


# AIR UNIVERSITY : ANTI-HARASSMENT POLICY

(To be read in conjunction with HEC Anti-Harassment Policy 2023)

## 1. Introduction

- 1.1. Air University is committed to provide plausible anti-harassment procedures to all students, faculty, and staff to provide a conducive, dignified, and comfortable working environment where human rights and privileges are protected with equity, dignity, and safety. Policy is developed with particular focus on female gender based on our religion and cultural norms; however, no gender discrimination or gender equality is compromised.
- 1.2. Harassment has different tears, ranging from undesirable and aggressive behaviour to physical assault, which disturbs the conducive working environment in the university. These can be triggered by students, faculty, staff, and vendors intending to humiliate others using different mediums –physical, verbal or electronic (using IT devices).
- 1.3. Air University will have “**zero tolerance**” on this aspect. It will make an utmost endeavour to protect all human resources from any harassment to restore the reputation of the institution and identify culprits for definite punitive actions. Harassment is categorised as under:
  - 1.4.1. **Physical Harassment** includes violence, both physically or to property and other types of physical abuse
  - 1.4.2. **Personal Harassment**, also called bullying, involves unwanted remarks, insults, offensive and derogatory statements, and constantly putting someone down with derogatory comments.
  - 1.4.3. **Discriminatory Harassment** is directed at someone’s gender, age, caste, ethnicity, religious sect, lifestyle, or another form of a protected class who is subjected to offensive or intimidating remarks.
  - 1.4.4. **Psychological Harassment**: The victim is often put down, belittled, or has to listen to needless condescending remarks (both at professional and personal levels) that can affect their psychological well-being or mental health. These negative remarks can be aimed at the victim.
  - 1.4.5. **Cyberbullying is done online and involves threatening statements, rumours, and fake news** against the victim and making one’s confidential data (whether natural or forged) viral on social media to harm their mental health, personal reputation, and integrity.
  - 1.4.6. **Sexual Harassment** is when the offender behaves romantically or sexually towards the victim, who is uncomfortable and does not want attention of this nature. There is also something known as Quid Pro Quo sexual harassment, where the superior makes a sexual request or advancement to the victim and, upon refusal, threatens the victim of losing their grades, job, or the chance of promotion. It is incredibly offensive when the authorities make such submissions a condition towards any AU activity or benefit.
  - 1.4.7. **3<sup>rd</sup> Party Harassment** comes from someone not a permanent member of the AU community. These can include vendors, contractors, visiting faculty members, etc. There are still other forms, such as **verbal harassment, power harassment, and retaliatory harassment**. All of this contributes to a toxic and hostile workplace.
- 1.5. **Aim**: To prevent all acts of harassment from the workplace to act upon complaints, to take punitive actions promptly, reasonably, professionally and with full justice to the involved persons, and to ensure the confidentiality of all parties as a corollary course.

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1.6. **Applicability:** This policy applies to AU students, staff and faculty working at Main, sub-campuses, and affiliate colleges. This policy also applies to other members of the AU community, such as interns, hostilities, etc.; visiting personnel in an official capacity; and third parties, such as vendors, service providers, visitors, etc. The jurisdiction of this policy also encompasses AU’s computing or network resources accessed from an off-campus location, which shall be deemed to have occurred on campus. This policy covers all types of harassment, as mentioned above.

## 2. Preventing Harassment: Precautions for Different Types

### 1. Physical Harassment:

#### Precautions:

- i. Respect Personal Space: Always maintain a respectful physical distance from others, especially if you're unfamiliar with them.
- ii. Seek Consent for Physical Contact: Obtain explicit and voluntary consent before initiating physical contact, such as handshakes or hugs.
- iii. Mind Body Language: Be mindful of your body language. Avoid aggressive or invasive gestures, and ensure your physical presence is non-threatening.

### 1. Personal Harassment


#### Precautions

- i. Respect Privacy: Refrain from prying into someone's personal life or invading their personal space, belongings, or information.
- ii. Confidentiality: Maintain confidentiality by not sharing personal details or private information about others without explicit consent.
- iii. Listen Actively: Actively listen when someone expresses discomfort, the need for privacy, or a desire to set personal boundaries. Respect their wishes.

