange for work-related benefits (e.g., exam, result, assignment, a salary increase, promotion, training opportunity, transfer or job confirmation, etc.). In this case, the survivors are likely to feel helpless to act. This is to be distinguished from effective performance management and a requirement that employees should meet reasonable and high work standards and defined objectives.

Creating a hostile environment - This happens when someone's behavior - any unwelcome sexual advance, request for sexual favors' or other verbal or physical conduct of sexual nature - interferes with another's work performance. This kind of harassment creates an intimidating, hostile, abusive, or offensive work environment when not addressed. Such harassment can occur against staff and students in all types of power relations (i.e., classmates, peers, junior or other colleagues). An act that may be thought

to be improper in a situation or cultural context may be considered sexual harassment. This policy makes it clear that any unwelcome behavior which carries sexual content is to be regarded as sexual harassment, whether that is intentional or not.

Victimization - This occurs when a person is treated less favorably because s/he has asserted the right to make a complaint in good faith under the university's policies. This includes those who act in good faith as witnesses or supporters of a complainant.

Discrimination - This occurs when a person is treated less favorably because of some factor because of characteristics such as gender, gender reassignment, age, religion, etc.

Discrimination against minorities, race, and ethnicity against any group or individual, is classified as racism, any sort of activities that portrays hatred/target a specific religious group or community, and therefore, defined as a form of discrimination.

Sexual harassment is defined as any form of conduct or behavior of the following types:

5.1 Verbal:

- Humiliating someone with derogatory names.
- Whistling at someone.
- Making sexual comments about a person's body and appearance.
- Making sexual comments.
- Turning discussions into sexual topics.
- Telling sexual jokes or stories.
- Asking about sexual fantasies, preferences, or history.
- Asking personal questions about sexual life.
- Making sound of kissing.
- Making sexual comments about a person's clothing, anatomy, or looks.
- Repeatedly propositioning a person who is not interested.
- Telling lies or spreading rumors about a person's personal life.
- Demands or requests for sexual favors'
- Unhealthy discussions and unwelcome advice on women's gynecological matters.
- Exerting pressure or giving threats in case of refusal to love/marriage proposal

- Sending sexually suggestive messages, through letters, telephone calls, mobile phone calls, SMS, MMS, pictures, emails, online communication applications (i.e., Skype, Viber, Imo, WhatsApp, WeChat) or social media platforms (i.e., Facebook, Twitter, LinkedIn, Instagram, TikTok) notices, cartoons, or writing on benches, chairs, tables, notice boards, office walls, classrooms, and washrooms, etc.

5.2 Non-verbal:

- Staring at someone
- Blocking a person's path
- Following a person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Displaying or disseminating pornography
- Making sexual gestures with hands or through body movements
- Making sexually suggestive facial expressions
- Taking photographs or videos for the purpose of blackmail or disgrace
- Implicitly and explicitly using/condoning sexual behavior to threaten or insult someone and to control/influence/affect the pay/terms and conditions of employment/job promotion or career of a staff member

5.3 Physical:

- Giving a massage around the neck or shoulders
- Touching a person's clothing, hair, or body
- Hugging, kissing, patting, or stroking
- Standing close or brushing up against another person
- Any physical contact of sexual nature

5.4 Cyber:

Cyber harassment refers to the harassment using online and offline cyber platforms. This may occur through the use of various messengers, social media, text messaging, different professional communication platforms, or derogatory websites to demean, insult, or harass an individual or group through personal or professional attacks. Cyber harassment can be in the form of flames, comments made

in chat rooms, sending offensive or cruel email, or even harassing others by posting on blogs or social networking sites.

