

Annexure

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WORKING GROUP ON SEXUAL HARASSMENT

**A PLAN AND INSTITUTIONAL MECHANISM
TO COMBAT SEXUAL HARASSMENT
ON THE CAMPUS**

Jawaharlal Nehru University
New Delhi-110 067
October 1997

(a)

WORKING GROUP ON SEXUAL HARASSMENT

A PLAN AND INSTITUTIONAL MECHANISM TO COMBAT SEXUAL HARASSMENT ON JNU CAMPUS

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CHAIRPERSON'S REMARKS

This report is the outcome of the deep commitment and co-operation of the members of the Working Group. They have given their time and shared their views untiringly. This report is result of their combined effort. As Chairperson, I do however take responsibility for any errors that may have crept in.

K Chanana
KARUNA CHANANA

PREFACE

Sexual Harassment at the workplace has recently been taken note of by the Supreme Court in its judgement dated 13 August 1997. This judgement is applicable to other institutions including the universities. Therefore, this report, especially the recommendations and the suggested institutional mechanism it suggests follow the guidelines set by this judgement.

The report takes a preventive and proactive approach in outlining a plan and redressal mechanisms to address all cases of sexual harassment. It is hoped that it will generate a climate of trust, assurance and security on the campus.

The report takes into account the views and experiences of various components of the JNU community. It also draws upon the experience of the universities in the U.S.A. especially Stanford University and University of Michigan at Ann Arbor, where sexual harassment policies, plans, strategies and institutional structures have been set in place. It also incorporates some features of the Policy on Sexual Harassment of the Indian Institute of Technology, Delhi. No doubt the issue of sexual harassment and its redressal are manifested differently in different societies and educational systems, yet there are commonalities that allow us to gain from the experience of these institutions of higher education.

There seems to be a broad consensus on the urgent need for university authorities to institute redressal and preventive mechanisms relating to sexual harassment. Also that this problem has not come up overnight and its redressal was long overdue. The setting up of the working group is a recognition of the seriousness of the issue of sexual harassment on the campus and the willingness of the university administration to tackle it. This report tries to present a feasible plan by taking a holistic view of the problem.

We are thankful to the Vice-Chancellor for setting up this Working Group. If JNU can implement a comprehensive plan to combat sexual harassment along the lines suggested by the Supreme Court, it will become a pioneer among Indian Universities in taking a lead in this matter.

This report is the combined effort of the members of the Working Group on Sexual Harassment. There is consensus regarding the report, by and large. However, so far as the institutional mechanism is concerned, Professor Yogesh Tyagi suggested an alternate model which is included in the report. We submit this report with the hope that it will provide a blueprint to the university administration for tackling the problem of sexual harassment. We hope that it will make JNU a pioneer and a model for other universities and institutions to follow.

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Member

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PART I: FRAMEWORKS

1. PREAMBLE:

The problem of sexual harassment is a serious one whether it occurs at workplace, in educational institutions or in any other settings. It has psychological, medical, social, legal, political and economic implications. The issue of sexual harassment is linked to equality in general and in the efforts to make educational institutions and workplaces safer in specific. Recently, the Indian women's groups have also focussed on this problem because it has acquired importance in view of the increasing number of women facing sexual harassment in the workplace. This issue has also been on the activists' agenda for quite some time although it was part of the issue of violence against women much earlier.

This report is being written in a surcharged atmosphere as a result of some incidents of sexual harassment in the campus. It is being written with the hope that it will generate confidence among all the members of the JNU community.

2. SEXUAL HARASSMENT: THE SOCIAL CONTEXT:

Sexual Harassment is not only difficult to define, it is also difficult to unravel because of its social implications for women. Firstly, women are socialized not to talk/discuss such matters because it reflects adversely on them. Second, both men and women are socialized to think that the victim is to be blamed i.e. women invite sexual harassment in as much as women are blamed for being raped. Thirdly, the 'honour' of the family and the institution is involved. Therefore, in order to protect this male-derived notion of 'honour' the problem of sexual harassment remains untackled. Fourth, this notion of 'honour' is used either to conceal the identity of the perpetrator of sexual harassment or of not punishing him. Whether the victim's identity is 'concealed' or not

becomes a matter of small concern. In addition, the distinction between confidentiality and lack of transparency is not only blurred but the perpetrator is allowed to go scot free. This further erodes the possibility of open discussion and resolution of the matter which is becoming endemic in educational institutions. This is more so in institutions where grades of students and confidential reports of staff are involved. In addition, reverse sexual harassment by a person of the same sex (such as in homosexuality/lesbianism) are also to be taken note of.

