

**INDUS VALLEY SCHOOL OF ART AND ARCHITECTURE  
POLICY ON PROTECTION AGAINST HARASSMENT AND DISCRIMINATION<sup>1</sup>**

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<sup>1</sup> This policy document is in compliance with the HEC Policy on Protection against Sexual Harassment in Higher Education Institutions, 2020 and the Protection against Harassment of Women at the Workplace Act, 2010.

## **I. Purpose**

IVS is built on values of compassion, inclusion, amity and empathy, and is a welcoming haven for all manner of creative individuals in Karachi and beyond. The institution upholds the dignity of every member of its community and promotes their academic and artistic freedom within its walls. These are mutually held values from which any divergence is not tolerated.

IVS is legally and ethically committed to the protection of its community members against harassment and discrimination, and to ensuring a learning and work environment free of harassment and discrimination as outlined in this policy.

In situations where this premise is perceived to be violated, this document seeks to give guidance to all members of the IVS community (students, faculty and staff) for addressing potential or actual harm to any member of the community that can be categorised as discrimination or harassment. It identifies procedures for dealing with such issues promptly and effectively within the institution, including but not limited to disciplinary measures, in order to protect both the safety and rights of all members of the IVS community.

## **II. Institutional Statement of Non-Discrimination**

IVS does not discriminate in admissions, employment, education, or services on the basis of religion, gender, sexual orientation, socio-economic status, disability or record of a disability, ethnic origin, caste, race, or national origin. Likewise, IVS also expects that no member of its community will be discriminated against by any other member for any of the above characteristics. Consequently, the school prohibits the denial of any academic, social, recreational, employment, medical or other opportunity or service by any individual to another on these grounds. IVS also prohibits the use of different standards of evaluation for disciplinary action, academic work, job performance, employment, or promotion based on any of these individual or group characteristics.

## **III. Definitions<sup>2</sup>**

### *A. Discrimination*

Discrimination is the unfair treatment of a member or members of a group on the basis of membership in that group, often based on a demographic trait, but not limited to it. Discrimination occurs when an individual or group of individuals is denied or excluded from opportunities based on membership or perceived membership in a group defined by characteristics such as religion, gender, sexual orientation, socio-economic status, disability or record of a disability, ethnic origin, caste, race, or national origin.

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<sup>2</sup> No policy document can give an exhaustive description and/or definition of behaviors that fall within the ambit of harassment, bullying, or discrimination. This set of definitions is meant to provide an overview of acts that will be considered as contravening the spirit and intent of IVS's guiding principles.

Discrimination can be perpetrated at the level of the individual, group, or institution. In other words, an individual or group may be discriminated against by another individual or group, and an individual or group may be discriminated against by an institutional body in its policies and procedures. Examples of discriminatory actions include but are not limited to: unequal consequences for actions, pay and benefit differentials based on demographic characteristics, and implementation of policies based on the assumption of inferiority of a certain group.

### *B. Bullying*

Bullying is an unwarranted expression of aggression via verbal, physical, written or electronic communication towards an individual and/or group by another individual and/or group. Bullying puts the individual at a reasonable risk of harm and causes emotional distress which hampers their ability to learn or work due to the creation of a hostile environment. It may be a single significant incident or pattern of behavior based on the individual's religion, gender, sexual orientation, socio-economic status, disability or record of a disability, ethnic origin, caste, race, or national origin. This policy also expressly recognizes and prohibits cyberbullying, i.e. a form of bullying that is conducted through telephone, computer, email, instant messaging, text messaging, social media and other electronic media.

### *C. Harassment*

Harassment means written, verbal or physical conduct that adversely affects an individual's ability to participate in or benefit from the school's educational programs or activities or causes an overall impairment of the individual's morale, because the conduct is so severe or persistent. It has the purpose or effect of creating an intimidating, hostile, excluding, degrading, or offensive environment for the recipient of the behaviour and/or others around them. This may include conduct that is based on an individual's actual or perceived religion, gender, sexual orientation, socio-economic status, disability or record of a disability, ethnic origin, caste, race, national origin or any other distinguishing characteristics. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived. Any behavior which creates an intimidating or hostile environment for an individual qualifies as harassment.

This behavior may qualify as sexual harassment if it involves a sexual connotation through words, actions, photographs or other written or electronic communication which was non-consensual and makes the complainant feel uncomfortable or threatened.

### *D. Sexual Harassment*

Sexual harassment may be defined as any form of unwanted verbal, non-verbal, or physical conduct, of a sexual nature that creates an intimidating, hostile, excluding, degrading, or offensive environment.

Sexual 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, under this policy and under the law, occurs when a student or worker is being subjected to unwelcome verbal or physical conduct of a sexual nature. The Protection Against Harassment of Women at

the Workplace Act, 2010 defines sexual harassment as 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.