- Usage of sexually explicit/double meaning/demeaning language in text messages
- Creating and spreading sexual memes/trolled pictures
- Posting dirty & sexual jokes on social media relating to someone's personal life or mentioning the person
- Sending dirty jokes or explicit contents (pictures/videos/animations/web-links) through text messages, MMS, online platforms
- Threatening someone through indirect or direct contents (pictures/videos/stories/web-links) or messages
- Usage of offensive and explicit means and words while commenting to cause mental harm
- Spreading rumors through social media, text messages, or group threads
- Spreading someone's pictures without consent/ intentionally misinterpreting and discussing about her/his personal life
- Stalking someone to cause harm
- Hacking someone's personal or professional accounts on different platforms is a major harassment and crime. It really does not matter whether any harm or occurrence was done as hacking itself is an offense.
- Hacking followed by leaking personal information or contents related to personal or professional life.
- Usage of different contents or performing different cyber acts to defame someone (i.e. changing someone's gender or name in social media profile by hacking her/his account)

Various types of new software are capable of data/ content/ image/ video manipulation, and if necessary technical experts can be used to understand the original fact.

6. DEFINITION OF SEXUAL EXPLOITATION:

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, education for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Example:

Exchange of promotion, assignment, grade, marks, or any services for sex, including sexual favors or other forms of degrading or exploitative behavior is prohibited.

Sexual relationships between students and faculties are strongly discouraged.

Sexual relation with community while conducting research is prohibited

Faculties are obliged to create and maintain an environment which prevents sexual exploitation and abuse from educational institution.

Researchers must ensure a “do no harm” principle while at work in the field and during Focused group discussions and key informant interviews. Exchange of gifts for sexual favor is strictly prohibited

7. POLICY STATEMENT

Brac University will conscientiously address sexual harassment, exploitation, and abuse of all kinds following the stages of prevention, reporting, response, and learning at all levels of work.

7.1. Prevention:

One of the main priorities of Brac University is to prevent such offences from happening. The preventive measures will be:

- Ensure orientation on current policy for all new students/employees during the commencement of their studies/employment
- Refresher training for all students and employees every year
- Educating students and staff on this issue
- Circulate/display a short version of Prevention of sexual harassment/harassment, exploitation and abuse policy procedures at relevant locations within Brac University and orient researchers on policy to ensure how to act in the community during research work.
- Awareness Campaigns, and various preventive measures.

7.2. Reporting:

Anyone who is subject to sexual harassment, exploitation and abuse should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Brac University recognizes that sexual harassment, exploitation and abuse may occur in unequal relationships and that it may not be possible for the complainant to inform the alleged harasser. If felt that he/she or someone else had been the recipient of sexual harassment, exploitation and abuse, the complaint should preferably be lodged as soon as such incident (within 30 days) it happened. Reports can be made by survivors, peers, or witnesses following the helplines as referred below.

- **Direct Complaint:** Complaints can be lodged through letters, phone calls, and emails immediately through the following ways:
- **Calls:** Anyone can call to lodge a complaint 24/7 through the helpline number **+8801729071209** or **+8809617445235**
- **Emails:** Complaint can be lodged directly to the Proctor's Office in person or in writing (proctor@bracu.ac.bd).
- Complaints can also be lodged directly to SHBREC administration in writing [shbrec@bracu.ac.bd (proposed)] or in person to [SHBREC Administrator (Senior Officer-SHBREC) (yet to be appointed)].
- The incidents involve students and staff, complaint can also be lodged indirectly to Persons of Trust (PoT)/Student Counsellor/Proctor's Office/HRD.
- **Indirect Complaint:** Those which are initiated on behalf of the survivors. If the survivors feel uncomfortable, he/she can inform the immediate supervisor for further actions.

7.3. Response:

The complaint can be filed to the help line, Persons of Trust, Proctor's Office, Student Life, counsellor. All cases should be forwarded to the SHBREC Officer within 24 hours after receiving any complaint. The SHBREC officer will forward the case to the Persons of Trust who will consult with the respective departments (Proctor's Office/Student Life if it involves students and HR if it involves staff) or for formal inquiry. The procedure for inquiries are set out in the Inquiry Guidelines approved by SHBREC and in the disciplinary policies and procedures approved by the Board of Trustees of Brac University.

