College of Science and Technology

Royal University of Bhutan

Rinchending: Bhutan

Policy for Prevention, Prohibition and Redressal of sexual harassment

1. **Name of the Policy:** Policy for Prevention, Prohibition and Redressal of sexual harassment.

2. **Purpose:**

   This policy provides guidelines for preventing, prohibiting and redressing of the sexual assault and sexual harassment at the College of Science and Technology.

3. **Scope of policy**

   This policy applies to disclosures and complaints by all students, former students and staff of sexual assault and sexual harassment against current students and staff members, affiliates or visitors conducting business on campus.

4. **General policy prohibiting all forms of harassment and discrimination**

   As set forth in Article 4, Chapter 14 of the RUBHRRR 2017, the college shall remain committed to providing a work and study environment that is free from any form of harassment, including sexual harassment and bullying. The college prohibits all forms of discrimination or harassment, including sexual harassment against any member of the college by any student, staff member, or visitor to the college

5. **Definition of terms**

   5.1 Sexual harassment shall be considered unlawful that may consist of any physical or verbal sexual behaviour that is unwelcome, uninvited and unwarranted. It can arise from sexually orientated jokes; innuendo; unnecessary physical contact; invitations for outings; requests for sex; displays of offensive material, posters or graffiti; derogatory comments; and offensive messages, emails or telephone calls. It is a situation that directly or indirectly subjects a person to sexual behaviour that is unwelcome or offensive to them and that, either by its nature or through repetition, has a detrimental effect on that person's ability to study or engage in the staff's normal work activities.

Sexual harassment shall be deemed most serious when it includes any of the following:

- implied or expressed promise of preferential treatment for complying with a sexually orientated request;
- An implied or expressed threat of detriment e.g. to employment status or student work, or the actual causing of detriment, for refusing to comply with a sexually orientated request or because a person has made, or indicates an intention to make a complaint or has in any other way objected to the sexually orientated behaviour; and Actual physical sexual assault or rape as specified by the Law.

5.2 Aggrieved Person

The term "Aggrieved Person", means any one of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by another person.

6. Staff Student Relationship

Faculty and staff members have an ethical obligation to promote the college's educational mission by fostering an atmosphere of mutual trust and respect. Given the inherent inequity that exists in the relationship between faculty or staff members and students, no faculty or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student.

7. Counseling and Support Group (CSG)

The college will have a counselling and support group the members to which will be appointed by the college management committee. It will be responsible to investigate and address complaints of suspected sexual harassment of any aggrieved person at the college. The group will also function to carry out advocacy and awareness programmes and provide counselling to victims and perpetrators alike. The organization and function of the panel is outlined in appendix A.

8. General procedures for reporting violations and filing a complaint

Any member of the college who feels harassed and discriminated against is strongly encouraged to promptly report any incidents of sexual harassment. A complaint under this policy may be filed by students, staff as well as visitors based on the alleged conduct of

any member of the college including current staff & students and visitors. A complaint maybe filed as under:

8.1 A person can make a ***disclosure*** of any incident of sexual harassment or discrimination anonymously if they do not want the college to investigate or take any specific action in response to the incident. The college will use the information contained in disclosures to identify trends and to develop targeted responses.

8.2 A person can make a ***complaint*** of sexual harassment or discrimination if they want the college to investigate or take any specific action. In most circumstances, the complainants will need to provide their name. The college will not act on anonymous complaints unless:

8.2.1 It is not necessary for the respondents to be aware of the identity of the complainant in order to properly respond to the complaint.

8.2.2 There is other evidence supporting the complaint and the allegation can be tested fairly. The college is unable to act on complaints which does not include information on the respondent.

8.3 A person who has knowledge of prohibited conduct, and who has the written consent of aggrieved persons may also file complaints on the aggrieved person's behalf.

The college will handle complaints in accordance with the *Sexual Harassment Complaints Procedure* and *Sexual Harassment Resolution Procedure*.

9. Sexual harassment complaints procedure

9.1 A complainant who has experienced sexual harassment has the right to decide whether they want to make a complaint to the college, or not.

9.2 A complainant wishing to resolve a problem or concern can make a complaint by contacting a Designated Access Person (DAP) including CSG members.

9.3 DAPs are required to fill out an Incident Report Form (IRF) available for download on the college website, as part of any consultation.

9.4 Upon receiving a complaint, the DAP must record the following details:

9.4.1 Complainant's name and contact details.

9.4.2 A brief summary of the issues raised in the complaint.

9.4.3 The identity of any persons named in the complaint.

9.4.4 The outcome or remedy sought by the complainant.

9.5 Complainants are required to engage with the complaints process and to provide sufficient details of their complaint to permit the college to conduct preliminary assessment and investigation.

