

ASSAM DON BOSCO UNIVERSITY

Committee for Gender Amity

PREAMBLE

ADBU is committed towards the promotion and practice of the ideals of social and natural justice, human dignity and rights of all human beings. Therefore, we realize the significance and the need for having a Gender Amity and Anti Sexual Harassment Policy and establishment of the 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, prevention, prohibition and punishment of sexual harassment, and any such form of practice which impedes the equal opportunity of development and growth for women in the University.

OBJECTIVES

The policy will have the following five-fold objectives

1. 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 women and women students who are part of ADBU and evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women within the jurisdiction of ADBU.
2. Take pro-active role in creating social, physical and psychological environment and awareness about this policy by making this information and needed training accessible to encourage the early reporting of any such experience, and in creating a sensitized work and study environment for persons engaged with the university.
3. Take all necessary and immediate 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 support any staff member or student who experiences sexual harassment whilst on duty including providing assistance in making use of any internal procedures in place at the site or in accessing external agencies.
4. 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.
5. 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 sexual harassment.

DEFINITIONS

1. Sexual Harassment

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

2. 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.

3. Workplace

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

4. Natural Justice

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:

- fully informing a person of any allegation(s) made against them
- giving them the opportunity to state their 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

5. Victimisation

When a person is subjected to less favourable treatment because it is known or suspected that they:

- have made or propose to make a complaint against any person under this procedure
- have brought or propose to bring proceedings under any of the antidiscrimination laws
- have furnished any information or documents relating to a complaint
- *This also applies to a person who is associated with another person who has made a complaint*

6. Hostile Environment

“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.

SCOPE

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

JURISDICTION

These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman against a man only:

- By a woman member of ADBU against any male member of the university irrespective of where the harassment is alleged to have taken place.
- By a woman resident against a male member of the university irrespective of whether sexual harassment is alleged to have taken place within or outside the campus
- By an outsider woman against a male member of the University when sexual harassment is alleged to have taken place within the campus.
- In the case of third party/outsider harassment, with the consent of the aggrieved woman, 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 woman in pursuing the complaint.

WHAT CONSTITUTES AS SEXUAL HARASSMENTS AT WORK PLACE?

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 acts constitutes as an act of sexual harassment, though this is not an exhaustive list:

- any 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, makes an unwelcome remark with sexual connotations, like sexually explicit compliments /cracking loud jokes with sexual connotations/ making sexist remarks etc
- It is sexual harassment for a group of workers 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 their 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 woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates 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 sexual 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 sexual harassment or to deal with it appropriately if it occurs;
- Complaints will be dealt with in a sensitive, impartial, 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 and open;
- ADBU will ensure, as far as is practicable, that persons making complaints are protected against victimisation and reprisals; and
- ADBU will actively encourage the reporting of behaviour that breaches this policy. ADBU will ensure that the prevention of sexual harassment is recognised as a key organisational goal and prime management responsibility.

THE ROLES, RESPONSIBILITIES AND SCOPE OF THE COMMITTEE

- To create a work and study environment promoting equality, non discrimination and gender justice and that is free of sexual harassment of women.
- Take action if they observe unacceptable conduct that could constitute sexual 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 on placement and encourage the use of the services;
- 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 sexual harassment at the local level, whenever possible.
- submit an annual report on sexual harassment to the appropriate government authority.
- Formalise and publicise complaint procedures that are easy.

OTHER RESPONSIBILITIES OF CGA

- a) Encourage women to note details of each incident of harassment and monitor any change 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.
- b) Make discreet enquiries as to whether other workers have experienced similar problems and if so, ask them details of any harassment, which has occurred.
- c) If the problem should involve transfer of one of the people involved, try to ensure that the harasser - rather than the victim - is the person required to move.
- d) Always document the results of any sexual harassment complaint or investigation and also document 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.
- e) Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.

COMPLAINT AND REDRESSAL PROCEDURES

- a) The victim herself or any person who is aware of the happening of cases of sexual harassment can lodge complain with any of the Gender Amity Committee members through telephone, email, letter, fax or verbal complaint.
- b) The respective member would first try to resolve the problem informally. If the informal resolution is not possible the complaint will be forwarded formally to the committee.

- c) The committee would investigate the matter by interviewing both the parties (victim and alleged offender), questioning any third party if required, investigating all relevant materials or documents, if any available, while maintaining full confidentiality.
- d) The Committee can ask for the suspension/ transfer of the alleged harasser from his official position, during the pendency of the enquiry if his presence is likely to interfere with the enquiry.
- e) The victim of sexual harassment will have the option to seek transfer of the perpetrator or their own transfer where applicable.
- f) The committee would submit written report and recommendation on the case to the Board of Management within thirty days from the days when the complaint was first lodged with the member of the committee.
- g) The Authority shall take action of either mutual mitigation of the case or penalization of the offender on the basis of the gravity of the case based on recommendation made by the CGA within ten days of receiving the recommendation.
- h) Wherever necessary the committee will also provide arrangement for the counsellor for the victims of sexual harassment, and all necessary support required.

PENALTIES AND CONSEQUENCES FOR THE POLICY BREACH

ADBU will treat all allegations of sexual harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness or degree of the case. Outcomes may include, though these are not 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 Police;
- 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 sexual 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 sexual 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 their experience of the working of the policy, the Committee for Gender Amity will have the power to make recommendations to the Board of Management about changes in the policy/ rules and procedures. The Committee after adequate consultation with all the members and relevant persons and institutions can make recommendations to the Board of Management about changes in the policy/Rules and Procedures, as and when required in keeping with the objectives of the policy.