

Gender Sensitization and Sexual Harassment Policy of IDSK

The Institute of Development Studies Kolkata (IDSK) is committed to creating and maintaining a gender-sensitive and congenial democratic working environment in which students, faculty and staff can work together in a community free of violence, harassment, exploitation, intimidation and stress. It is expected that all students, faculty and staff treat each other with respect. IDSK is averse to all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender or amongst the same sex members. Every member of IDSK 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.

To facilitate a gender-sensitive and congenial working environment at IDSK, an Internal Complaints Committee has been formed which provides an exclusive platform to any member of the institute to air their grievances either in person or in writing. The Committee will play a proactive role towards sensitization of the IDSK community towards gender issues in order to provide a congenial working atmosphere to all its students, faculty and staff. The Committee exists for the promotion of gender just and gender sensitive practices and activities within the Institute, including resolution of complaints of sexual harassment. The Committee is to be constituted of 9 members, with 3 representatives each from faculty and staff, 2 representatives from students of M Phil and PhD programmes each year and 1 external member familiar with the issues relating to sexual harassment. The Convenor of the Committee shall be a woman, and at least half of its members should be women.

The term of each Committee shall be three years. The existing Committee will continue till the new Committee is constituted. In the event of the expiry of the term of Committee during the pendency of an enquiry then for purposes of that complaint, the previous Committee will be regarded as a valid Committee, till the submission of the Enquiry Report. The Committee shall meet at least once every semester, and on an emergency basis if any complaints are received. Members shall be intimated of meetings in writing or by electronic communication. Minutes of all meetings shall be recorded, confirmed and adopted. The Committee shall undertake one gender sensitisation session each year for all the members of the IDSK community.

The objectives of the Committee are:

- To promote gender amity among students, faculty and staff and to work towards creating an atmosphere promoting equality, non discrimination and gender sensitivity.
- To promote and facilitate measures to create a work and study environment that is free of sexual harassment.
- To recommend to the Director for changes/elaborations in the Rules for students in the Prospectus and the Bye-Laws, to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students, faculty and staff
- To deal with cases of sexual harassment against women, in a time bound manner, aiming at ensuring support services to the complainants and termination of the harassment
- Recommend appropriate punitive action against the guilty party to the Director.

Definitions

According to the Supreme Court guideline, Sexual harassment can be defined as "unwelcome" sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography; and
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

The following is also sexual harassment and is covered by the committee:

- Eve-teasing,*
- Unsavoury remarks,*
- Jokes causing or likely to cause awkwardness or embarrassment,*
- Innuendos and taunts,*
- Gender based insults or sexist remarks,*
- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like,
- Touching or brushing against any part of the body and the like,
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings,

- Forcible physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy.

*** All these may be expressions of dislike for a person, but it must be kept in mind that behaviour of a person on and off campus should be maintained in a professional manner.**

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment - :

- a) Implied or explicit promise of preferential treatment
- b) Implied or explicit threat of detrimental treatment
- c) Implied or explicit threat about her present or future status
- d) Creating an intimidating or offensive or hostile environment for her or
- e) Humiliating treatment likely to affect her health or safety.

Procedure for Enquiry

The Committee will deal with issues relating to sexual harassment within IDSK and is applicable to all students, staff and faculty. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. A complaint may be addressed to the Convener of the Committee. If the complaint is made to the Director or any of the Committee members, they may forward it to the Convener of the Internal Complaints Committee. On receipt of a complaint, the Committee shall record it in writing. Due attention must be paid to confidentiality of the complainant and the defendant and no mention of their details may be made in the record. All complaints shall be entered in a register and shall be kept confidential. The Committee shall proceed with the complaint within 7 days from the receipt of the complaint.

The Committee shall proceed to make inquiry into the complaint following procedures in conformity with the principles of natural justice and gender sensitivity. The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications. The venue of the

enquiry should take into consideration the convenience and security of the complainant. The Committee should be sensitive to covert forms of harassment that may be faced by the complainant. The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee. During the enquiry proceedings the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. If required, any member of the Committee, if found to be closely associated with the defendant may recuse him/her self from the enquiry in case of a direct conflict of interest.

All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof. All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned Committee and the same shall not be made available pursuant to an application under the Right to Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the Committee in a fiduciary relationship and the non disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005. The Committee shall strive to complete the enquiry in the shortest possible time, preferable within two months from the date on which the complaint is referred to and not exceeding it.

After concluding its enquiry, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee. The Committee shall provide a report of its findings to the employer within 10 days of completion of inquiry and such report shall be made available to the concerned parties. No observations regarding the work and behaviour of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant. In the event that the

Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action (suspension, dismissal, or reference to sexual harassment as misconduct in service book etc.) to be taken taking into consideration the gravity of the offence of which s/he has been found guilty and the impact on the complainant. The disciplinary action will commensurate with the nature and impact of the sexual harassment. It shall also recommend whether after disciplinary action has been taken, the Administration should publicize the identity of the offender, the misconduct and the disciplinary action taken.