### 2. Discriminatory Harassment

#### Precautions

- i. Celebrate Diversity: Embrace diversity and respect individuals from all backgrounds, avoiding stereotypes, biases, and discriminatory behaviour.
- ii. Educate Yourself: Make an effort to educate yourself about different cultures, backgrounds, and perspectives to foster an inclusive environment.
- iii. Speak Up Against Discrimination: If you witness discrimination or biased behaviour, stand up for the person facing it and report such incidents.

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### 3. Psychological Harassment

#### Precautions

- i. Mind Your Words: Use language that is respectful, inclusive, and sensitive to others' feelings and experiences.
- ii. Avoid Emotional Manipulation: Refrain from emotional manipulation, bullying, or any behaviour harming someone's emotional well-being.
- iii. Seek Consent for Sensitive Conversations: When discussing sensitive or personal topics, seek consent and respect boundaries.

### 4. Cyberbullying

#### Precautions

- i. Respect Online Boundaries: Do not invade someone's online privacy, engage in online harassment, or participate in cyberbullying.
- ii. Think Before Posting: Be considerate of the content you post online, thinking about how it might impact others.
- iii. Report and Support: If you witness cyberbullying or online harassment, report it and support the victim.

### 5. Sexual Harassment

#### Precautions


- i. Prioritize Consent: In any intimate or personal relationship, always obtain explicit and voluntary consent from all parties involved.
- ii. Avoid Unwanted Advances: Refrain from making unwanted sexual advances, comments, or engaging in inappropriate behaviour.
- iii. Respect Boundaries: Respect the personal boundaries of others and their right to say no at any time.

### 6. Third-Party Harassment

#### Precautions

- i. Intervene and Report: If you witness someone being harassed by a third party, consider intervening if it's safe and appropriate. Report the incident to the relevant authorities.
- ii. Provide Support: Offer support and resources to the victim and encourage them to report the harassment.

By adhering to these specific precautions, individuals can help create a respectful, inclusive, and harassment-free environment within the university community. Understanding and following

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these guidelines is essential to prevent all forms of harassment, whether intentional or unintentional.

### 3. Designated Resources

- 3.1. The AU shall designate at least two members of the administration, preferably females, as the “Focal Persons” – one representing the directorate of Student Affairs and another directorate of the HR – to offer support and immediate assistance to all such students as well as the employees, who have experienced harassment of any nature. Contact information of such individuals shall be readily available, including the AU website.
- 3.2. The AU shall also constitute a sexual Harassment Inquiry Committee to investigate and adjudicate any allegations of prohibited conduct by the policy.
- 3.3. Those who have experienced sexual harassment may also contact members of the Inquiry Committee for support and advice.

### 4. Complaints and Reporting

- 4.1. A complaint may be lodged by any person who has experienced harassment with the Focal Persons, proctors, or any member of the respective Inquiry Committees, including the Sexual Harassment Committee.
- 4.2. AU Students are encouraged to file their written complaints through the Student Affairs directorate. AU employees are advised to report their harassment complaints in written form to the HR directorate.
- 4.3. Upon receiving any harassment complaint, the focal persons (at HR and from Student Affairs) will evaluate the nature of the complaint to identify and categorise it from the types of harassment. Where required, input from the registrar may also be sought to identify the harassment category.
- 4.4. Initial reporting of the complaints shall be done in the following ways:
  - 4.4.1. All the reported cases, whatever category they may fall into, shall be notified to the Vice Chancellor and the Registrar.
  - 4.4.2. If an AU student files a personal, physical, or psychological harassment complaint (which includes bullying, physical fight, or mental torture, etc.) against another AU student, the proctors at the Directorate of Student Affairs shall forward it to the AU Disciplinary Committee, which will complete its due process within 48 hours.
  - 4.4.3. If an AU student files a personal, physical, or psychological harassment complaint against some AU staff or faculty member, the case will be forwarded to the HR Grievance Redressal Committee
  - 4.4.4. If an AU student files a discriminatory harassment complaint against some AU staff or faculty member, research supervisor, advisor or even the head of the department, the case will be forwarded to the Academic Grievance Redressal Committee comprising *Director Academics, Registrar, and a Dean* from some neutral faculty.
  - 4.4.5. If the harassment complaint filed by an AU student against another student, faculty or staff member is identified as a sexual harassment complaint, it will be


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immediately reported to the AU Harassment Inquiry Committee through the Focal Person.