The Jawaharlal Nehru University is a microcosm of the wider society. It reflects the socio-cultural trends from the external world. It is not possible to live in isolation from the wider society. Therefore, socio-political pressures are exerted and the community fabric is divided by caste, politics, religion etc. in cases of sexual harassment. Yet it is unique in many ways from the conventional universities. For instance, it is a residential university with nearly 2600 students living on campus and is largely a post-graduate university (except the School of Language with undergraduate courses). Moreover, the social composition of the student community reflects an all-India character.

The insecurity felt by the women students was evident and was conveyed directly as well as through the concern and anguish of the wardens. It is indeed a welcome development that sexual harassment has been recognised as a problem by the university administration. At present such issues are referred either to the proctorial office if they are disciplinary matters or become police cases or enquiries are conducted in the absence of an institutional mechanism meant for the purpose.

In view of the above there is urgent need to reaffirm the sense of community and safety by undertaking steps to revamp security, by providing feedback of follow-up to the wardens who undertake firefighting operations under the present system, and by taking action against the harasser which will deter outsiders and insiders to perpetrate such acts.

3. CONTEXTS FOR THIS REPORT:

3.1 Genesis:

The working Group was constituted in response to 'all components of the university community'. It was assigned two tasks, namely, (i) to formulate a plan to combat the menace of sexual harassment on the campus and (ii) to make recommendations to the Vice-Chancellor on the institutional mechanism, the jurisdiction, the terms of reference and other modalities to meet this challenge.

This report does not go into the discussion of the reasons/causes of sexual harassment or the explanations of it. However, the underlying plan and the recommendations are based on a set of assumptions.

We suggest that harassment is not limited to women, although given current social imbalances there is no doubt that women are the overwhelming majority of those harassed and persecuted on these counts. However, we would like men as well as women to be made aware of the legal as well as ethical positions involved so that widespread changes of attitude can be made effective among the JNU community. For this we suggest a plan, identify resources, enunciate and develop a policy and programmes that will generate a climate which will promote a least restrictive environment.

Second, regardless of whether this seemingly rapid increase in and publicity to this phenomenon is due to the increasing number of women in the educational institutions/workplace or due to the changed social composition of the student body or to the attitudes and behaviour patterns of the students, faculty and staff, it is the responsibility of an institution to develop programmes, policies and plans that will prevent and reduce sexual harassment within the campus.

Third, our contention is that sexual harassment impairs the pursuit of equality because it makes the environment restrictive

for some members because of their sex and because it does not allow some individuals to develop their full potential. Also sexual harassment implies an imbalance in the power relations between two people because the harasser has always greater control which leads to inequality.

Fourth, it is an issue of human rights. Denial of an atmosphere free of sexual harassment and imbalance in the power relations leading to inequality amounts to denial of human rights. An institution should be able to provide an environment which does not impinge on the human rights of its members.

3.2 Institutional Responsibility:

The recent judgement of the Supreme Court of India, Vishaka Versus the State of Rajasthan dated August 13, 1997 which makes it legally as well as morally imperative upon all institutions where women are employed to provide a 'safe working environment'. This landmark judgement on a petition brought as a class action by certain social activists and NGOs makes it clear that each incident of sexual harassment is a violation of the fundamental rights of "Gender Equality" and the "Right of Life and Liberty", a violation of the rights under Articles 14, 15, and 21 of the Constitution and also a violation of the fundamental right under Article 19 (1) (g) to practice any profession or to carry out any occupation, trade or business. The Court has laid down 'guidelines and norms... for due observances at all work places or other institutions until a legislation is enacted for the purpose'.

The Supreme Court Judgement states: 'Where such conduct amounts to a specific offense under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. In particular, it should ensure that the victims, or the witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of

sexual harassment should have the option to seek transfer of the perpetrator or their own transfer'.

Thus, JNU should provide relief and legal assistance to those members of the community who are victims of sexual harassment or other forms of violence and who have to take recourse to the law. Exemplary help can deter further cases of harassment.

Prompt disciplinary action against offenders

The Supreme Court States:

'Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventative action' (460).

'Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules'. Here too, it is important to remember that prompt action can deter further cases of harassment. Protecting offenders or ignoring the problem can only give the wrong message to perpetrators of sexual harassment and violence.

3.3 Framework:

The present system has been trying to cope with cases of sexual harassment in the absence of an institutional mechanism meant for such cases. An attempt is made here to provide such a mechanism. The Supreme Court has insisted on NGO or third party intervention 'to prevent the possibility of any undue pressure or influence from senior levels'. It also makes it clear that such a Complaints Committee cannot be subservient to the existing structures of authority. Only that will ensure that everyone, no matter what their rank in the University, is subject to the Policy on Sexual Harassment.

