

RESEARCH SUMMARY

Sexual Harassment in University and College Campuses in Mumbai

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Assessing the extent of the problem is the first step in the process of intervention. This also serves as a primary vehicle for prevention as well as creating awareness. The present study on sexual harassment in University and college campuses in Mumbai, therefore, primarily aimed at determining the extent of sexual harassment, or what constitutes sexual harassment; whether such incidents get reported; and how are they then dealt with. The final objective was to evolve a policy and a model strategy to effectively and sensitively deal with such instances. A draft policy is presented at the end of this article as an appendix. The collection of data was spread over a span of eight weeks — from January 1999 to March 1999. The target group included students and faculty members and a few heads of some institutions. Nearly 196 questionnaires were distributed to students in various college/university settings in Mumbai — individually, in groups, in classrooms, in campuses and so on. Seventeen students were interviewed individually and about 51 students' views were taken by group discussions. Thirty faculty members, including principals and deans, were contacted and three service staff, who were ready to speak, were interviewed. A limitation of this study was that students were not ready to speak because of the sensitivity of the issue and the possible repercussions.

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INTRODUCTION

"SNDT student alleges harassment. Goes to police with molestation complaint"

- *In The Mumbai Age* (Mumbai) of May 22, 1998

"Professor accused of molesting student reinstated"

- *In The Indian Express* (Mumbai) of July 16, 1998

"Girls Molested at College Fest. Fiesta turns into nightmare for students"

- *In The Times of India* (Mumbai) of May 14, 1997

"Professor 'molests' girl, flees. Police fail to act on time and nab accused"

- *In The Indian Express* (Mumbai) of April 11, 1997

"Law Professors want sexual favours, Panel set up to probe students' allegations"

- *In The Times of India* (Mumbai) of January 2, 1996

"GLC girls were aware of Professor's lasciviousness"

- *In The Indian Express* (Mumbai) of February 11, 1996

These reported incidents indicate that, yes, sexual harassment does occur in Mumbai campuses. In the past, such incidents were mostly not reported as there was no definition for sexual harassment. Also, due to career repercussions many such incidents went unreported.

CURRENT INTERVENTIONS AND STRATEGIES

The current interventions and strategies include: legal remedies and initiatives by Universities and by groups/forums within the Universities.

Legal Remedies

The August 1997 Supreme Court judgement on sexual harassment of working women in the case of *Vishaka in the State of Rajasthan* legally defined sexual harassment and laid down guidelines to deal with this issue.

Sexual harassment is now regarded as a violation of human rights and a violation of Articles 14, 15 and 21 of the Constitution of India. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) to practice any profession or to carry out any occupation, trade or business. This right depends on the availability of a 'safe working environment'. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation and the creation of a mechanism for its enforcement is of the legislature and the executive. But till such legislation is enacted, the directions of the Supreme Court will be binding and enforceable in law and the duty of enforcing these guidelines is on the institutions. If the institutions fail to comply, they

could be charged for committing contempt and become liable for punishment. While the Supreme Court provides the framework to prevent sexual harassment, the modalities have to be worked out by each institution.

Section 439(b) of the 'Code of Conduct of Teachers of University' does not cover the issue of sexual harassment at all, though there is a provision of taking action against a teacher on the grounds of moral turpitude. However, moral turpitude is very vaguely defined as 'any act unbecoming of a teacher...', which can be challenged in a court of law and put to different interpretations. The existing laws on sexual harassment in India include the relevant sections under the Indian Penal Code (IPC), the labour laws, a civil suit under tort laws and under the Indecent Representation of Women (Prohibition) Act, 1987.

Initiatives by Universities/Groups or Forums within Universities

The Indian Institute of Technology (IIT), Delhi, was the first University to recognise the problem institutionally and attempt to redress it. It has a policy on sexual harassment which states that the IIT will not tolerate the vitiation, through sexual harassment, the atmosphere of good will and fair play on which its educational endeavour is pre-supposed. The policy lays down formal and informal procedures for its implementation. The foundational principles of this policy is already enshrined in Section 7(1) of the Institutes of Technology Act, 1961, which lays down rules of professional conduct for employees and in various ordinances promulgated from time to time regulating student life in the campus.