Sexual harassment entails sexual advances, requests for sexual favors, and verbal or physical conduct. It occurs, for example, in instances of unwanted touching, offensive and suggestive gestures or comments, and asking about a person's sex life or telling sexual jokes. Generally, sexual harassment is described as either "hostile environment" or "quid pro quo." Sexual 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, which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job or school performance.

In order for a complainant to claim sexual harassment, the experience of the complainant is sufficient, and a quantifiable or tangible consequence of the harassment is *not* a necessary condition to prove that harassment occurred.

Professionally appropriate relations among faculty, staff members, and students are an essential part of membership in the IVS community. These relationships must neither be undermined nor exploited. For this reason, it is IVS policy that sexual relations between students and faculty or staff members constitute unprofessional conduct and are strictly prohibited.

#### **IV. Addressing Discrimination and Harassment at IVS**

IVS maintains that its employees and students have the right to a healthy and safe working and learning environment, free of discrimination, intimidation, and harassment. In case anyone starts to feel this is changing, they should start keeping a record of their experience in order to recall what has been happening as and when needed.

All students and employees have the right to ask any member of the institution, student or employee, regardless of hierarchies, departments, and line management relationships, to stop behaving in a manner that is insulting or offensive to them. Alternatively, they may ask a colleague or friend to approach the alleged harasser with them or on their behalf. IVS seeks to cultivate a culture of trust, confidence, and empowerment that would enable such a conversation. Other courses of action are as follows.

The first step in addressing discrimination and harassment is to discuss the situation with someone trusted who is an employee of IVS and could be a friend or colleague. The members of the **Campus Conduct Committee** and the **Sexual Harassment Inquiry Committee** (see

sections V and VI below) are experienced and have been especially trained to deal with such matters, so one should ideally seek out someone on one of those Committees. Individuals with this training who have been asked to serve on such a Committee are empowered by IVS to review options for dealing with the situation. The complainant can contact any member of the Committee to discuss incidents, however significant or insignificant they may seem to the complainant. At this stage, the Committee member will listen sympathetically to the complaint and review options for further steps. Any discussion will be confidential and further action will not be taken without the express permission of the complainant. (The exception to this is where a criminal act takes place and the IVS has a legal responsibility to report it and take appropriate action).

The complainant can file a formal complaint either straight away, or after consulting a member of either Committee. In the case of a sexual harassment complaint, the complaint will be referred to the Sexual Harassment Inquiry Committee (see section VIII below). All other complaints stay with and will be dealt with by the Campus Conduct Committee (see section VII below).

IVS admissions policy as well as faculty and staff hiring policies give the institution the right to use discretion when making any offer of admission or employment and to consider candidates' backgrounds. An IVS student or employee who has credible reasons for believing that any candidate has a problematic history of harassment or discrimination can approach a member of the Campus Conduct Committee or Sexual Harassment Inquiry Committee. Committee members will forward the complaints to the relevant administrative bodies at IVS so that they can be factored into the processing of each application.

## **V. Campus Conduct Committee**

### **A. Establishment**

1. The IVS Dean and Executive Director will establish and empower a Campus Conduct Committee (referred to in this document as "Committee") to deal with all complaints of discrimination, harassment, bullying, and any of the other issues defined in section III above, barring those complaints that fall into the category of sexual harassment, which must be referred to the legally-mandated Sexual Harassment Inquiry Committee (see section VI below).
2. The Committee will have a minimum of five members. This must include a member from the administration and a student representative from the Student Council. This student representative will not be called for all the meetings and will only be present for student-related matters. Other members will be drawn from among the permanent IVS faculty.
3. For any meeting, a minimum quorum of three members is necessary.

## B. Training of Committee Members

1. It is mandatory for each member of the Committee to undergo training before the commencement of their duties. This training will be arranged by the school.
2. The training shall focus on harassment laws both in Pakistan and in other jurisdictions, as well as sensitization training, conflict resolution training, training on the scope of their role and responsibilities as well as the inquiry process as required by this policy.

## C. Replacement of Committee Members

1. Committee members may serve a term of no longer than three years.
2. Committee members may resign at any time by providing their reason for doing so in writing to the ED, who will then appoint a new member to the Committee.
3. Committee members may be challenged based on a perceived bias or conflict of interest by either party (including, but not limited to, perceived bias on the basis of a preexisting relationship or affiliation with either party or an inherent interest in ensuring a particular outcome of the case). Any complaint regarding a Committee member must be sent in writing to the ED. In case the ED finds the complaint of bias or conflict against a Committee member to be valid, the member will be asked to recuse themselves from hearing that particular complaint.