As mentioned in the preface, we have followed broadly the guidelines set by the Supreme Court but also gone beyond them and applied them to the University both by using materials from other universities and by thinking about the specific needs of JNU.

Sexual Harassment is not only an impingement of the rights of individuals, it affects institutional credibility. JNU is a university which offers higher education opportunities to women. It is imperative that JNU continues to be a safe place for those who come from all over India in pursuit of higher education.

3.4 The Plan:

The Plan we recommend to combat sexual harassment is based on the approach which is preventive and proactive. It is assumed that while redressal and deterrence will be necessitated in certain crisis situations, prevention through awareness, counseling, sensitisation will be necessary all the year round.

Therefore, the plan and the institutional mechanism are integral. It is envisaged that the JNU will constitute a Standing Committee to oversee and implement the plan outlined below. The plan will be a continuous and consistent one, instead of being sporadic. The activities suggested under the Plan will be undertaken on a regular basis instead of being adhoc or post-facto. The programmes and policies enunciated by the standing committee will aim at elimination and prevention of the likelihood of sexual harassment and its formal redressal.

The Plan is based on the premise that the socio-cultural context determines, to a large extent, attitudes and values of individuals. In addition, there is need to focus on the organisational structure so that it makes provision for curbing sexual harassment. Therefore, a combination of the focus on individual attitudes and values as well as on the structure and process of the system is recommended.

3.5 Methodology:

The report is based on the discussions held with members of the community, namely, students, faculty/wardens, staff, university administration, etc. Meetings were held with office bearers/representatives of those associations which responded to the invitation of the working group. Students were also invited to share their views in a meeting announced through a public notice. In addition, the views of the individual members of the working group and their understanding of the issue has also gone into the writing of the report. Further more, exchange of views with NGOs and some eminent scholars has also helped in the formulation of this report.

PART - II

INSTITUTIONAL MECHANISM: POLICY, OPERATIONAL PLAN AND RECOMMENDATIONS

4. NEED FOR A POLICY ON SEXUAL HARASSMENT:

4.1 A Policy on Sexual Harassment:

The Supreme Court Judgement says that "Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways". A sexual harassment policy is meant to reiterate the university's commitment to provide a place of work and study, free of sexual harassment, intimidation or exploitation. Towards this end, it should outline what sexual harassment is, and what can be done about it, both legally and in terms of the university support structures. It is meant to work both as a preventive and as a redressal, to ensure that all members of the university understand what constitutes sexual harassment since ignorance often becomes an excuse for a warranted behaviour. At other times it is implicitly encouraged by an atmosphere of silence and secrecy. A sexual harassment policy undercuts such silence and ignorance which work to tacitly

sanction harassment or unacceptable behaviour. It is such behaviour that feeds into open attacks, molestations and rapes. Equally, those who are harassed often feel afraid of seeking redressal, or are confused about what they can do. A campus wide policy will bring out the subject into the open and allow people avenues for discussion, seek counselling and redressal. It should offer confidentiality to those who are being harassed so that they feel comfortable in sharing their experiences -- which is absolutely essential.

We must recognize that cases of sexual harassment may begin during the application and selection processes of students and employees. Therefore, the policy must be publicized and made available to candidates applying to work and study at JNU. This policy should be published in all admission booklets of the university, as well as separately in a booklet to be given to all faculty members, staff, and students. Moreover, it should be explained to all the above, in addition to gender sensitization sessions.

It is important to emphasize that such a policy will only have meaning if it is backed by a commitment for action when it is violated. (A detailed draft policy is annexed-I).

4.2 Definition of Sexual Harassment:

The Supreme Court Judgement provides a definition of sexual harassment at the workplace. It can be extended to include educational institutions. This definition will form part of the policy of sexual harassment and will be duly publicised along with the policy.

Sexual harassment shall consist of unwelcome sexual advances and requests for sexual favours and other inappropriate verbal or physical conduct of a sexual nature. It is sexual harassment when submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's academic advancement or

employment or when rejection of such conduct is used for negative academic evaluation or adversely affects employment decisions, or when such conduct interferes with an individual's academic/work performance or creates an intimidating or hostile working environment.

Sexual harassment as set out above may include, but is not limited to the following:-

- showing pornography.
- physical or verbal harassment or abuse
- pressure for sexual activity
- disparaging sexual remarks and gestures even in a jocular tone
- unwelcome touching
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's academic evaluation and work status etc.
- harassment through telephone calls or E-Mail, blackmailing in or outside the campus.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms -- subtle and indirect, or blatant and overt. For example,

- it may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behaviour or work performance.
- it may consist of repeated actions or may even arise from a single incident if sufficiently egregious.
- sexual harassment may or may not include sexual assault.