In 1996, a report brought out by Gender Study Group of the Delhi University drew the attention of a group of teachers and students to the severe harassment experienced by women on campus. This group came up with a draft policy on sexual harassment. Some of the recommendations of this study were:

- creation of a cell;
- closed campus resulting in fewer vehicles passing through the campus;
- police patrolling;
- housing for women students;
- creating awareness of laws, rules and regulations; and
- laying down strategies for women students.

The Draft Policy defines gender violence as an inclusive category which refers to sexual harassment, rape, as well as all other

forms of discriminatory conduct based on the gender identity of a person. Discriminatory conduct constitutes gender violence. The Policy envisages a Department Committee or College Committee/Apex Committee which include:

- two representatives from the teaching faculty;
- two representatives from the administrative staff;
- two representatives from the maintenance staff;
- two representatives from students (one researcher and one other student); and
- one outsider with a background of gender violence.

The Working Group on Sexual Harassment of the Jawaharlal Nehru University (JNU), Delhi, also suggested a plan and institutional mechanism to combat sexual harassment. The draft proposal for a Gender Sensitisation Committee against Sexual Harassment, JNU, suggested democratic participation from all sections of the University. The Committee should include representatives from faculty, wardens, hostel, students, day scholars, students' union, staff association, 'Karamchari' Association, one eminent woman academic from outside the University and an NGO with special experience in issues of sexual harassment and a counsellor. The Dean of Students will be a permanent invitee on the Committee. The Committee is to be assisted by a lawyer and a doctor. The three main functions are: sensitisation and awareness generation; crisis management and mediation; and formal redressal and enquiry.

At a seminar jointly organised by the University of Mumbai and the Bombay University and College Teachers' Union on February 18, 1999, a draft policy for prevention of sexual harassment in educational institutions and for dealing with cases of sexual harassment was presented. Some of the salient features of this policy drafted by the Campaign Against Sexual Harassment, Mumbai, are:

1. The policy will apply to all cases and/or complaints of allegations of sexual harassment. It also provides for a grievance cell to conduct inquiry. The penalties to be imposed include warning, fine, suspension, expulsion and lodging a police complaint.
2. There is a provision for protection against victimisation by a student, employee or the management. It will also apply to allegations made by a student, employee or management against a third party or an outsider and *vice versa*.
3. The University Cell of the Anti-Sexual Harassment Committee shall consist of a retired judge; four teachers from the University

of Mumbai (of whom at least two shall be women); two principals/directors; four teachers from colleges; one teacher from the field of social work of women's studies; Secretary to the Government of Maharashtra, Department of Social Work; four non-teaching employees; four students; two NGO representatives; and two representatives of the women's associations. The Registrar of the University shall be the ex-officio Member-Secretary of the Cell.

The University of Madras has constituted a committee for gathering information on realities of sexual harassment and has laid down a code of conduct and discipline for avoidance of sexual harassment and maintenance of equality of opportunity. Sexual harassment of students has been defined as the 'use of authority by any person in-charge of the management or its employee to exploit the sexuality or sexual identity of a student, to harass in a manner which prevents or impairs that student's full time employment of educational benefit or climate of opportunities'. It includes the faculty/non-faculty behaviour that covertly or overtly uses the power inherent in their status to affect negatively a student's educational experience or career opportunities on the basis of sexual identity and/or to threaten, coerce or intimidate a student to accept sexual advances or risk reprisal.

The Code provides for preventive measures like identifying vulnerable spots or places and spheres of activities and make adequate preventive arrangements. The Code provides for a grievance cell to conduct inquiries. The penalties to be imposed include warning, fines, suspension, expulsion and lodging a police complaint.

The Human Rights Programme, University of Hyderabad, and the Indian Association for Women's Studies also held a 'National Consultation on Sexual Harassment on University Campuses' to plan strategies to combat the rising incidents of sexual harassment and violence against women in university campuses and in institutions of higher learning.