# VI. Sexual Harassment Inquiry Committee

## A. Establishment

1. The IVS Dean and Executive Director will establish and empower, as per the law, a three-member Sexual Harassment Inquiry Committee (referred to in this document as “Inquiry Committee”) specifically to deal with complaints of sexual harassment.
2. The Inquiry Committee shall consist of three members of whom at least one member shall be a woman.
3. At any given time, the Inquiry Committee must include at least one representative of the school administration and one representative of the faculty.
4. One of the members of the Inquiry Committee shall be appointed as the Chair by the ED, whose duties shall include, but are not limited to: maintaining order during hearings, answering procedural questions, granting or denying adjournments, maintaining proper documentation of the proceedings, which shall constitute the official record and reporting recommendations of the Inquiry Committee to the ED. All these duties shall be undertaken in consultation with the Inquiry Committee members.

#### B. Training of Inquiry Committee Members

1. It is mandatory for each member of the Inquiry Committee to undergo training before the commencement of their duties. This training will be arranged by the school.
2. The training shall focus on harassment laws both in Pakistan and in other jurisdictions, as well as sensitization training, conflict resolution training, training on the scope of their role and responsibilities as well as the inquiry process as required by this policy.

#### C. Replacement of Inquiry Committee Members

1. Inquiry Committee members may serve a term of no longer than three years.
2. Inquiry Committee members may resign at any time by providing their reason for doing so in writing to the ED, who will then appoint a new member to the Inquiry Committee.
3. Committee members may be challenged based on a perceived bias or conflict of interest by either party (including, but not limited to, perceived bias on the basis of a preexisting relationship or affiliation with either party or an inherent interest in ensuring a particular outcome of the case). Any complaint regarding a Committee member must be sent in writing to the ED. In case the ED finds the complaint of bias or conflict against a Committee member to be valid, the member will be asked to recuse themselves from hearing that particular complaint.

#### D. The Inquiry Committee shall have the power:

1. to summon and enforce attendance of any person and examine them on oath
2. to require the discovery and production of any document
3. to receive evidence on affidavits
4. to record evidence
5. to treat the proceedings as confidential.

### **VII. Procedure for a Formal Complaint before the Campus Conduct Committee**

1. The formal complaint is initiated by the submission of a written statement to the Committee.
2. The Committee chair will set up a schedule of meetings for the investigation and adjudication of the matter. These meetings will take place over a maximum one-week period, within two weeks of receipt of the formal written complaint. Time is of the essence unless exceptional circumstances interfere; therefore Committee members may receive dispensation from other institutional and academic responsibilities, as required.

3. The Committee will meet with both parties to discuss the complaint. These meetings may be held separately or, if both parties agree, jointly. If the written statements of the parties disagree about material facts, the Committee will meet with each party to gather information. The Committee may also, at its discretion, request to meet with others who have relevant information. Participating Committee members will discuss the case.
4. The complainant and the respondent will be notified of the decision of the Committee in writing within 48 hours of the end of the Committee's deliberations. If there is good reason to do so, timetables may be modified at the discretion of the Committee.
5. Until all procedures have been concluded, the complainant and the respondent must avoid all unnecessary contact with one another. Both parties involved in the complaint will also be advised of all additional opportunities, both on and off campus, for support and care during the proceedings.
6. Any attempt by a member of the IVS community to penalize a person for initiating an inquiry or complaint with the Committee or to interfere with the fair workings of the Committee will be viewed as a separate and very serious incident subject to disciplinary action. In compelling or exceptional circumstances, the Committee itself may initiate a formal investigation. In these cases, the procedure will be modified accordingly.
7. The Committee will make recommendations to the IVS Executive Director ranging from a warning to expulsion or termination of employment. The ED will also review the case to ensure there is no bias, procedural error or inappropriate sanction. The ED can also ask the Committee to provide further details if needed. In case any significant new evidence is discovered, the case will be referred back to the Committee again. The final decision about implementation of consequences rests with the Executive Director and will be formally recorded in the case file along with the reasoning accompanying it.

### **VIII. Procedure for a Formal Complaint before the Sexual Harassment Inquiry Committee**

1. The Inquiry Committee, within three days of receipt of a written complaint, shall
  - a. Communicate to the accused the charges and statement of allegations leveled against him/her, the formal written receipt of which will be given;
  - b. Require the accused within seven days from the day the charge is communicated to him/her to submit a written defense and on his/her failure