5. A STANDING COMMITTEE ON SEXUAL HARASSMENT

Strategies have to be devised to implement policies to

discourage sexual harassment. In order to do this, (a) a standing committee should be set up which will (i) implement a policy on sexual harassment (ii) implement and further evolve a plan of action.

This Committee will have statutory status and handle all complaints relating to sexual harassment. It should be autonomous. It will function throughout the year and have a permanent secretariat attached to it. It will represent the university in matters relating to sexual harassment and will conduct enquiries on its behalf.

It is envisaged that the Standing Committee will have representation from all sections of JNU Community and will, therefore, be sufficiently large to accommodate interests of different members. This Committee will constitute from among its members three sub-committees for different functions. Two of these sub-committees, namely, the sensitisation committee and the mediation and crisis management committee will be ongoing committees. The third committee, i.e. the enquiry committee, will be constituted for specific cases and for a limited period.

It may be noted that the first level of contact will consist of wardens, students and faculty volunteers and sexual harassment advisors in various schools as outlined in section (5.2.2) below.

This Standing Committee will also be assisted by professionals in addition to the members of JNU Community (section 6).

The following section suggests the formation of a Standing Committee on Sexual Harassment, its composition, functions, terms of reference, jurisdiction, guiding principles and procedure.

5.1 Composition:

In accordance with the specific instructions laid down by the Supreme Court about the nature and terms of reference of such a

mittee, and keeping in mind the nature and size of JNU, such a committee should be

led by a woman faculty member and include

One representative of an NGO reputed to be knowledgeable about matters of sexual harassment. Since very few NGOs are working on sexual harassment issues, NGOs reputed for their work in and commitment to gender issues may also be considered subject to their representatives undergoing orientation at JNU.

An eminent woman academic from outside the university with proven experience in dealing with matters of sexual harassment.

One teacher, one karamchari, one official from the administration and one student to be elected for the duration of the committee by the teachers, karamcharis, staff and students for the specific purpose of serving on this Committee. In order to safeguard the autonomy of the Committee its members shall not be part of the executive of any union.

Two wardens, at least one a woman, elected by other wardens.

One teacher and one student representative each from an organisation/association known to have worked on cases of sexual harassment, such as the Gender Studies Forum.

A Counsellor, who has to be selected on the basis of her experience in dealing with matters of sexual harassment. Preferably someone who is appointed at the JNU. (see section 6 below).

This makes it a total of 10 persons. The Chairperson will be elected or nominated by the members of the Committee from among themselves or from among faculty members within the university. At least 50% of these members have to be women. A reasonable number should reside on campus.

These people will be the advisors on sexual harassment. They make themselves available for consultation and advice during their tenure. A reasonable number should reside on campus.

The Committee will be assisted by a woman lawyer, a woman doctor, a media person and counsellors(see section 6 for details).

5.2 Functions:

The Committee will have three main functions:

- sensitization and orientation.
- crisis management and mediation.
- formal redressal and enquiry.

Sensitization will be an ongoing activity, while crisis management and mediation will require an informal procedure. A formal procedure will have to be set up for conducting an enquiry. However, the guiding principles will be the same. (see 5 vi)

5.2.1. Sensitisation and orientation: A Working Plan

The Committee, with the help of volunteers, identified in the hostels and other buildings, and professionals, will undertake to sensitize the entire campus about issues concerning sexual harassment.

Students, teachers, karamcharis and staff, administration and even senior officials must be made aware of issues relating to gender equality and sexual harassment. This can be done in the first instance by using the expertise of specialized groups who can help train our own volunteers who can then take over. These people can hold discussions and workshops across the board. This has to be done as an ongoing process. We should also encourage gender sensitive teaching and courses, and most immediately by adopting a policy on sexual harassment.

In order to facilitate the implementation of the Working Plan, a Sensitization Committee of 4-6 members may be constituted by the Standing Committee. This Committee may undertake the following steps:

- develop a code of conduct for university faculty/staff/ students and circulate it widely even if it already exists.