The University Grants Commission has sent a circular to various universities to set up cells for sexual harassment in universities. Several universities have set up such cells/committees/forums to deal with the issue. The present study came across several college principals in Mumbai saying that they were not aware of any circular. The Tata Institute of Social Sciences (TISS), Mumbai, and the SNDT Women's University have set up such cells. The TISS Cell is called the Sexual Amity Committee and consists of representatives from the faculty and

administrative staff. Both these cells have to yet start functioning. Terna Medical College has a grievance committee consisting of three senior teachers, including one lady professor. Some colleges have counselling committees. In many colleges it was reported that no one approached the counsellor.

AWARENESS AND PERCEPTIONS OF SEXUAL HARASSMENT

In response to the question whether women face sexual harassment/discrimination in Mumbai colleges and universities, about 39 per cent answered in the affirmative whereas 52.8 per cent said that there was no such harassment/discrimination. One per cent of the students were not sure and 7.2 per cent did not say anything at all (See Table 1).

TABLE 1: Awareness of Sexual Harassment

<i>Yes</i>	<i>No</i>	<i>NS</i>	<i>NA</i>	<i>Total</i>
76 (39.0)	103 (52.8)	2 (1.0)	14 (7.2)	195 (100.0)

Notes : NS = Not sure
NA = No answer

The most common perception of sexual harassment that emerged was that sexual harassment was something embarrassing that made them uncomfortable. Many were of the view that it was uninvited, nasty, obscene comments — comments about a women's anatomy. Many included physical touch while some said that sexual harassment meant a person in 'authority' fully trying to take advantage.

PREVALENCE OF SEXUAL HARASSMENT

The statistics given in the above table cannot be taken at their face value because many of the students were not 'honest' as 'they did not want to get involved'. Several students, when asked whether they had faced sexual harassment or discrimination, initially said 'no' but later on, in the course of conversation, came out with instances when they had faced harassment. Hostels, corridors, campuses, classrooms, libraries and canteens are venues where such incidents take place. On special occasions like the opening day, annual day, rose day, fashion shows, college socials, and festivals like 'Holi', the harassment was severe. In one college, during the 'rose day' celebrations, certain

messages were sent which were regarded by the girls as 'obscene', even by 'progressive standards'.

FORMS OF SEXUAL HARASSMENT

Verbal Harassment

In majority of the cases, the respondents complained of verbal forms of harassment which, by and large, included comments and lewd songs from Hindi films as well as harassment through phone calls. Comments on women's dress was the most common form of commenting to which some girls reacted sharply. Some students who were interviewed shared the view that any 'modern looking' girl who was wearing a 'sexy' dress was bound to invite comments. In fact, some of the boys categorically said that if a girl was dressed in this fashion she was meant to be commented upon.

The girls also felt vulnerable when confronted with a group of boys especially those with the image of being rowdy. A significant remark was 'when a girl is alone and passes a group of boys there is 100 per cent chance that comments will be passed.' This form of harassment was, by and large, encountered by a girl, when she was alone and the boys were in a group. Such groups usually stand at the entrance gate of the college or sit in the canteens and pass such comments.

Sexual attention becomes sexual harassment when it is not welcome and involves elements of threat and coercion in non-reciprocal relationships. The option to walk out of the relationship should be equal for both the partners, but in practice there are cases of boys sexually harassing girls who have broken off their relationships with them. This only highlights that girls do feel harassed at such behaviour. Elaborating on this helps those who have faced similar problems, but hesitate to speak and outwardly conform to it.

The other major form of verbal harassment reported by the students included remarks on the female body or jokes with sexual innuendoes. The students used various phrases to describe these comments — vulgar language, embarrassing statements, vulgar comments, sexually coloured remarks, derogatory remarks, and so on. Teasing, including whistling and winking at the girl, was also frequently encountered by the women students along with vulgar comments.

By and large, women did not enter the canteen as it was considered threatening in some institutions. One girl reported an incident of use of vulgar language in conversations when the girl was sitting within the hearing distance. Normally, where there is a male majority, the girls feel vulnerable and open to any kind of verbal abuse. Hanging around near the ladies toilet without passing any verbal comments was itself threatening enough for women to desist from going inside.

