

Policy on Sexual Harassment

Prohibition and Punishment for Sexual Harassment

1/1/2018

Manovikas Institute for Higher Education

Under aegis of Manovikas Charitable Society



POLICY ON SEXUAL HARASSMENT

PROHIBITION AND PUNISHMENT FOR SEXUAL HARASSMENT

Manovikas Institute for the Higher Education is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Every member of the Institute community should be aware that while the Institute is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India.

Such behaviour is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1) (g): Right to Freedom which upholds a woman's right "to practice any profession, or to carry on any occupation, trade or business"]

The Supreme Court of India, in a landmark judgment in August 1997 (*Vishaka & others vs. the State of Rajasthan & others*) stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the "Right to Freedom" under Article 19 (1)(g). Another Supreme Court Judgment in January 1999 (*Apparel Export Promotion Council vs. Chopra*) has stated that sexually harassing behavior "needs to be eliminated as there is no compromise on such violations". The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty".

These judgments confirm India's international commitment to the International Covenant on Economic, Social and Cultural Rights (acceded to in 1979) and the Convention for the Elimination of Discrimination against Women (CEDAW, ratified 1993). The Government of India was also a signatory to the Resolutions of the Fourth World Conference on Women in Beijing in 1995.

The Supreme Court judgment of 1997 makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. Educational institutions are bound by the same directive. Following this, Manovikas is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction.

SOCIAL CONTEXT OF SEXUAL HARASSMENT

Though violent conduct is prohibited both by law and by Institute Rules, a specific policy defining sexual harassment is required to address the specific form and extent of sexual harassment in the institute. The policy recognises that sexual harassment is not an offence merely amounting to disruption of law and order. Sexual harassment is an act of power, and a public and collective violation that is often trivialised by labelling it an interpersonal transgression. It is therefore a violation of gender equality and also, of the right to a safe education and work environment for all. Sexual harassment not only affects a few individuals but reinforces gender-based discrimination for everyone.

It, therefore, becomes imperative that various educational institutions, and civil society as a whole, should take adequate measures to ensure the safety, security, dignity, rights and equality of women as much as of men. Such measures will strengthen social and professional relationships in the work place.

Manovikas, in evolving this policy, has borne in mind that the institution functions within a social context. Given the social stigma associated with sexual harassment, a majority of instances of sexual harassment go unreported or even unmentioned. The policy, therefore, has evolved mechanisms that are accessible and will ensure confidentiality. It has also attempted to ensure fair, accountable and representative procedures for redressal and resolution.

SCOPE OF REFERENCE FOR MANOVIKAS

In formulating a policy for preventing and redressing sexual harassment, the fact that Manovikas consists of a number of academic branches, CBR projects, training labs spread over the entire National Capital Region of Delhi and India has been considered.

The interpretation of the term, “work place,” for the purpose of the policy for Manovikas, will extend to all public spheres that remain in contact with members of the Institute community. Such public spaces include not just the physical premises under the supervision of the Institute system, but even areas in and outside Delhi, where Institute members reside or travel to as part of their work as members of the Institute. The jurisdiction will include field trips, sports tournaments, conferences, college festivals and all other activities undertaken by any person as a member of Manovikas Institute.

GUIDING PRINCIPLES FOR DEFINITION OF SEXUAL HARASSMENT AND REDRESSAL MECHANISM

This policy defines sexual harassment and the mechanisms of redressal by looking at the specific structures, needs and imperatives in Manovikas, it is guided by the definition of sexual harassment given by the Supreme Court in 1997 in Vishaka vs. State of Rajasthan.

OBJECTIVES OF THE POLICY

- To fulfil the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at Manovikas.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- To uphold the commitment of Manovikas to provide an environment free of gender-based discrimination.
- To create a secure physical and social environment which will deter acts of sexual harassment
- To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms?
- To generate public opinion against sexual harassment and all forms of gender-based violence.

DEFINITION OF SEXUAL HARASSMENT

The following constitute sexual harassment:

- When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any Institute activity.
- When unwelcome sexual advances, and verbal, non- verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.
- When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
- When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the Institute is used to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.

Definitions:

'Institute' Manovikas Institute for Higher Education or any affiliated branch of Manovikas Charitable Society.

'Members' of the Institute includes students, teachers and non-teaching staff of the Manovikas Charitable Society.

'Students' includes regular, distance mode, special students as well as current ex-students of Manovikas.

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'Teachers' includes any person on the staff of the Institute or any of the colleges/institutions affiliated to it, who is appointed to a teaching and/or research post, whether full time, temporary, adhoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.

'Non-Teaching Staff' includes any person on the staff of the Institute or any of the colleges/institutions affiliated to it, who is not included in the category of teacher. It shall also include contract workers and daily wagers.

'Resident' includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by Manovikas.

'Outsider' includes any person who is not a member of the Institute or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of Manovikas Institute or any college/institution affiliated to Manovikas Institute.

'Campus' includes all places of work and residence in the Manovikas Institute or any college or institutions affiliated to the Manovikas Institute. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, staff quarters, public places (including parks, streets and lanes) and canteens, etc. on the Manovikas Institute campus or the campus of any institution affiliated to the Manovikas.

Committee against Sexual Harassment

Manovikas has constituted a Committee against Sexual Harassment

1. Mr. Nimesh G. Desai, President, Manovikas Charitable Society
2. Mrs. Pubali Aggarwal, University Representative
3. Mrs. Sangeeta, Principal, Manovikas Community College
4. Dr. Vijaya Taing, Member, Manovikas Charitable Society
5. Mrs. Indira Alok, Principal, Manovikas School for Inclusion
6. Mr. S. K. Tyagi, Advocate, Delhi High Court
7. Mr. Rajeev Narayan, Social Worker
8. Ms. Shivangi Gupta, Teacher, Manovikas School for Inclusion
9. Mr. Muninder Singh, Incharge, Manvik
10. Student Representative (Female), D.Ed. Prog
11. Student Representative (Male), D.Ed. Prog
12. Ms. Riya Singh, School Student
13. Mr. Harish Vij, Independent Living Resident
14. Student Representative, IGNOU



Dr. Alok Kumar "Bhuwan"
Managing secretary