- Brac University will take reasonable steps provide support services to the complainant as required. The University may give this service directly or refer the complainant to appropriate organizations for any of the services mentioned below:

7.4. Medical Support: Medical support for the complainant after an incident takes place.

7.5. Legal Support: Brac University will help in getting legal support for cases that require state interventions.

7.6. Psychosocial Support: Complaints may require psychosocial counseling after an incident to help them cope with such a situation. The counsellor will counsel the complainant.

7.7. Rehabilitation Support: Brac University will ensure that the work environment is not harmful to the complainant. If needed, the complainant will be transferred to another location.

- If required, senior managers may withdraw the alleged will be withdrawn from the complainant's location and temporarily transferred/suspended/attached to different locations/departments (the regulations for suspension are set out in the disciplinary procedures approved by the Trustees)
- Persons of Trust shall consult with the respective departments (Student Life/Proctor's Office if it involves students and HR if it involves staff)

7.8. Learning:

Each case is distinct and Brac University considers each case with equal significance. Brac University will keep records (confidential and prudent) of such incidents and use the experience to improve its approach to the handling of harassment, abuse and exploitation.

- A complete case file will be kept, subject to university records management procedures, SHBREC will prepare a regular report to the Syndicate and the Board of Trustees and enable learning from cases and to inform preventive measures against any harm, abuse, harassment, and exploitation.
- Evaluate the overall service provided to the complainant(s) and the effectiveness of the investigation and take feedback from the complainants after providing service to learn the scope of improvement for the future.

8. NEGATIVE IMPACT OF SEXUAL HARASSMENT FOR STAFF MEMBERS/STUDENTS AND BRAC UNIVERSITY

- Employees/students will suffer and often experience mental and physical distress.
- Intimidation makes employees less comfortable at work, unwilling to take on new responsibilities, affect creativity and productivity; morale suffers; their output declines, and competent women staff/students leave their jobs/campus.

9. POSITIVE IMPACT OF A SEXUAL HARASSMENT FREE WORKING ENVIRONMENT IN BRAC UNIVERSITY

- Brac University upholds human rights more widely as well as women's rights specifically.
- Employees/students will be professional and have positive attitudes, enjoying mutual support and respect among each other.
- Employees/students feel encouraged to take up new responsibilities; women staff are encouraged to move up in the organisation and culture of the institution is enhanced.
- A productive environment encourages creativity and high-quality work.
- The reputation of the University is upheld.
- Employees/students' drop-out rate will decrease.
- Diversity and harmony will increase, and best practices will be promoted.

10. WHY SURVIVORS TEND TO HIDE SEXUAL HARASSMENT, ABUSE AND EXPLOITATION

The apprehension of being socially stigmatized comes in the way of the survivors, especially women, from reporting an incident of sexual harassment, exploitation and abuse. Thus, most cases go unreported. Therefore, it is not always possible to get an actual picture of the incident of sexual harassment, exploitation and abuse. The following are some reasons why an employee might conceal an incident of sexual harassment, exploitation and abuse against him/her or a colleague:

- The possibility of being doubted or not believed.
- Anxiety of being blamed for the incident.
- Fear of losing a job.

- Fear of being transferred far from home or to a location difficult to reach.
- Apprehension of being forced to resign.
- Fear of the offender (who may hold a superior position).
- Procedural complexity.
- Anxiety of facing more harassment in the workplace.
- Fear of damaging one's reputation.
- Lack of evidence and witnesses.
- Non-cooperation by supervisor and administration.
- Apprehension of stereotype and negative attitude towards survivor of sexual harassment.
- Fear of being victimized by a hostile environment.