10. Sexual harassment Resolution procedure

10.1 DAPs will forward the complaints to the internal complaints committee (ICC) for further investigation.

10.2 The ICC shall meet within two working days of receiving a complaint to determine how to undertake the investigation of the complaint.

10.3 Within seven working days of receiving a written complaint, the group will provide a copy of the complaint along with supporting documents & information provided with such complaint to the respondent and require that such person shall file his/her response to the committee within two working days along with the list of documents, and names and addresses of witnesses (if any).

10.4 The group shall complete its investigation within thirty working days of receiving a complaint.

10.5 The group will document the findings of the investigation along with its recommendations, if any, in the form of a written report within two days from the date of completion of the investigation.

10.6 If the group determines that the Aggrieved Person has in fact suffered Sexual Harassment, it will forward the complaints to the President for appropriate disciplinary actions as may be permissible under any applicable laws including, but not limited to, the Sexual Harassment Act.

10.7 The group will have the right to recommend any such disciplinary action against any person who makes a false or malicious complaint, knowing such complaint to be false or malicious, or produces any forged or misleading document, provided that mere inability to substantiate a complaint or provide adequate proof will not render a complaint false or malicious.

10.8 Any person aggrieved by any recommendations of the group may appeal within two weeks of any such recommendations.

10.9 The group shall ensure confidentiality of the process and only involve those with a need to know or relevant to undertake the investigation. Any violation of the confidentiality obligations can result in disciplinary action against the concerned group member.

10.10 The failure or refusal of any person to cooperate with or to interfere or misguide the group during its investigation may result in disciplinary action against that person as deemed appropriate.

10.11 In the case of complaints which the group deems as outside its jurisdiction, like offences of a criminal nature under the Bhutan Penal Code, the group will provide all necessary assistance to the Aggrieved Person in filing such complaint with the appropriate legal authorities in accordance with the applicable laws.

10.12 If an Aggrieved Person chooses to initiate proceedings in a court, the college shall take steps to support such person in the proceedings, including providing College data and Employee records.

11. Referral to the President

11.1 A matter that has been subjected to assessment or investigation under these procedures, will be referred to the President for necessary actions in accordance with the RUBHRR 2017. The complainant must be informed in writing of the referral.

11.2 The internal complaints committee will provide the President with all information gathered as part of the assessment or investigation including any written statement or report.

11.3 The President, to the extent permitted by RUBHRR2017 may take into account and rely upon the findings for further assessment and appropriate disciplinary actions.

12. Communication of Results

Within five days, the president shall communicate the results of the disciplinary decision to the various stakeholders. Communication needs to be done carefully to continue to safeguard the confidentiality of the alleged respondent, given that he or she still has never been adjudicated as guilty beyond a reasonable doubt by a Bhutanese court of law.

13. Retaliation

Intimidation or threats of retaliation against anyone exercising their right to bring a complaint, make an inquiry, or participate in the complaint process will not be tolerated and will be treated as a violation of the College's sexual harassment policy. An

individual who retaliates against someone who has made such a good faith report and/or cooperated in the investigation of such a report is subject to discipline up to and including termination of employment or expulsion.

14. Confidentiality

Sexual harassment complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process.

15. Sexual Harassment Prevention Education and Awareness

Education efforts shall include the on-going discussion of the sexual harassment policy and an understanding of what constitutes sexual harassment, procedures for addressing alleged sexual harassment and methods for prevention of sexual harassment.

Educational programs shall be held for new students (first year), new faculty and staff members. Ongoing educational programs shall also be held for faculty, staff and students.

16. Counseling

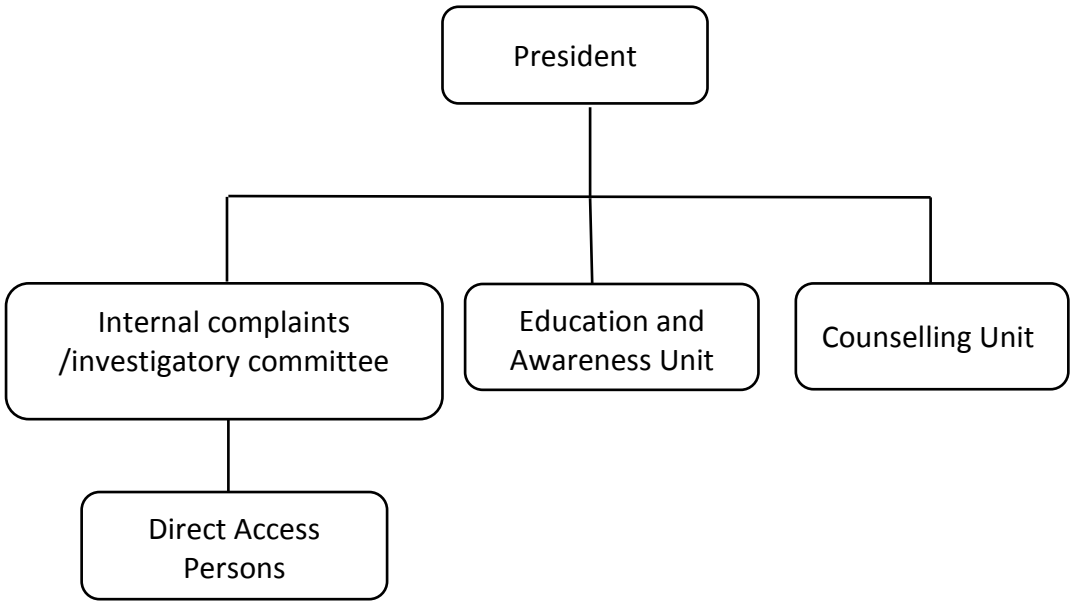
Confidential sexual harassment counseling services will be offered to students, faculty and staff who are victims of sexual harassment by counsellors from the counseling unit in the college.