- undertake a comprehensive study that attempts to map and analyze all aspects of sexual harassment as well as prevailing attitudes. In addition undertake periodic surveys among students, staff and faculty to find out the extent of the problem.
- provide social and personal counselling on the lines of medical consultants.
- provision of medical, and legal advice. Therefore, professional experts from outside JNU who have established themselves as being gender sensitive ought to be made available on a regular basis. These experts will also play a crucial role in the awareness and sensitising campaigns. (see section 6 and annexure.II)
- develop a procedure to inform new entrants to JNU.
- organise training and sensitization workshops/seminars for staff, faculty and students.
- publicize and disseminate policy and procedures through pamphlets, posters and flyers. The Supreme Court specifically directs that 'Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on this subject) in a suitable manner' (460).
- identify one faculty member/warden, two students, a staff member and/or an officer per building (hostels and other buildings) who will be authorised to receive confidential complaints. All those vested with authority and official responsibility will have to be well informed of the procedure and will have to be sensitized to take prompt action. (see section 5.2.2 below).

5.2.2. Mediation and Crisis management

It will include provisional relief (legal, medical and psychological and any other feasible assistance) to the complainant. The Standing Committee will form a Crisis Committee (which must include some members of this Committee) who will be available to deal with emergencies and go on the spot when needed.

The telephone numbers of these people (some of whom must live on campus) should be made widely available. This Committee will be knowledgeable about what to do in different sorts of crises and counsel wardens or anyone else who needs advice. Such a Committee should have at least 50% women. Ideally this should have at least

one faculty, one student, one karamchari, one counsellor and one doctor. It can always call upon any other member of the larger committee or the JNU community and take help from volunteers.

The faculty, staff and student volunteers will form the crisis groups in each hostel and other buildings for the purpose of first level of contact in case of a crisis situation. The people should be immediately available to the complainant and form a link with the mediation and crisis management committee. Therefore, each hostel will have a minimum of one warden and two students who will be selected by the hostel residents for purposes of first contact by the affected party. Similarly, each building i.e. the academic and administrative buildings will identify a faculty, two students, a karamchari and an administrative official for the same purpose. The principles of volunteerism and selection will be combined for the purpose of representation at all levels. Each group will be headed by a faculty member. It is expected that in case a JNU member wishes to record a complaint or approach someone, then any of these persons will be available immediately. The names, telephone numbers, and addresses of all these persons will also be made known to the JNU Community. Therefore, these groups will undertake mediation and crisis management in addition to sensitization and orientation.

5.2.3. Formal Redressal:

When the complaint cannot be resolved informally by the persons/groups identified at the hostel/building level and on receiving a formal complaint the Standing Committee shall conduct inquiries and recommend punitive action against offenders, if necessary. It shall do so by constituting smaller inquiry committees (comprised of about 3 members, who will include at least one third party, i.e. the NGO representative or the eminent academic or both, and including the constituency of the offender- for instance, if the complaint is brought against a faculty, faculty will be on the inquiry committee). These inquiry

committees shall bring their report before the larger committee who will finalize their recommendations.

5.3 Terms of Reference:

To implement a policy in order to maintain a learning environment that is free of sexual harassment.

To adopt a proactive role in the prevention of sexual harassment and to prepare and implement a broad based plan for the sensitization and orientation of the JNU Community.

To identify volunteers/persons and to lay down a procedure for crisis management and mediation.

To take cognisance of acts of sexual harassment and to conduct enquiries so as to provide redressal to the complainant and take deterrent action against the harasser.

5.4 Duration and Tenure:

We suggest that initially the Standing Committee be appointed for a year. The first year is crucial to establish procedures, attitudes and modalities. Subsequently we suggest that only those persons who have worked as volunteers and participated in sensitising themselves and the community should be a part of this Standing Committee whose tenure will be a yearly basis.

5.5 Jurisdiction:

All employees of JNU (whether full time, part time, daily wage, contract labour, voluntary workers and casual employees) and students (whether full time, part time or casual), affected by sexual harassment within and outside the campus even if only one party is affected by it either as a complainant or as the harasser.

5.6 Guiding Principles:

Everyone who agrees to be associated with prevention and redressal of sexual harassment will undergo periodic orientation.

- Confidentiality of both parties will be maintained. Third party complaints and those filed by witnesses will also be treated as confidential.
- Filing of a grievance or complaint will not reflect upon/adversely affect the individual's status, future evaluation of grades, assignments employment, promotion etc.
- Third party intervention may be by sexual harassment advisors, members of the Committee, faculty or staff or any Counsellor.
- The harasser's group/community will be associated with the enquiry i.e. if there is a complaint against a karamchari, the karamchari representative will be associated with the enquiry, provided he/she is elected/selected to the standing committee for this purpose only.
- volunteers who have taken consistent interest and devoted their time and energy to such issues/incidents must be identified and given the responsibility.
- adequate representation of women and of different sections of the JNU community.