Non-Verbal Harassment

The most common form of non-verbal harassment was staring, especially at certain body parts: for example staring at breasts which many female students found extremely offending. More so, because they could do absolutely anything about it. The only remedy was to avoid the gaze and ignore the harassment or hold some books or files in front of the chest. One girl mentioned an incident of certain boys who continuously stared at her. The non-verbal forms of harassment are largely by individuals in any place — in the corridors, in the canteens as well as in the class. This, sometimes, may be done along with other forms of harassment like sitting next to a girl or giving her a card or wishing her and so on, when the girl is not in the least interested.

Strangers following the girl and standing at the college gates was also termed as harassment. The harassment that girls face at the hands of the strangers entering the institution premises or in the hostel is largely a result of the negligence of the administration as no proper safety measures are taken.

Faculty-Student Relationship

The following are some of the forms of harassment between faculty and students that emerged from the responses of the students:

- Male teachers showing favours to particular female students.
- Male teachers ridiculing female students.
- Cracking jokes and passing sexual innuendoes in the class.
- Physical touch, which is not perceived as casual.
- Continuously staring at a particular girl in class.
- When the girl requested the teacher to give her grace marks he is reported to have commented: 'It is give and take. You sleep with me and I will give you marks'.
- Asking students to come to their chambers even when it is not required.

- Offensive remarks about a girl's capacity to comprehend or on her intelligence.
- Asking the difference between male and female bodies persistently.
- External examiner asking offensive questions about female anatomy/reproduction, even when the girls are not comfortable with it.
- Harassment on refusal to endorse teachers views.

The citadels of education, ostensibly with the aim of promoting free spirit and critical inquiry amongst students, have themselves become threatening and increase vulnerability of female students.

CAUSES OF SEXUAL HARASSMENT

The overwhelming cause was attributed to the fact that such incidents are not taken seriously and the guilty are not punished. Majority of the respondents said that they were not aware of the kind of punishment given to the perpetrators after a complaint (if at all) is lodged. 'No action taken' was also pointed out as one of the main reasons that no one complained of these actions. Absence of any redressal forum and non-existence of rules or guidelines was a very glaring lacunae that was pointed out.

Women are treated as sex objects or commodities leading to sexual discrimination. Media influence and role of films were also highlighted. Many said that it all began as fun, a kind of entertainment to while away their time. 'Time-pass' was the word used.

Whether Action Taken

TABLE 2: Awareness of Action Taken

	<i>Yes</i>	<i>No</i>	<i>NA</i>	<i>Total</i>
Action Taken	16	50	3	69
Satisfactory	10	36	13	59

Note: NA = Not aware

As can be seen from Table 2, in majority of the cases no action was taken. Many of the respondents were not aware whether action was taken or not. What kind of action was taken was also not transparent. A comment often heard was that 'such things are naturally repressed'.

Need for a Cell/Committee

About 62.5 per cent students felt that the cell/committee would help to bring out these incidents. There is a need for a forum where a victim goes and talks about these issues. The forums will help the students to 'open up'. The very presence of a cell/committee and its announced punishment will be a deterrent.

CONCLUSION

The response of the University administration is largely in terms of imposition of security and codes of conduct for women. A typical instance that came to light, occurred where a female student had to deal with a male teacher on a one-to-one basis. Unfortunately, the government reacted by banning all visits of female students to male professor's residences. The circular had to be withdrawn following strong protests from men and women teachers alike.

There are no time bound mechanisms, resulting in inordinate delays in dealing with such issues. It is evident that the universities are setting up bureaucratic structures, taking into consideration the UGC's narrow interpretation of the Supreme Court guidelines. The approach is to handle cases when they come with no laid down policy or procedures. None of the committees appointed by the universities or colleges have outside NGO representative. Many of the recommendations of the proposed draft policies and working groups have been ignored, thus defeating the very spirit of the Supreme Court judgement. The victim is unequally placed in terms of power in the university hierarchy. Any committee dealing with sexual harassment should not be subjected to the existing hierarchies within the university structures. The traditional inquiry committee format cannot handle sexual harassment or discrimination.