College acknowledges that best practices which include national laws and/or regulations, continue to change, Consequently, if College policies and procedures conflict with or are not in line with current best practices, then current best practices, including national laws and/or regulations, will take precedence over conflicting College policies and procedures.

Appendix

I. Organizational Structure

Organizational structure of Counseling and Support Group for Prevention, Prohibition and Redressal of Sexual Harassment cases at College of Science and Technology.



II. Internal Complaints Committee

Roles and responsibilities

1. Ensure the implementation of the guideline concerning prevention, prohibition and redressal of Sexual Harassment at the college and do whatever is necessary to prevent, prohibit, deter and redress such Sexual Harassment.
2. Suggest steps to the college for preventing, prohibiting, redressing matters that pertain to Sexual Harassment and creating awareness regarding the issues of the same.
3. Operate as the enquiry authority for all complaints received from or on behalf of Aggrieved Person (to the extent the alleged offender or respondent is a member of the college).
4. Redress any and all complaints of Sexual Harassment to the best of the Panel's ability and judgment.
5. Investigate promptly and thoroughly, all complaints of Sexual Harassment and deal appropriately with the offender.

6. Suggest preventive actions to remedy known or suspected hostile or offensive work environments.
7. The ICC shall make follow-up enquiries, as necessary, to ensure the Sexual Harassment has not resumed or the Aggrieved Person is not being victimized and/or retaliated against in the college.
8. The ICC shall in each calendar year prepare an annual report and submit the same to General Staff Meeting.
9. Have access to college provided administrative assistance, including providing venues for meetings, assistance in securing the attendance of witnesses or other Employees before the committee, etc.

Membership and working of the ICC:

1. The ICC shall consist of 5 members as:
   - Coordinator
   - Student Service Officer, male
   - Student Service Officer, female
   - Two other members

2. A quorum of three (3) members is required to constitute a valid meeting of the committee. For the avoidance of doubt, a quorum must include, at a minimum, the coordinator, a resident coordinator and one other member.
3. Membership of the ICC is liable to change depending on individual commitment, organizational changes, resignation and conflict of interest.
4. Student service officers will function as permanent members to the committee while the other members shall serve for two years. New members will be elected from the CSG group.

III. Designated Access Persons (DAPs)

DAPs serve as confidential resource persons and informal case managers. DAPs lend a listening ear and when appropriate provide appropriate advice on how to engage either the college complaints resolution processes or other remedies. Once a complainant, witness, or other person concerned about harassment or discrimination at the college approaches a DAP,

that DAP shall serve as the designated confidante and case manager for that particular complaint. The DAP will:

a. Log an initial incident report. These can be anonymous and must be filled out jointly with the complainant.

b. Maintain regular contact with the concerned person to ensure that the college complaints resolution process is functioning properly, and that the concerned person's questions are answered;

c. Follow up with the concerned person after the conclusion of the complaint resolution process;

d. Maintain confidentiality* of the concerned person and take action on concerns raised by that person only with his or her full informed consent.

* NOTE: The only exceptions to this rule are instances where the DAP believes to have been told credible information about an imminent threat of violence against either the complainant or some other person, or in response to a lawful request for information pertinent to a criminal investigation by a competent authority.

DAP selection process

Faculty, staff members and students shall be selected and appointed to serve as DAPs. They will have to undergo training to be appointed to the position.

IV. Education and Awareness unit

The unit will have a minimum of three members who will work to carry out routine education, awareness and advocacy programmes. In addition, the unit will ensure:

1. DAPs receive proper training to fulfill the requirements of the job.
2. Adequate and well qualified counselors are present in the college.

The unit will take the assistance and support of YPEER club at CST to create awareness amongst the students.

V. Counselling unit

At least three trained counselors will provide support and counseling to the victims and perpetrators alike.