- 4.5. If the complaint falling into the sexual harassment category is filed by any AU employee (staff/faculty) against any other AU employee or student, it will be reported to the AU Harassment Inquiry Committee through the Focal Person.
- 4.6. In cases in which the conduct in question falls within the scope of the 2010 Harassment Act, the affected person shall also have the option to submit a complaint to the Ombudsperson by the provisions of the 2010 Harassment Act.
- 4.7. If a complainant is reluctant to contact the Focal Persons or any members of the Inquiry Committee, the complainant may contact a colleague, instructor, employment supervisor, manager, department chair, Dean or VC. It will be the responsibility of the individual contacted to report the case to the Inquiry Committee, to ask for advice on procedure and policy from them (without identifying either the complainant or the alleged offender) and to effect a solution if necessary. Complainants shall be encouraged to submit promptly.
- 4.8. All members of the AU community are encouraged to report any instances of sexual harassment that they may have observed to the Focal Persons or the Inquiry Committee. To safeguard the campus community, AU has an obligation to investigate material violations of this policy even if a formal complaint has not been filed.
- 4.9. As soon as a complaint or report is received by one of the designated resources, it shall be shared by them (within 24 hours) with all Focal Persons and members of the Inquiry Committee for further action.
- 4.10. For minor violations, complainants may opt to make an informal complaint to either the Focal Person or the Inquiry Committee. The primary objective of the informal resolution mechanism is to take preventative action so that minor violations are detected early and appropriate warning is given to the accused to stop the offending behaviour before it reaches a higher degree of seriousness. If the incident reported through this mechanism constitutes prohibited conduct, the Inquiry Committee shall deal with the complaint accordingly.

## 5. Interim Measures and Special Arrangements

- 5.1. As soon as a complaint or report about sexual or physical harassment is received by team Student Affairs, designated Committees, Focal Persons, or any member of the AU administration, depending on the nature and seriousness of the offence, the Focal Persons shall take appropriate steps to provide interim measures that may be requested by the affected persons or as otherwise may be deemed appropriate. If the affected person is not satisfied with the measures taken, they may contact any member of the Inquiry Committee for necessary action. Interim measures include but are not limited to the following:
  - 5.1.1. Adjustment in class or examination schedules to attend hearings, taking necessary action to provide emotional/moral support to the victim, helping them cope with the stress factor, taking counselling services or other appropriate medical assistance, and changing work assignments.

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5.1.2. Arrangement for any assessments or evaluations by a neutral person, adjustment to class schedule including withdrawal from course or change of the section, notifying the campus security officials or law enforcement through the **Directorate of A&S** in case of severe violations and impositions of university-broad order designed to prohibit contact or communication between particular persons, change of the housing arrangement of certain persons; or

5.1.3. Any other measures that may be deemed appropriate.

## 6. Inquiry Committees

The Vice-Chancellor constitutes the following types of Committees to investigate harassment cases of varying natures at AU:


- 6.1. Disciplinary Committee for handling bullying or personal, physical, or even psychological harassment cases of AU students towards their peers and teachers.
- 6.2. HR Grievance Redressal Committee for handling bullying or personal, physical, discriminatory, or even psychological harassment cases of AU employees.
- 6.3. Harassment Inquiry Committee to handle sexual harassment cases of AU students, staff or faculty members.
- 6.4. Academic Grievance Redressal Committee to handle discriminatory cases of AU students against their teachers, supervisors or HoDs.

The respective Inquiry Committees shall be responsible for the investigation and adjudication of any complaint, including those of sexual harassment, received in connection with the violation of this policy.