Combating sexual harassment makes heavy demands on the woman. It is interesting to note that most of the cases of sexual harassment are named after the women, which speak volumes, about the college or university's attempt to maintain confidentiality.

Enquiry and redressal should not be the only function of the Committee. The scope of the committee should be correctional as well as preventive. Very often the corrective measures are relegated to limited importance since it is much more convenient to hold workshops and make posters on gender awareness and get into counselling rather than take a stance, especially against a colleague. The faculty members in the committee would not want to enter into allegations and

counter-allegations with their colleagues for taking up the cases of a student who would move out in two years time as they have to stay in the same institution for years together. This explains why a lot of faculty members do not take any stance in a case of sexual harassment. However, if the committee is established to take up investigation into such cases, the very presence of such a committee would be of enough deterrent value and would also give a lot of confidence to the students to lodge complaints in any manner whatsoever. The fact that a committee has been set up gives a certain amount of recognition to the phenomenon of sexual harassment. The purpose of the committee should be to provide immediate relief to those who undergo so much of pain and trauma and are scared to report about it.

However, this does not indicate that only correctional measures would suffice. It is important also to undertake some kind of educational measures to ensure preventive action. Since a lot of cases are not reported, the very purpose of the Committee should be to ensure that many more cases come to light which requires faith in the administrative machinery.

To give an instance of the actual working of such committees in a university setting it will be appropriate to give the instance of a sexual harassment case from the M.S. University of Baroda. The complaint was by a Ph.D. student against her male guide. She was registered for her Ph.D. in November 1995. She alleged that in November 1997 she started getting a scholarship from the University which was stopped in November 1998. She further alleged that her guide subjected her to physical harassment and molestation. A three member Committee was appointed by the Vice-Chancellor to look into the matter and see if there was any *prima facie* case against the guide for a full-fledged departmental inquiry. The Committee did not get any witness who corroborated the allegations and, hence, concluded that there was not *prima facie* case against the guide.

After the report, there has been widespread protest. Letters of protest in solidarity with the victim have been invited from all the Universities by the University Forum for Women of the M.S. University of Baroda. The Forum is of the view that the Committee was not set as per the Supreme Court guidelines, as there was no NGO member included. Second, the University had chosen to defend the *status quo* in a most blatantly anti-women fashion. The Forum believes that the report, if corroborated, has a bearing on how power structures will be used in future to strengthen gender biases on the campus even as it

inhibits any proactive effort to free the University of gender discrimination. The lessons that have been drawn from this case are:

- The complaints of sexual harassment must be conducted by a thorough investigation in a fair manner and the issues examined in all other complexities including the power structures within the universities.
- Committees set up in the universities are accountable to the society at large.
- The University Committees must be aware of the long-term ramifications of the conclusions that might be drawn.

Bureaucracy with highly complex division of labour, governance of operations by formalistic impersonal rules and abstract set of procedures will be more damaging. A non-adversarial mechanism needs to be evolved; otherwise the 'corroboration' aspect will be a major obstacle in all the matters and corroborating such incidents is highly impossible.

APPENDIX : Draft Policy Framework for Sexual Amity Committee of the Tata Institute of Social Sciences

Background to the Policy

This Policy has been prepared after an exploratory study conducted in Mumbai at the initiative of the Unit for Women's Studies, TISS Mumbai. The target group were mainly students from various university campuses (Mumbai, SNDT and TISS) and college campuses in Mumbai. There are several draft policies existing of Madras, Delhi and Mumbai Universities; all of them have been referred to. The enclosed draft policy framework for the TISS is open for discussion to the entire university community. Their suggestions will help us to further enrich the draft policy. Their cooperation will provide the required impetus to get the policy incorporated by the TISS. With suitable modifications, the policy can be adapted by other universities and colleges

Preamble

The Constitution of India prohibits discrimination on the basis of sex. The Supreme Court in the case of *Vishaka & others v State of Rajasthan* (1997) has laid down that sexual harassment is a violation of the rights under Articles 14, 15, 19(1)(g) & 21 of the Constitution and that proper redressal mechanisms should be set up to address this

issue. The University Grants Commission has also reiterated the formation of committees to deal with the issue.