5.6 Procedure:

- Complaints can be filed by the victim either through proper administrative channel or directly. Both will be treated with equal urgency and importance.
- Complaints can be given to persons identified for the purpose at various levels.
- Third party complaints will also be entertained. Witness can also file a complaint.
- Formal grievance or disciplinary procedures can be initiated through the Committee on Sexual Harassment. The Committee can initiate investigations, and is committed to stopping sexual harassment, taking the help of the Law where necessary.
- The victim or any third party can write to the person who they believe is harassing them, and ask them to stop. The Committee or any sexual harassment advisor can help them draft such a letter and also counsel those who receive such letters.
- Consultation will be available from any members of the Committee on Sexual Harassment, counsellors, etc. Consultation will be available for anyone who wants to discuss issues related to sexual harassment, whether or not 'harassment' actually has occurred, and whether the person is involved is a third party.

- An annual report will be prepared which will be submitted to the university.

C. LEGAL, MEDICAL, COUNSELLING AND OTHER SERVICES

Sexual harassment and violence cannot be solved only by goodwill. As outlined above, we need counsellors, doctors and lawyers who are familiar with issues and procedures on sexual harassment, both as members of the committee and to provide aid for sexual harassment victims when needed. JNU must provide legal, medical and counselling assistance to those members of the community who are victims of sexual harassment or other form of violence and who have to take recourse to the law. Therefore:

- Social and personal counselling service is to be provided as soon as possible. There is general agreement among all sections of JNU community about its imperative need. Two counsellors should be appointed immediately, at least one of whom will be a woman. Initially, they may be part time (like the medical consultants in the Health Centre) but ideally one of them should be full time and in residence.
- Place 2-3 lawyers familiar with issues/cases of sexual harassment on the university's panel of lawyers. These lawyers can advise the Committee on Sexual Harassment where necessary and also provide legal assistance to victims whenever it may be needed. (see annexure II for a list of such lawyers).
- Appoint a woman medical doctor conversant with the medical dimension of sexual harassment. Initially, she may be part time or on call but ideally a full time doctor is recommended. In addition the existing medical and health team of the JNU should be given orientation.
- Establish contact with the media for publicity to the policy and action taken by JNU to combat sexual harassment.

7. MAKING THE CAMPUS SAFE:

The problems of security as well as of poor lightening and of intra-campus communication and transport need immediate attention. Campus security should be handled sensitively, and indeed the security officers and guards need to be sensitized and educated on how to handle any incident.

The existing security system should be overhauled in consultation with the Committee on Sexual Harassment. The standing committee will be able to co-ordinate electrical engineering and security department as well as the bus service which, when inefficient, increase sexual harassment on the campus. Therefore, the following steps are suggested:

- Revamp the security system in consultation with the wardens, students, staff, faculty members from different residential sectors.
- Security jeeps to go around in the afternoon even on the bus stops.
- In-campus bus service from one place to another even for the day scholars
- Improve lightening in areas frequented by students e.g. the library.

8. SUMMARY OF RECOMMENDATIONS:

1. A Policy on Sexual Harassment should be adopted. The sexual harassment policy and procedure should be widely disseminated. The University admission brochure will publish a short note on sexual harassment policy and procedure. (As an example, see an announcement from University of Minnesota, USA. It may be modified to suit JNU see annexure-III)
2. The university should constitute a standing committee with permanent secretariat attached to it. It should have a statutory status and be autonomous. This committee will handle sensitization of the community and prevention as well as redressal of all matters of sexual harassment.
 - 2.1 It should follow a standard procedure and well publicized time frame for each step of the complaint, investigation, resolution and appeal process.
 - 2.2 Identify volunteers from different sections of JNU Community who will form crisis groups in every building and will provide first level of contact for mediation and crisis management. They will also assist in implementing the sensitisation and orientation plan of the Standing Committee.
3. The orientation on sexual harassment shall be undertaken for all components of the university on an ongoing basis.

3. The plan for prevention of sexual harassment will be implemented so that the most urgent steps are taken immediately.
4. Expert help needs to be made available on a full/part time and consultation basis. Therefore, two councillors, at least one of them a woman, and who are familiar with and experienced in dealing with matters of sexual harassment should be appointed. Initially, they may be part time but ideally one of them should be full time and in residence.
- 4.1 Two-three lawyers familiar with issues/cases of sexual harassment and to ensure their availability should be put on the university's panel of lawyers.
- 4.2 Appoint a woman medical doctor conversant with the medical dimension of sexual harassment. Initially, she may be on call but ideally a full time doctor is recommended. The existing medical and health team should also be given orientation.
- 4.3 Also liaise with the media for publicity of the steps taken by the university administration to combat sexual harassment.
5. Security system should be overhauled in consultation with the Committee on Sexual Harassment and other volunteers who provide the first level of contact to the complainant in the hostels and other buildings.