## 7. Sexual Harassment Inquiry Committee

The constitution of the **Sexual Harassment Inquiry Committee** is as follows:


- 7.1. The committee shall consist of three members, at least one of whom shall be a female, and one of the members shall be a member of the **senior management of AU**.
- 7.2. All members of the committee shall be AU employees and will be appointed by the **Vice-Chancellor**.
- 7.3. Members of the Committee shall be individuals known for being moral, credible, fair, gender-sensitive and strong-minded (someone who will not change their decision due to pressure from friends, colleagues or seniors). They shall have no conflict of interest in particular cases and be impartial and unbiased.
- 7.4. Members of the Committee shall be appointed for two years (shorter terms may be required occasionally to fill vacancies). No member shall serve for more than two consecutive terms. Former members will be eligible for reappointment after a lapse of two years.
- 7.5. One of the members of the committee shall be appointed as the Chair by the VC, whose duties shall include, but are not limited to, the following: 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 Committee to the VC. All these duties

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- shall be undertaken in consultation with the Committee members.
- 7.6. If a complaint is made against one of the committee members, that member shall be replaced by another (impartial member) for that particular case.
  - 7.7. The AU shall endeavour to train members of the Inquiry Committee in the investigation and adjudication of conduct prohibited under this policy.
  - 7.8. An AU staff member shall be appointed to assist the Inquiry Committee. This work shall include responsibilities such as organising meetings, acting as a liaison between the committee and the other parties involved, keeping records, making and updating a database to track the processing of complaints, and ensuring appropriate awareness-raising about the issue of sexual harassment at AU.

## 8. Investigation and Adjudication

- 8.1. All complaints alleging any type of Harassment, including Sexual Harassment, shall be forwarded to the respective Inquiry Committee within 24 hours of being received by the Focal Persons or any other office of the AU.
- 8.2. In sexual harassment cases, the Inquiry Committee shall determine whether the alleged conduct in the complaint meets the sexual harassment criteria outlined in Sections 2 (Prohibited Conduct) and Section 3 (Jurisdiction) of the HEC Sexual Harassment policy. If it is determined by a majority of the members of the Inquiry Committee that the alleged conduct meets the criteria above, a formal investigation shall be initiated.
- 8.3. In the absence of a formal complaint, if a severe violation of this policy is reported to the respective Inquiry Committee or a series of allegations against the same person are received, the Inquiry Committee may determine, by majority vote, to initiate proceedings after notifying the VC.
- 8.4. After initiating the investigation and not later than three days after the receipt of a written complaint, the Inquiry Committee shall:
  - 8.4.1. Communicate to the accused the charges and statement of allegations levelled against them, the formal written receipt of which will be given.
  - 8.4.2. Require the accused (within seven days from the day the charge is communicated to them) to submit a written defence, and on their failure to do so without reasonable cause,
  - 8.4.3. Proceed ex parte and enquire into the charge and may acquire and examine such oral or documentary evidence in support of the order or defence of the accused as the Committee may consider necessary (including by summoning potential witnesses). Each party shall be entitled to cross-examine the witnesses against them.
- 8.5. The following rules shall apply to the hearings conducted by the Inquiry Committee:
  - 8.5.1. All hearings shall be closed hearings.
  - 8.5.2. The Inquiry Committee will hear statements from the complainant(s) and respondent(s), the witnesses if any (as required), and study any other documents and evidence as presented by the relevant parties or collected in the process of conducting an inquiry.
  - 8.5.3. The Inquiry Committee shall have discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.
  - 8.5.4. The Chair of the Inquiry Committee shall have the power to compel a witness to


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attend, and the complainant(s) and respondent(s) may request the Chair's aid.