to do so without reasonable cause, the Committee shall proceed ex-parte; and

- c. Inquire 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 against them.
2. The following provisions *inter alia* shall be followed by the Committee in relation to inquiry:
    - a. The statements and other evidence acquired in the inquiry process shall be considered as confidential;
    - b. An officer in an organization, 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 representative, a friend or a colleague;
    - d. Adverse action shall not be taken against the complainant or the witnesses;
    - e. The Inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize him/her from freely pursuing her complaint; and
    - f. The Inquiry Committee shall give its findings in writing by recording reasons thereof.
  3. The Inquiry Committee shall submit its findings and recommendations to the IVS Dean and Executive Director within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the ED for imposing penalties ranging from a warning to expulsion or termination of employment.
  4. The Executive Director is the competent authority for issuing the final decision in the case. The ED can accept the recommendations of the Inquiry Committee and impose the suggested penalties, can accept the findings and decide on alternative penalties, or can decide to not follow the recommendations and send the case back to the Inquiry Committee. The Executive Director shall make a decision within 7 days of the receipt of recommendations from the Inquiry Committee.
  5. The Inquiry Committee shall meet on a regular basis and monitor the situation until their recommendations subject to decision of the Executive Director have been implemented.
  6. If either party wishes to appeal the decision of the Executive Director, they can file an appeal with the Ombudsman within 30 days of written communication of the decision in accordance with the 2010 Act.
  7. In case the complainant is in trauma, the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.

## **IX. Investigation Mechanisms for the Campus Conduct Committee and the Sexual Harassment Inquiry Committee**

### **A. Evidence:**

1. During the process of investigating the complaint, the following forms of evidence, *inter alia*, would be considered permissible:
  - a. The spoken or written testimony of the complainant
  - b. Any video or photographic evidence of the incident or the events before or after it, including through officially installed cameras or through personal handheld devices
  - c. Any written communications including, text, email, and social media conversations
  - d. Any pictures including screenshots of text, email and social media conversation
  - e. Any proof of past verbal conversations, including through witnesses to that conversation or social media discussions referring to the conversation
  - f. Character testimonials about either party by other students, staff or faculty (but specifically excluding testimonials regarding the sexual past of the complainant)
  - g. The presence of multiple complainants, either from past records of the Committee or complainants who step forward during the course of the ongoing investigation.
2. In all cases, the duty to investigate lies solely on the Committee and must not be shifted to the complainant. The Committee's investigation must be done to the best of its ability, using all possible avenues and while exercising its discretion to determine the best way to investigate each case and the forms of evidence which may be available in any given case.
3. The Committee must be sensitive to the nuances of each case and the different forms of evidence that may be available in different cases.
4. The Committee must be clear that evidence, in cases of harassment particularly, is limited due to the nature of the offense. Therefore, the Committee must not rely on the lack of proof or the availability of minimal evidence other than the complainant's testimony, as the sole reason for deciding against a complainant with an otherwise cogent and consistent complaint.

### **B. Sensitization and Ethics:**

The Campus Conduct Committee and the Sexual Harassment Inquiry Committee must never engage in any of the following behaviours:

1. Questioning the complainant about her/his sexual past
2. Allowing evidence regarding the complainant's sexual past
3. Forcing mediation between the parties in order to reach a compromise

4. Bullying either party through threats, taunts, disallowing either party to have a friend or family member with them during meetings, or other intimidating behaviors
5. Allowing other individuals, who are not associated with the ongoing investigation, in the room during a complainant or witness's testimony
6. Breaching confidentiality through written, spoken or online conversations
7. Advising the complainant to withdraw their complaint at any point during the investigation for any reason
8. Providing personal testimonies against or for either the complainant or the accused.

C. Responsibilities of the Campus Conduct Committee and the Sexual Harassment Inquiry Committee:

1. Develop internal procedures to ensure consistency and impartiality
2. Maintain a record of complaints and decisions
3. Respect confidentiality and anonymity
4. Ensure impartiality at all times
5. Comply with all required time limits and investigate and arrive at a decision without inordinate delay
6. Provide detailed and cogent reasoning for its decisions and explain how and why they were reached
7. Assist the complainant to report a crime to the relevant authorities, if the Complainant wishes to do so.

**X. Responsibilities of all Individuals within the School**

A. Responsibilities of Students

1. To report incidents that they are witness to or have become aware of
2. To come forward if called as a witness by a complainant or Committee
3. To be honest and cooperative during the Committee's investigation
4. To refrain from supporting or assisting offenders in any way
5. To refrain from retaliating against complainants in any way

B. Responsibilities of Faculty and Staff Members

1. To report incidents that they are witness to or have become aware of
2. To take preventive action if they observe a situation becoming unpleasant
3. To maintain a complainant's anonymity if they wish to remain anonymous
4. To maintain confidentiality though they may be privy to an ongoing investigation
5. To cooperate with the Committee as required
6. To refrain from protecting offenders due to friendships or other personal reasons
7. To provide support to complainants in every way possible

C. Responsibilities of Members of Administration

1. To organize and facilitate trainings for all staff, faculty and students
2. To develop and consistently review policies that will contribute to a safe learning environment
3. To ensure fair and effective implementation of policies