The TISS is committed to the maintenance of academic freedom on the campus and to create an environment in which the entire university community of students, teachers, administrative and service staff respect the academic freedom of others and create an environment free of harassment, exploitation and discrimination. This includes all forms of sexual harassment and discrimination on the basis of gender.

The TISS clearly states that the University will not condone abuses against any member of the Institute and that genuine internal recourse in the form of the Sexual Amity Committee (SAC) is available against such misconduct.

The provisions of this Policy will apply to all students and employees of the TISS and also to third parties to the extent specified in the policy. This policy will lay down formal and informal procedures for its implementation to avoid exploitation and discrimination of any kind.

The TISS shall maintain confidentiality on all matters concerning alleged victims. This shall in no way preclude any statistical report of such incident as may be required by any local or state agency.

Application

Scope and Extent

The provisions of this policy will apply to all students, employees, and the management of the TISS and also to third parties. Submission to this policy is made either explicitly or implicitly, a term or condition of an individual's employment or a student's admission or a third party's association with the Institute.

The policy will be applicable to all allegations of sexual harassment by a student against an employee, by an employee against a student or another employee or by student/employee against the management or vice versa in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the college premises.

Definitions

- (i) 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) Derogatory remarks regarding the marital status of women, the feminist movement, and so on.
- ff) Any other unwelcome, physical, verbal or non-verbal conduct of sexual nature.

Determining what constitute sexual harassment will depend upon the specific facts and circumstances of each case.

- (ii) *Sexual Amity Committee (SAC)* means the committee set up by TISS to deal with the issues of sexual harassment and its prevention.
- (iii) *Student* means any person who is enrolled for any course (full-time/part-time/short-term/long term) with the Institute and includes a post-graduate student, research scholar, a repeater and trainees.
- (iv) *Third party* includes visitors to the Institute, placement agencies, field supervisors, guest faculty, visiting faculty, students from another University or any college and ex-students.
- (v) *Employee* means any person on the staff of the TISS including the director, the teaching, non-teaching staff, research or service staff, whether temporary, part-time, honorary, visiting, ad-hoc and would include employees employed on a casual or project basis.
- (vi) *Management* means the Trustees or the Governing Board of the Institute.

Constitution of the Sexual Amity Committee

The SAC must ensure democratic participation from all sections of the University and therefore include the following:

- (i) Chairperson - A woman faculty member sensitive to gender issues and with experience in upholding the cause of women's rights.
- (ii) Two faculty members (at least one a woman) especially nominated by TISS Faculty Association to serve on the Committee.
- (iii) Two wardens (from the ladies and gents hostels respectively).
- (iv) Two students (one hostel resident and one a day scholar — at least one a woman), especially nominated to serve on the Committee by the Students Union.
- (v) One member of the TISS Staff Union especially nominated by the Union to serve on the Committee.

- (vi) One eminent women academician from outside the university to be selected by the SAC.
 - (vii) NGO representative to be selected by the SAC with special experience in the issues of sexual harassment,
 - (viii) A counsellor selected by the Committee.
- At least 50 per cent of the members of SAC shall be women.

Advisory Committee of SAC

It is necessary that the Committee is assisted by

- (i) A woman lawyer or faculty with legal background who has special experience in dealing with the issues of sexual harassment.
- (ii) A woman doctor.

Status of the Committee

The Committee should have a statutory status and its recommendations should be binding on the Management.

Term of Office

The term of office of the Committee shall be 3 years.