11. FOR WHOM THE POLICY IS APPLICABLE

- All employees/students of the university who are sexually harassed by any other employee/students.
- An employee/student of the university who sexually harasses, exploits anyone involved in any Brac University activities (i.e. students, volunteers connected with Brac University in any way).
- An employee/student of Brac University who sexually harasses anybody from another institution related with Brac University or indirect staff who are hired as service providers.
- Indirect staff who are hired by contractors or service providers who sexually harass BRAC University employees/staff.
- BRACU Researchers while conducting research activities in the community
- An executive or colleague in Brac University who assists the offender in any form which is conducive to sexual harassment.

12. RESPONSIBILITY AND PREVENTIVE MEASURES OF BRAC UNIVERSITY

Brac University will ensure a congenial and safe working environment where sexual harassment, exploitation and abuse is not tolerated. It will ensure that employees/students respect one another and behave in a manner that is acceptable to all. Attitudes and behaviors of all executives and faculty should demonstrate commitment to the principles of gender equality and sensitivity.

To increase awareness of what constitutes as sexual harassment, exploitation and abuse the Brac University management takes the issue very seriously. Orientation will be provided at all levels from management, executive and students on the Prevention of sexual harassment, exploitation and abuse policy, and it will be incorporated into the Rules and Regulations of Brac University. The University's human resources will have the main responsibility of ensuring that such orientation occurs and that all students, management, and executives receive copies of these guidelines.

The university management will also encourage a spirit of openness within the office so that complaints on sexual harassment, exploitation and abuse can be voiced in a safe environment and staff members feel confident and secure to challenge such unacceptable behavior. During research work community will be informed on PSHEA and reporting mechanism.

The management will demonstrate its commitment to promoting gender equity and equality, and ensure that the grievance/complaint procedures and their implementation are such that people are confident in using them.

13. RESPONSIBILITIES OF FACULTY AND HEAD OF THE DEPARTMENT

- Inform everyone about the 'zerotolerance' policy to sexual harassment, exploitation and abuse of Brac University
- Ensure security of survivors and witnesses and protect the accuser from any criticism or unpleasant situation
- Assist the inquiry team as required
- Discuss the matter of the complaint with due importance in the monthly coordination meetings (without disclosing any personal information)

14. RESPONSIBILITIES OF EMPLOYEES/EXECUTIVE

- Be firm in protesting any acts of sexual harassment, exploitation and abuse or inform Persons of Trust/Proctor's Office/HR/Counsellor if they feel intimidated by the alleged.
- Inform Persons of Trust or SHBREC when an incident takes place or call the helpline and lodge a complaint.
- Cooperate during an inquiry and keep the matter confidential, and provide a neutral testimony.

- Preserve necessary information, evidence, or documents that will help to establish the complaint at the time of the investigation.

15. RESPONSIBILITIES OF COLLEAGUES/STUDENTS

- Protest any sexual harassment, exploitation and abuse if possible or report to SHBREC, Persons of Trust/Student Life/Counsellor/Proctor's Office.
- Cooperate during an inquiry, keep the matter confidential, and provide a neutral testimony.
- Instead of indulging in unnecessary discussion, criticism, or gossip, take preventive measures through respective committees.
- Be sensitive towards survivors and provide the necessary advice, and create awareness among other students/colleagues about sexual harassment, exploitation and abuse issues.

16. RESPONSIBILITY OF THE TEACHERS, STUDENTS, AND EMPLOYEES/EXECUTIVES

Teachers, students, and employees/executives are encouraged to express their reservations about any kind of behavior (verbal or non-verbal) that has sexual connotations, which they may find uncomfortable or offensive, directly to the person responsible as soon as it occurs. If for any reason a person feels intimidated by the alleged, they should immediately report to the helpline or Persons of Trust.