- 8.5.5. The complainant and the respondent may, at any stage of any of the procedures outlined in this policy, be represented and accompanied by another person of their choice.
- 8.5.6. The Committee shall have the right to acquire any relevant evidence to further their understanding of the case, and the appropriate parties, witnesses and administration are required to provide them with this documentation and evidence to facilitate the investigation.
- 8.5.7. Objective documentation of the proceedings of the Inquiry Committee shall be maintained where high confidentiality of the records and other such material shall be upheld at all times.
- 8.5.8. The respondent shall be allowed to cross-question the complainant and witnesses unless the committee decides otherwise.
- 8.5.9. Where any procedural matter is not dealt with in this policy, the Inquiry Committee may, guided by the principles of fairness, establish any appropriate procedure.
- 8.5.10. Members of the AU community must cooperate in an investigation, and refusal to cooperate may result in disciplinary action. There may be circumstances in which the complainant may wish to limit their participation in the proceedings. The complainant shall not be subject to discipline, but AU may be obligated to proceed with the investigation.
- 8.5.11. Following the formal hearing, the members of the Inquiry Committee shall deliberate and determine the validity of the complaint based on the totality of the circumstances. The presence or absence of evidence cannot always be the sole criterion on which a judgment can be made. The credibility of statements and context must be considered during the deliberations. The committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is valid, the Committee will recommend an appropriate penalty.
- 8.5.12. The Inquiry Committee shall complete the inquiry and recommend its final decision within **seven (7) days**. It shall then send its decision to the VC, giving its findings in writing and recording reasons thereof (which shall include any note of dissent) for endorsement and action. The recommendation of the Inquiry Committee shall be implemented within seven days.

## 9. Confidentiality

- 8.1. Confidentiality shall be forbidden on the Focal Persons, the Inquiry Committee and all others involved. This does not preclude the reasonable and discreet disclosure of information to elicit the facts of the case or to implement and monitor the terms of any decision properly.
- 8.2. The Focal Persons, members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality

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- on their part.
- 8.3. All notes and records from an investigation shall be maintained in a confidential file at HEI.

## 9. Penalties

9.1. In cases where the respondent is a student, the following sanctions may be imposed:

- 9.1.1. In case of minor violations, the student may be issued a warning or reprimand. These shall be considered when adjudicating future violations.
- 9.1.2. In case of more severe violations, the following formal sanctions may be imposed: **disciplinary probation**, withholding of degree for some time, suspension, or expulsion.
- 9.1.3. The above penalties may also include campus service, relocation from campus housing, exclusion of the respondent from a designated portion(s) of AU buildings or grounds, or from one or more AU-designated activities (provided such penalty is appropriate to the offence and where the sentence does not prevent the respondent from pursuing their studies); attending educational program; inclusion of decision in the student's record, except in the case of the first instance of a minor violation (for up to seven years).

9.2. In cases where the respondent is a member of the faculty, researcher or employee/staff of the AU, the following sanctions may be imposed (individually or in combination), keeping in view the terms of the applicable employment policies:

- 9.2.1. Oral or written reprimand; Counselling or training; Inclusion of the decision in a specified personnel file(s) of the respondent.
- 9.2.2. Exclusion of the respondent from a designated portion(s) of AU buildings or grounds or from one or more selected AU activities where such penalty is appropriate to the offence and where the sentence does not prevent the respondent from conducting their professional duties.
- 9.2.3. The imposition of a fine, recommendation for suspension of the respondent without pay, guidance that dismissal proceedings be commenced, or other sanctions, as deemed appropriate, by the terms of the employment policies.

## 10. Parental Notification


10.1. In cases where the victim is a student, and the focal person at the Directorate of Student Affairs finds it appropriate to inform or involve their parents at any stage of the case proceedings, the victim's consent will be sought. The parents will be notified carefully and inappropriately through the Directorate of Student Affairs.

10.2. In cases where the respondent is a student, their parents shall be duly notified of the case findings either through the Directorate of Student Affairs or the office of the Registrar.

## 11. Right of Appeal

11.1. Both the complainant and the respondent shall have a right to appeal against the decision of the Inquiry Committee within **15 days** from the date of notification.

11.2. In The cases in which the conduct falls within the scope of the **2010 Act**, the aggrieved

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party shall have the option to file an appeal to the Ombudsman by the provisions of the 2010 Act.


- 11.3. There shall be a three-member appellate body (the “Appellate Body”) appointed by the VC – that shall include at least one senior member of the AU administration (at the level of dean, director or equivalent) and at least one female members from the faculty. No member of the Inquiry Committee shall concurrently be a member of the Appellate Body. If the complaint had been made against one of the committee members, that member shall be replaced by another (impartial member) for that particular case.
- 11.4. Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:
  - 11.4.1. The alleged conduct does or does not fall within the scope of this policy.
  - 11.4.2. The Inquiry Committee decided without consideration of material information.
  - 11.4.3. The imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct or
  - 11.4.4. The adjudication process followed by the Committee was procedurally unfair.
- 11.5. To reach its decision, the Appellate Body may communicate with the parties, the members of the Inquiry Committee or other members of the AU community as it deems fit.
- 11.6. The Appellate Body, on consideration of the appeal and any other relevant material, may confirm, set aside, vary, or modify the decision within seven (7) days (in respect of which such appeal is made) and shall communicate the decision to both the parties, the VC and the Inquiry Committee.

