

Anti Sexual Harassment Policy Assam Don Bosco University

Preamble

Assam Don Bosco University (ADBU) is committed to the promotion and practice of the ideals of social and natural justice, human dignity and rights of all human beings. Therefore, we recognize the need of having an Anti Sexual Harassment Policy and establishing a Committee for Gender Amity (CGA), whose foremost role and responsibility is

- to create an atmosphere free from any form of sexual discrimination and sexual harassment
- to ensure the prevention, prohibition and punishment of sexual harassment, and
- advocate the removal of practices which impede the equal opportunity of development and growth for women in the University.

Objectives:

The Policy will have following objectives.

- To uphold Women's Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women. Thus, take initiatives as deemed necessary to prevent or deter any act of sexual harassment caused towards any working woman or woman student who are part of ADBU and evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women within the jurisdiction of ADBU.
- To uphold the dignity of every person irrespective of gender.
- To encourage the early reporting of any harassment experience, and in creating a welcoming work and study environment for the persons engaged with the university.
- To take all necessary and timely steps to deal with any kind of violation of the Anti Sexual Harassment Policy whenever any such case is brought to the notice of the CGA.
- To ensure that complaints will be dealt with in a sensitive, equitable, fair, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial, open and fair to all parties and to ensure that persons making complaints are protected from victimisation or reprisals for reporting the harassment to ADBU.
- To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitization and to conduct enquiries into complaints of harassment.

Definitions:

Sexual Harassment

Any **unwelcome** sexually determined behaviour, such as physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography, or any other physical, verbal or non-verbal conduct of a sexual nature.

Unwelcome

'*Unwelcome*' is the key in defining sexual harassment. It is the impact and effect the behaviour has on the recipient that will define the behaviour as sexual harassment.

Workplace

The workplace includes any office premises of the institution, and any centre or projects run by the university.

Natural Justice

Is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It is also referred to as procedural fairness. The requirements of natural justice are:

	<ul style="list-style-type: none"> • fully informing a person of any allegation(s) made against him/her • giving one the opportunity to state one's case, provide an explanation or put forward a defence • ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered ensuring that the decision-maker acts fairly and without bias
Victimisation	<p>When a person is subjected to less favourable treatment because it is known or suspected that he/she:</p> <ul style="list-style-type: none"> • has made or proposed to make a complaint against any person under this procedure • has brought or proposed to bring proceedings under any of the antidiscrimination laws • has furnished any information or documents relating to a complaint <p><i>This also applies to a person who is associated with another person who has made a complaint.</i></p>
Hostile Environment	<p>“Hostile Environment” is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive employment, educational or living environment.</p>
Harassment	<p>“Harassment” will include instances of sexual harassment, victimisation and creation of hostile environment</p>

Scope

This policy is applicable to all staff, students, prospective students, consultants, service providers and visitors. There are no exclusions to the policy.

Jurisdiction

These Rules and Procedures shall be applicable to all complaints of gender harassment made by students, faculty and staff members and will address:

- Grievance of any member of the university irrespective of where the harassment is alleged to have taken place.
- By any member of the university against another member of the university irrespective of whether the harassment is alleged to have taken place within or outside the campus
- By an outsider against a member of the University when harassment is alleged to have taken place within the campus.
- In the case of third party/ outsider harassment, with the consent of the aggrieved person, the University can take immediate steps and initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the University and the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

What Constitutes as Sexual Harassments at work place?

Acts of Sexual Harassment

As laid down under Vishaka Guideline sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Within ADBU Policy the list is expanded to include following as acts of sexual harassment, though this is not an exhaustive list:

- Engages in any other unwelcome conduct of a sexual nature, which could be verbal,

or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.

- Uninvited touching, kisses, embraces or other physical contact, including unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them, touching or fiddling with a person's clothes, such as lifting up skirts, flicking bra straps or putting hands in a person's pockets
- Jokes or comments with sexual overtones which the recipient finds offensive, making an unwelcome remark with sexual connotations, like sexually explicit compliments, cracking loud jokes with sexual connotations, making sexist remarks, etc
- It is harassment for a group of persons to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.
- Making threats or promises in return for sexual favours; such threats or promises may be implied or explicit
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti, material from the internet or messages left on notice boards, desks or common areas, including material transmitted by e-mail and including offensive screen-savers.
- "Flashing" or sexual gestures
- Staring or leering at a person or at parts of another's body;
- Requests for sex or persistent questions or insinuations about a person's private life
- Repeated invitations to go out after prior refusal.
- Offensive phone calls or letters
- Stalking

Some behaviour may also constitute a criminal offence such as sexual assault or stalking

It is clarified that it is the reasonable perception of the person that would be relevant in determining whether any conduct was sexually determined or deemed as harassment and, if so, whether such conduct was unwelcome or not, and that the person's objection would disadvantage the person in connection with education or employment, including evaluation, grading, recruitment or promotion, or create a hostile working, educational or living environment.

Guiding Principles

- Respectful, dignified and courteous treatment of all staff, students and all persons who deal with ADBU
- ADBU aims to establish a climate where harassment does not occur, emphasising prevention through training and awareness raising activities
- ADBU will ensure that all members of the ADBU community have access to the information and support needed to prevent harassment or to deal with it appropriately if it occurs
- Complaints will be dealt with in a sensitive, impartial, timely and confidential manner, ensuring that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial and open
- ADBU will ensure, as far as is practicable, that persons making complaints are protected against victimisation and reprisals
- ADBU will actively encourage the reporting of behaviour that breaches this policy. ADBU will ensure that the prevention of harassment is recognised as a

key organisational goal and prime management responsibility.