9. PROPOSAL BY PROFESSOR YOGESH TYAGI:

INSTITUTIONAL MECHANISM: PROPOSAL SUBMITTED
BY PROFESSOR YOGESH TYAGI

PLAN OF ACTION:

First of all, JNU should have a policy statement on gender justice and sexual harassment. Then it should have a comprehensive, decentralized and function-specific institutional structure to promote gender justice and to combat sexual harassment on the campus. Finally, there should be a periodic review of the functioning of the proposed structure, so as to improve it from time to time.

BASIC PRINCIPLES

The proposed structure should be based on the following principles:

1. Gender Justice should not only be done but it should also appear to be done.
2. The procedures for gender justice should have the confidence of both the aggrieved person and the accused person.
3. All sections of the JNU community should be involved in the administration of gender justice.
4. Any action ensuing an incident of sexual harassment should be guided by the vital interests of the aggrieved person, the sense of proportionality, and the reformatory justice.
5. Existing institutional structures in JNU - both official and unofficial - should be utilized in the promotion of gender justice.
6. Expertise of different groups and organizations should be utilized for specific purposes and programmes.
7. Community approach, freedom from fear, liberal democratic traditions, social solidarity, and intellectually stimulating atmosphere should continue to be cherished on the JNU Campus.

INSTITUTIONAL STRUCTURE

On the basis of the above-mentioned principles, we can propose to create the following bodies.

1. There should be a general body for debate and discussion on various issues and problems of gender justice and sexual harassment. It may be called "Advisory Council on Gender Justice". It may have two members from each one of the following groups: students, teachers, officers, karamcharis, NGOs and IHA. Besides the Vice-Chancellor, Rector, Registrar, Dean of Students, Chief Proctor, Provosts, the Presidents of all the associations/unions on the campus shall be ex-officio members of the Advisory Council. In addition, the Chancellor, the National Commission on Women, the National Human Rights Commission, and the Delhi Bar Council may be individually requested to nominate one gender justice-oriented person to the Advisory Council. The Advisory Council shall meet once in a year, review the performance of the various bodies relating to gender justice and sexual harassment, and make suggestions to those bodies for follow-up action.

2. To promote gender justice and to execute the plan of action against sexual harassment, the university shall have a standing body consisting of one representative from each of the following groups: students, teachers, officers, karmacharis, IHA, and Proctoreal Board. It may be called "Executive Committee on Gender Justice". It shall prepare a code of conduct in the light of Supreme Court guidelines and suggestions of the Advisory Council on Gender Justice. It shall monitor the implementation of the code of conduct, as well as the functioning of all other bodies created to promote gender justice and to combat sexual harassment. It shall provide appropriate relief to the victims of sexual harassment.

3. In order to spread awareness about the need to promote gender justice and to protect human dignity, especially the dignity of women, the University should create a large body consisting of

representatives of volunteers from the following groups: students, teachers, officers, karmacharis, the media, NGOs, Gender Justice Forum, IHA, Proctoreal Board, Gender Justice Counsellor (to be designated by the University), a representative of the National Commission on women, and a nominee of the National Human Rights Commission. There is no need to fix the number of members of this body. It may be called "Gender Justice Awareness Programme". It shall be a standing body. It shall devise its own plans and programmes in the light of suggestions of the Advisory Council and the Executive Committee.

4. For dealing with the crises arising out of incidents of sexual harassment, there should be a network of "crisis managements committees". The purpose is to have such a body for each hostel, each school, and each building. Each hostel/school/building should decide which type of body would be most appropriate for itself. At the hostel level, for instance, there should be a "Hostel Gender Justice Committee" consisting of the Senior Warden, the Hostel President, and two student volunteers selected/elected at the beginning of each year. They will have the mandate to deal collectively with the crisis immediately. If necessary, they can seek the help of the Provost, the Security Officer, the Gender Justice Councillor, and Lady Medical Officer. If the Hostel Gender Justice Committee fails in its mediation efforts to resolve the crisis, it may seek the services of a lawyer who should be designated for the purpose by the Executive Committee on Gender Justice well in advance.

5. When a hostel-level, school-level, or building-level body fails to resolve a crisis arising out of an incident of sexual harassment, the aggrieved person may lodge a complaint with the Executive Committee on Gender Justice. In order to ascertain the facts of the incident, the Executive Committee shall institute an inquiry. The inquiry committee shall consist of not more than five persons, including a lawyer, a medical expert and a gender sensitive senior faculty member. It shall provide adequate opportunities to both the parties to submit their statements and

clarifications. It shall have power to call any person to appear as a witness. Its proceeding shall remain confidential and no person shall be at liberty to make public his/her version of facts. The Inquiry Committee shall submit its report to the Executive Committee. On the basis of that report, and after taking into consideration the interests of the aggrieved person in particular, the Executive Committee shall decide about the action/measures to be taken.

