

SEXUAL HARASSMENT POLICY AND GUIDELINES FOR THE DEV SANSKRITI UNIVERSITY

1. Introduction

The Constitution of India prohibits discrimination on the grounds of sex and offers every individual full dignity and protection of the law. It is well realized that sexual harassment does not only under -mine the vision and mission of the University, that is that of being of reputable institution aspiring for academic excellence, but also that it erodes the academic and social fabric of the institution. It no longer would be an institution that would be able to gear its efforts towards producing women and men who appreciate and respect the rights and dignity of each other, let alone that of the society in general.

This Sexual Harassment Policy reflects the University's commitment to ensure that sexual harassment does not take place within the Dev Sanskriti University (which shall hereafter be referred as DSVV), with the aim of enhancing a favourable work and academic environment. It is, therefore, the responsibility of every employee and student of the DSVV to conduct him/herself in a manner that contributes to an environment free of sexual harassment. The Policy is essential in helping the DSVV achieve its vision of acquiring academic excellence by preparing the individuals of high moral and ethical values.

2. Objectives of the Policy

- To prevent sexual harassment;
- To remedy sexual harassment situations;
- To provide methods for dealing with individuals who harass;
- To eliminate incidents of sexual harassment;
- To promote harmonious relations in the University;
- To consistently handle cases of sexual harassment promptly, effectively and with utmost sensitivity and fairness;

3. Definition

Sexual harassment is a form of discrimination and is unconstitutional. For the purpose of this policy, Sexual harassment is defined as physical, visual, verbal or non-verbal conduct of a sexual nature that is unwanted, intimidating, demeaning, offensive and not reciprocated. If the behaviour is unwelcome, it can amount to sexual harassment even if the harasser is "innocent." Thus the criterion for 'unwelcome' is based on the perception of the victim and not that of the harasser.

Both men and women can be sexually harassed. Sexual harassment can occur between equals, but most often occurs in situations when one person has power over another. The University's Sexual Anti-Harassment Policy applies to all members

of the DSVV — students, academic staff and support staff—in both on- and off-campus settings, when involved in the University employment, classes, programs, or activities.

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature by one in an official University position or by a fellow University employee or student would constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement.
2. Submission to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting the employment and/or the academic standing of an individual, or;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of Sexual Harassment include, but are not limited to:

- Unwanted physical contact of intimate body parts,
- Unwanted and persistent explicit or implicit propositions to engage in sexual activity;
- Unwanted verbal communication of derogatory, sexual nature;
- Unwanted nonverbal communication;
- Remarks about sexual activities or speculation about sexual experiences;
- Exposure to sexually suggestive visual displays such as insinuating graphics, photographs, pictures, posters, calendars or other materials;
- Sexual assault.

When deciding whether conduct unreasonably interferes with an individual's employment or academic performance, the Sexual Anti-Harassment Committee will consider the totality of circumstances including the context of the conduct, its severity, frequency, and whether it was physically threatening and humiliating, or a mere offensive utterance. A single, isolated incident of such conduct, if sufficiently severe, may constitute sexual harassment under this Policy.

3. Retaliation Prohibited

This Policy encourages students, faculty members and other staff employees to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of sexual harassment. All complaints of sexual harassment will be investigated. Any member of the Faculty community, who, in good faith, makes a complaint of sexual harassment, will not be subjected to retaliation in any form.

Any act by a DSVV member or student or their agent of reprisal, interference, restraint, penalty, discrimination, coercion or harassment—overtly or covertly—against a student or an employee for responsibly using the Policy and its procedures interferes with free expression and openness. Such acts violate this Policy and are grounds for prompt and appropriate disciplinary action.

4. Sexual Harassment vis-à-vis Academic Freedom

This policy is intended to combat genuine sexual abuse and harassment and shall not limit academic freedom or the principles of free inquiry and expression. The Policy is not intended to restrict teaching methods, freedom of expression, or social contact nor will it be permitted to do so.