Committee for Gender Amity (CGA)

Formation of Committee for Gender Amity

- The The Board of Management of the University shall be responsible for the formation and proper functioning of the CGA.
- The Committee will be constituted of 4 or more members to be nominated from the Faculty and Staff of the University and one person from civil society group or someone who is familiar with the issue of harassment.
- In addition two Students Representatives selected from the Campus Association will also be part of the committee.
- The composition of the committee will be such that at least half of the total members will be women.
- The committee members shall be appointed for a term of three years.

The Roles, Responsibilities and Scope of the Committee for Gender Amity

- Create a work and study environment free of sexual harassment, promoting equality, non discrimination and gender justice.
- Take action if they observe unacceptable conduct that could constitute harassment
- Promote this policy within their sphere of influence and to ensure that all persons have access to the policy and its requirements.
- Ensure that students and staff are aware of ADBU's commitment to assist them should they experience sexual harassment
- Receive complaints, investigate and recommend appropriate steps and penalty to the authority who will be giving the final resolution in a timely, confidential and fair manner. The first attempt would be to resolve any complaint of harassment at the local level, whenever possible.
- Submit an annual report of complaints received and action taken thereon, to the Board of Management for submission to relevant Statutory Bodies.
- Formalise and publicise complaint procedures that are easy.
- Encourage the complainant to note details of each incident of harassment and monitor any changes in work patterns or attitude on the part of the alleged harasser so as to avoid as far as possible attempts at victimisation or accusations of poor work performance, etc.
- Make discreet enquiries as to whether other workers have experienced similar problems and if so, ask them details of any harassment, which has occurred.
- If the problem should involve transfer of one of the persons involved, try to ensure that the harasser, rather than the victim, is the person required to move.
- Document the results of any sexual harassment complaint or investigation and also any corrective action asked to the employee or supervisor to take. Follow up on any corrective action to prevent the sexual harassment from occurring again in the future.
- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.

The Committee for Gender Amity must remember:

- The complainant, on submission of complaint, has at stake personal life and career.
- The impact harassment has on any person is serious.
- It is difficult for a person to articulate a complaint of harassment. Hence there can be long time interval between the harassment and the actual complaint.
- Complaints must be handled in a confidential manner and within a time-bound framework.
- Most harassment crimes are committed in private, so that there may not be any eyewitnesses.
- Friends and supporters of the complainant require safety.
- Complainant needs help to regain his/her self-respect.

Submitting a Complaint and Redressal Procedures

- Any faculty / staff member or student (hence forth referred to as the ‘*complainant*’) shall have the right to file a complaint concerning any harassment including sexual harassment against another faculty / staff member or student (hence forth referred to as the ‘*complainee*’).
- The *complainant* shall have to submit a signed written complaint to the Convener of the CGA, either directly or through any member of the CGA, within a period of 3 months from the date of the incident. The Committee for Gender Amity is notified on the university website.
- The *complainant* shall be given full secrecy till the complaint is resolved fully by CGA.
- The convener of CGA, after consultation with the chairperson of CGA, shall notify a meeting of the committee within 5 working days of the receipt of the complaint. One agenda of the meeting will be to assess the genuineness of the complaint. If the complaint is deemed to be genuine, an Enquiry Committee shall be constituted to verify the circumstances and facts of the complaint.
- After the Enquiry Committee submits its report, depending the seriousness of the complaint, the CGA may exercise the option to settle the matter through conciliation between *complainant* & *complainee*. For this the wishes of the *complainant* shall be ascertained.
- If the *complainant* wishes that a warning would suffice then the *complainee* shall be called to the meeting of the Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.
- If the *complainant* wants the *complainee* to be punished, the CGA shall decide on the quantum of the penalty to be imposed on the *complainee* within a definite timeline, and the same shall be entered in the Complaint Register. The CGA shall ensure that the *complainee* fulfils the terms of the penalty.
- Wherever necessary the committee will also provide arrangement for a counsellor for the victims of harassment, and all necessary support required.

Penalties and Consequences for the policy breach

ADBU will treat all allegations of harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness or degree of the case. Outcomes may include the following, though this is not an exhaustive list.

- Gaining a commitment from one or more persons to cease, and not to repeat, the behaviour
- Making an apology to the affected person or persons
- Referral of matter to the Law Enforcement Authorities
- Depending on the gravity of the offences, disciplinary action or penalization may include Verbal Warning, Written Warning, Demotion in the job, Transfer and Termination of Job against the person found responsible for harassment
- Depending on the gravity of the offences disciplinary action or penalization may include Verbal Warning, Written Warning, Demotion in the job, Transfer and Termination of Job against the person making a complaint of harassment if, after investigation, the complaint is found to have been malicious or vexatious.
- Disciplinary action may be taken against anyone who victimises or retaliates against a person who has made a complaint.

Policy Amendment

On the basis of the experience of implementing this policy, and after adequate consultation with all the members and relevant persons and institutions, the Committee for Gender Amity may make recommendations to the Board of Management about changes in the Policy/ Rules and Procedure as and when required in keeping with the preamble and objectives of the policy.