## 12. Malafide Allegation

- 12.1. False allegations of harassment – including sexual harassment made out of malice or intent to hurt the reputation of the persons against whom the complaint is filed – are to be dealt with as serious offences. Making a mala fide allegation of sexual harassment, knowing it to be false, whether in a formal or informal context, is a severe offence under this policy.
- 12.2. If the **Inquiry Committee** determines that a mala fide allegation is made in the complaint, it may recommend appropriate action against the complainant by sending its findings to the VC (by recording reasons thereof and including any dissent note) for endorsement and action. In the cases in which the conduct falls within the scope of the 2010 Act, the Inquiry Committee may recommend the handover of such instances to the Ombudsperson for taking further action against the complainant who made the false allegation with mala fide intent.

## 13. Protection Against Reprisal

- 13.1. The AU shall not allow reprisal or threats of reprisal against any of its members who use this policy (formally or informally). AU also prohibits such threats or actions against anyone who participates (e.g., testifies, assists, etc.) in proceedings held under its jurisdiction.
- 13.2. Retaliation or any other action against the complainant of harassment is to be taken seriously under the provisions of this policy. All allegations of retaliation would be

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investigated formally under the purview of this policy and, if substantiated, would result in appropriate disciplinary action.

#### **14. Special Considerations Regarding Relationships Between Individuals**

- 14.1. In contrast with sexual harassment, personal relationships among consenting adults of the AU community that do not breach the socio-cultural norms of the society and religious values are, in general, a private matter.
- 14.2. Under the policy, it is highly inappropriate for any community member to establish an intimate relationship with a student, subordinate, or colleague on whose academic or work performance they will be required to make professional judgments. The policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in such cases. Relationships with a difference in power and authority can seriously affect institutional working and the credibility of all involved. In particular, intimate or romantic relationships between faculty members and students (whether at the undergraduate or the graduate level) shall be prohibited.

#### **15. Education for the Prevention of Sexual Harassment**

- 15.1. To prevent sexual harassment on campus, AU shall develop programs to educate its staff, faculty and students and provide written material for reference. Education is essential to sensitising the university faculty, staff, and students to eliminate sexual harassment on campus. This shall be done in multiple ways, including those listed below.
- 15.2. The AU Harassment Policy addressing Sexual Harassment, any of the university's internal policies as well as the information regarding the 2010 Act shall be: -
  - Available on the AU website
  - A part of the package that all new hires receive.
  - A part of the orientation of new students and include it in any written material given to them.
  - Included in the AU Prospectus (a summarised version); and
  - Displayed in prominent locations on campus.
- 15.3. The names of the Focal Persons and the members of the Inquiry Committee shall be made visible/ accessible to the AU community through its website, notice boards, and other formal media/platforms.
- 15.4. The AU shall ensure that its relevant members (e.g., Focal Persons, members of the Inquiry Committee, HR personnel, etc.) attend training to educate themselves on sexual harassment and the applicable laws and policies. Once trained, designated HR personnel shall be made responsible for educating all personnel, staff, faculty, and students who join the Air University. This will be an ongoing activity.
- 15.5. All departments at AU must disseminate and display information about these programs regarding what constitutes sexual harassment, how to respond to it and what to do when someone asks for advice.

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## 16. Responsibilities

- 16.1. All AU members, including students, staff, faculty, and administration with leadership positions, must be familiar with and uphold this policy and its procedures, along with informing all the members of AU about its existence. Directorate of Student Affairs, while working in close coordination with the designated focal person(s), ***Harassment Inquiry Committee(s)***, AU authorities and other resources, shall be the custodian/OPI of this policy.

(AHMED HASSAN)  
Air Commodore, (R)  
Director Quality  
Air University, Islamabad

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