6. Each hostel, school, or building shall designate a person who can be contacted immediately after an incident of sexual harassment on the campus. The name, address, and telephone number of that person shall be notified.

7. To facilitate the functioning of the standing bodies, there will be a small secretariat. The JNU Administration shall be responsible for providing the staff and facilities of the secretariat.

DRAFT FOR JNU'S POLICY ON SEXUAL HARASSMENT

Jawahar Lal Nehru University is committed to providing a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that all students, faculty, staff, karamcharis and officials will treat one another and visitors to the University with respect. All members of the university community, including those who are in temporary or short term positions are subject to this policy. Anyone violating this policy is subject to disciplinary action.

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported: it may include mediation, intervention, investigation, disciplinary procedures or legal action. Where sexual harassment is found to have occurred, the University will act to stop the harassment, act to prevent its recurrence, and discipline those possible.

The university recognizes that confidentiality is important. Sexual harassment advisers and other responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment. Examples of situations where confidentiality cannot be maintained include circumstances when the University is required by law to disclose information (such as in response to legal process) and when disclosure is required by the University's outweighing interest in protecting the rights of others.

Reprisals against an individual who in good faith reports or provides information in an investigation about behaviour that may violate this policy are against the law and will not be tolerated. Intentionally providing false information, however, is punishable.

JNU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this policy is not intended to stifle teaching methods or freedom of expression. Sexual harassment, however, is not the proper exercise of academic freedom, nor can it be protected as freedom of expression. It compromises the integrity of the University and its traditions of intellectual freedom, and it also violates the principle of the equality and dignity of all its members.

What is sexual harassment?

Unwelcome sexual advances, requests for sexual favours, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permissions to participate in a University activity;

or

2. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms -- subtle and indirect, or blatant and overt. For example,

- It may be conduct towards an individual of the opposite sex or the same sex.
- it may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behaviour or work performance.

- It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.
- Sexual harassment may or may not include sexual assault.

Procedure

- **Consultation:** is available from any members of the Committee on Sexual Harassment, Counsellors, etc: Consultation will be available for anyone who wants to discuss issues related to sexual harassment, whether or not 'harassment' actually has occurred, and whether the person is involved or a third party.
- **Directly writing to warn the Harasser:** The victim or any third party can write to the person who they believe is harassing them, and ask them to stop. The Committee or any Sexual Harassment Advisor can help them draft such a letter and also counsel those who receive such letters.
- **Third party intervention:** Third party intervention may be Sexual Harassment Advisors, members of the Committee, faculty or staff or any Counsellor.
- **Formal Grievance or Disciplinary Procedures:** Can be initiated through the Committee on Sexual Harassment. The Committee can initiate investigations, and is committed to stopping sexual harassment, taking the help of the Law where necessary.

What can be done to Stop Sexual Harassment?

If you feel you are being or have been sexually harassed, so do not remain silent. Ignoring sexual harassment does not make it go away. Instead it may make it worse, as the harasser may misinterpret a lack of response as approval of the behaviour. There are several things that can be done to stop harassment:

Know your rights: Sexual harassment is illegal. Both the law of the land and JNU prohibit sexual harassment. Familiarise yourself with JNU's policy.

Speak up: If you can, tell the person to stop. State clearly and firmly that you want a particular behaviour to cease. This is not a time to be polite or vague. If you feel you cannot speak up, talk to one of the resource people listed at the end of this policy.

Get information and support: An advisor can help you know your rights and explain redressal mechanisms. Keep records that might be useful to them in pursuing the case.

What not to do: Do not blame yourself. Sexual harassment is not something one brings on oneself. It is not a consequence of certain ways of dressing or acting. It is a violation of an individual's right to work and live with dignity.

Do not delay: Delay in action increases the probability that unwanted behaviour will continue or escalate.

Do not hesitate to ask for help. Speaking up may prevent others from being harmed as well.

Procedures in Place: This section of the policy should selectively outline the details of the University structures in place for the implementation of the policy. The policy as it is circulated obviously does not need to give all details but should make it clear how individuals can contact a responsible person and that JNU will make counselling, medical and legal advice freely available. ✓

Resource people: List of advisors, members of the committee, doctors and counsellors. ✓

1. Karamdani - Registrar.
2. Students - VC. + Chief Proctor.
3. VC - Chancellor.
4. Chancellor - Visitor.