Functions of the Committee

The main functions of the Committee shall be :

- (i) To deal with the complaints (formal/informal) that are brought before the SAC.
- (ii) To ensure implementation of this policy at TISS.
- (iii) To organise regular workshops/training programmes for members of SAC, students, faculty and employees on the issue of sexual harassment.
- (iv) To bring out publications in English and Indian languages concerning sexual harassment and also concerning implementation of this policy.
- (v) To arrange for consultation and counselling to the victims or anyone who wants to discuss issues relating to sexual harassment, whether a complaint has been lodged or not.

Infrastructure for the Committee

The Committee should be provided with the necessary infrastructure — a room, a telephone, secretarial assistance and a yearly grant to carry out its functions.

Publicity for SAC

- (i) The Management shall give wide publicity to the adoption of the Sexual Harassment Policy and the formation of the Sexual Amity Committee. The policy should be included in the Institute's prospectus.
- (ii) The names of the persons who are on the Committee from time to time, and the advisory body along with their contact numbers and places will be displayed at all times in a permanent manner at conspicuous places of the notice boards of the students, faculty, staff, service staff, library, mess and hostels.

Disqualifications of Members

A person shall be disqualified from being appointed, elected, nominated or designated in the SAC if there is a complaint of sexual harassment, moral turpitude or serious criminal charges pending against him/her or if he/she is found guilty of sexual harassment.

Grievance Procedure

- (i) Anyone subject to sexual harassment is urged to make it clear to the offending party that such behaviour is unwelcome and contrary to the Institute's policy. This could be done by the victim herself, or her friend or with the help of any faculty member(s) or any member(s) of the SAC.
- (ii) If this has no effect a complaint has to be brought before the SAC (whether written or oral), addressed to the Chairperson of the SAC.
- (iii) The complaint may be lodged by a third party, either a friend/colleague/teacher/parent.
- (iv) Where the complainant prefers not to disclose her identity, the complaint shall be addressed to the Chairperson of the SAC of TISS handed over in person or sent in a sealed envelope.
- (v) Upon receipt of any such complaint the Chairperson shall retain the original complaint with himself/herself and send a gist of the complaint containing all material and relevant details other than the name of the complainant or other details which might disclose the identity of the complainant to the other SAC members.
- (vi) Counselling and consultation should be made available to the victim by the SAC.

- (vii) The SAC, on receipt of any complaint or gist of complaint, shall immediately, within seven days of the receipt, set up an enquiry committee of 2/3 persons from the Committee itself. If the Chairperson of SAC is of the view that a representation from a non-member of SAC will be useful in the interest of justice, she may co-opt such members.
- (viii) The enquiry committee shall enquire into the issue by laying down its own procedure to find out if the accused is *prima facie* guilty. The enquiry report shall be submitted to the Chairperson within two weeks.
- (ix) If there is a *prima facie* case, against the accused, he should be immediately suspended till he is proved innocent or the issue is settled.
- (x) Efforts must be made to resolve the dispute through counselling and mediation.
- (xi) After the *prima facie* enquiry, the SAC may conduct, if required, a formal enquiry as per the rules of natural justice.
- (xii) In case the complaint is of criminal nature, the SAC/management will help the victim to lodge a complaint with the concerned police station immediately.
- (xiii) In case, the accused is found guilty, the SAC may recommend disciplinary action.
- (xiv) The SAC will keep a record of the details of the cases handled.

Punitive Action

Punitive action will be commensurate with the nature of offence. The penalty to be imposed by the SAC shall be any one or more of the following having regard to the nature and gravity of sexual harassment.

- caution/reprimand/warning;
- fine in monetary terms;
- suspension for a specified period;
- expulsion for a specified period;
- withholding increments;
- lodging a complaint with the police; and
- dismissal or termination.

Duration of Enquiry

The enquiry should be completed within three months after the date of receipt of the complaint. In case the enquiry has to be extended beyond

this period, the Chairperson of SAC shall give in writing to the victim, the reasons for delay.

Appeal

The complainant shall have the right to appeal to the Director or to the Governing Board as the case may be, if she is not satisfied by the action taken by the SAC.

Savings

Nothing in this policy shall preclude anybody from lodging a complaint straightaway with the police in respect of any act amounting to an offence under the law. Nothing in this policy shall preclude a person from taking recourse under any law.