Sexual harassment, however, is neither legally protected expression, nor the proper exercise of academic freedom. On the contrary, sexual harassment compromises the University's integrity, as well as its tradition of intellectual freedom. Therefore, the exercise of the right to academic freedom is subject to protection from conduct that constitutes sexual harassment. For conduct to constitute sexual harassment in a higher education teaching context, the complainant(s) must show that:

- (i) the behaviour substantially interfered with his/her employment, academic performance, class participation, or educational opportunity.
- (ii) the behaviour would be regarded as offensive by a reasonable person in the same context, and

- (iii) the behaviour was persistent, pervasive, and not relevant to the academic subject matter.

5. Confidentiality

All complaints of sexual harassment will be treated confidentially to the extent practical. Only those individuals who may have received informal complaints or are necessarily involved in an investigatory process and in the decision regarding resolution of the complaint should ordinarily be provided access to information regarding any allegation of sexual harassment. Anonymous complaints are not permissible. In any investigation of sexual harassment allegations, the accused must promptly be made aware of the complaint and of the identity of the complainant(s). All information regarding sexual harassment complaints will be maintained in a confidential file in the office of the Vice Chancellor.

6. Frivolous, Malicious and False Accusations

False accusations can have serious and far-reaching detrimental effects on the careers and lives of individuals. Thus a false charge will not be taken lightly. A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action which may include, but is not limited to, written warning, compensation, recommendations for demotion, transfer, or suspension, and may include a recommendation for dismissal or expulsion.

7. Implementing Body

The Anti-Sexual Harassment Committee is charged with the duty and authority to ensure full implementation of this Policy. The Committee will constitute a pool of five faculty members from which an ad hoc investigating team of at least three members shall be selected to deal with each arising case. The Vice Chancellor or Registrar shall appoint the chair and members of the Sexual Anti-Harassment Committee.

8. Guidelines for Complainants

There are two options that a victim of sexual harassment may wish to pursue: an informal complaint and a formal complaint.

An *informal complaint* is made to any academic member of staff, personal tutor or administrator. It is made in those cases where the victim wishes for something to be done (e.g. warn the harasser or transfer him/her to another department or change his/her dissertation supervisor) but is not ready to lodge a formal complaint. In any case, the alleged perpetrator must be notified of the complaint lodged against him/her. An additional advantage of an informal complaint is that it remains on record and may be used in future as evidence of repeated unwanted conduct should the need arise.

Formal Complaint: any member of the DSVV community who believes that he or she has been subjected to sexual harassment is encouraged to lodge a written and signed complaint to the chairperson or any other member of the Faculty Anti-Sexual Harassment Committee. No employee or student shall ever be required to report or make a complaint of sexual harassment to the person who is the subject of the complaint. The Committee will then deal with the complaint through its ad hoc investigating sub-committee. The Committee may also initiate an official investigation of a complaint in situations it deems require formal resolution.

Note that it is important to document sexual harassment. Thus, it is vital that an account of the incident you are complaining about be documented as soon as possible after its occurrence, especially if you decide to bring a formal complaint. The written account should include the date, time and place of each incident, the behaviours involved in the incident, your response to it, and the names of any witnesses to it.

Complaints must be lodged within a reasonable time, which in any case should not exceed three months from the alleged harassment.

9. Remedies

Remedies will be calculated to make good the wrong done. Possible resolutions of formal complaints include but are not limited to:

- A finding that the DSVV Policy concerning sexual harassment was not violated and dismissal of the charge;
- A finding that the DSVV's Anti-Sexual Harassment Policy has been violated, leading to the imposition of disciplinary action as determined by the Anti-Sexual Harassment Committee. Disciplinary actions for faculty members and employees can include oral reprimands, written reprimands, recommendation for suspension without pay, and recommendation for termination. For students, disciplinary actions can include admonitions, probation, bars on issuance of transcripts, grades, degree or readmission or any other penalty prescribed by the university.

Disciplinary action shall be calculated to be commensurate with the offence, stop the harassment, ensure that the harassment does not recur and to create an environment free of sexual harassment.

10. Appeals

An aggrieved party may appeal a decision of the Anti-Sexual Harassment Committee. Such appeal shall be requested in writing to the relevant University authority within fourteen days of such decision.

11. Contacts

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