17. RESPONSIBILITY OF THE HUMAN RESOURCE DEPARTMENT

- Ensure dissemination of policies concerned with Brac University staff members:
- Provision of orientation and awareness for staff:
- Implementation of HR-related processes:
- Records retention policy and practice on personnel files
- Promote a safe workplace for staff/faculty.
- Modify policy and disciplinary process (staff related) according to changes in time, context
- When an inquiry is taking place, HR should retain a record on the personal file of the employee to ensure that the employee cannot resign pending the outcome of the inquiry.

18. RESPONSIBILITY OF THE OFFICE OF THE PROCTOR

To provide an impartial and discrete role in the overall disciplinary process, ensuring the all related policies are upheld. Ensure decisions regarding disciplinary cases are implemented in an efficient and timely manner.

- Ensure dissemination of policies concerned with Brac University students and staff members
- Provision of orientation and awareness for students
- Implementation of student related processes and policies.
- Promote a safe and dignified learning environment, in alignment with the campus safeguarding framework.
- Propose and draft of disciplinary policies and processes, in accordance with statutory, legislative and contextual changes.

Support SHBREC as required and take up other disciplinary issues not relating to harassment, bullying or ragging.

19. COMPLAINANTS/SURVIVORS:

- Be firm in protesting any acts of sexual harassment, bullying and ragging.
- Inform Persons of Trust or call helpline immediately after an incident takes place.
- Preserve necessary information, evidence and documents which will help to establish the complaint.
- Lodge a complaint or contact SHBREC as soon as feasible.
- Keep all matters confidential in support of the inquiry/investigation process.

20. COUNSELLORS:

There should be male and female counsellors with female complainants assisted by a female counsellor. The Counsellors will:

- Support complainants and follow up on their welfare as required following the completion of a complaint process:
- Support any other members of the university community affected by harassment, bullying or ragging:
- Communicate with concerned departments if any support is required for complainants or others in need of support:
- Provision of confidential counselling and mediation.

21. FORMATION AND RESPONSIBILITIES OF SHBREC

The Sexual Harassment, Bullying, and Ragging Elimination Committee (SHBREC) will be committed to addressing sexual harassment, exploitation and abuse complaints within Brac University.

The Committee will include at least 7 and no more than 9 members, including at least two externals drawn from outside the University [The requirement for two externals is in line with the guidance of the High Court], with expertise in the handling of harassment, bullying and ragging cases. The Chair of the Committee will be female and equal gender representation will be achieved on the committee so far as feasible. The University Registrar, a senior representative of the Proctor's Office, and a senior representative of Human Resources Department will be included as members of the Committee. The Committee will meet regularly (once a month if needed) and the quorum will be two thirds of the membership.

The SHBREC committee will be independent and free from any influences and interference. It will be accountable to the Disciplinary Committee of Brac University and then to the Syndicate and the Board of Trustees.

22. INQUIRY PROCESS AND PROCEDURES

The inquiry should be carried out as per the agreed protocol and guideline prepared for the inquiry process for sexual harassment, bullying, and ragging cases.

23. DISCIPLINARY ACTION

The respective policies and procedures approved by the Board of Trustees will be followed with regard to disciplinary action shall be followed in connection to the disciplinary actions.

24. CONFIDENTIALITY

All incidents and complaints must be addressed confidentially. Such matters should be shared only on a strict 'need-to-know' basis at the discretion of senior managers responsible for response and investigation.

25. LEARNING

- The SHBREC Administration and the Persons of Trust will follow up on the situation of the complainant and maintain a register of cases, subject to university records retention policies.

26. ACTIONS THAT HAVE TO BE TAKEN IN CASE OF RAPE OR ATTEMPT TO RAPE

- Report the incident immediately to the Head of SHBREC.
- Report to a local legal aid support center if required.
- Help File an FIR (first information report) in the appropriate police station immediately after the incident if assistance is sought.
- Provide mental and emotional support to the survivors and their families and maintain confidentiality.
- Review of policy.

The policy will be reviewed at least yearly or whenever necessary at the discretion of the institution or if law changes.