

Prevention of Sexual Harassment of Women at Workplace

Preamble

Sexual harassment infringes on the following two fundamental rights provided by the Constitution of India: One is the right of a woman to gender equality under Article 14 and the other is the woman's right to life and live with dignity under Article 21. Supreme Court provided clear guidelines for dealing with sexual harassment in 1997. These guidelines which are legally binding and must be enforced include definition of sexual harassment at the workplace, prevention of such harassment, disciplinary action against the erring employee, and employer's responsibility in ensuring a harassment-free workplace.

As per the Supreme Court guidelines, Indian Institute of Management Bodh Gaya has constituted a committee for managing gender Issues has been set up as the Internal Complaints Committee (ICC). ICC was set up not only to deal with complaints of sexual harassment of women in the workplace but also to focus on creating awareness and educating about gender issues. For example, specific components of induction programme were formally introduced to create awareness and inform the students about the Institute's position on issues pertaining to sexual harassment and its procedures for dealing with such issues. In addition, gender sensitization workshops for staff and students are also conducted.

What is sexual harassment?

- Unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature such as loaded comments, remarks or jokes, letters, phone calls or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature.
- 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.

VERBAL: Unwelcome comments/sexual epithets.

VISUAL: Offensive pictures/photos/cartoons.

PHYSICAL: Unwelcome physical contact. Standing too close/ogling/suggestive gestures.

WRITTEN: Unwelcome personal letters/text messages/ e-mails.

- When submission to such conduct is made either explicitly or implicitly a term or condition of teaching / guidance, employment, participation or evaluation of a person's engagement in institute's activities.
- Such conduct has the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment.

Unwelcome	Welcome
Feels bad	Feels good
One-sided	Reciprocal
Feels powerless	In-control
Power-based	Equality
Unwanted	Wanted
Demearing	Appreciative
Illegal	Legal
Causes anger/sadness	Happy
Invading	Open
Causes negative self-esteem	Positive self-esteem

Objectives of ICC:

The objectives of the Internal Complaint Committee to Prevent Sexual Harassment of Women at the Workplace are as follows:

- 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 the Institute to provide an environment free of gender-based discrimination.
- To promote a social and psychological environment to raise awareness on sexual harassment in its various forms.
- To create a secure physical and social environment to deter any act of sexual harassment.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at the Institute. Role of Internal Committee

Scope of ICC:



The ICC's rules & regulations would apply to all members of IIM Bodh Gaya i.e., students, faculty and non-teaching staff actively discharging responsibilities on behalf of the institute. They would also apply to service providers and outsiders who were on the premises of the institute at the time of incidence. Precisely, ICC is authorized:

- To take cognizance of complaints about sexual harassment:
 - By a member of IIM Bodh Gaya against any other member of IIM Bodh Gaya.
 - By a resident against a member of IIM Bodh Gaya or made by a member against a resident.
 - By an outsider against a member of IIM Bodh Gaya or by a member of IIM Bodh Gaya against an outsider.
 - Irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- To conduct enquiries, provide aid and redressal to the victims, recommend action to be taken against the harasser, if necessary.
- To recommend arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if s/he so desires.
- To play a preventive role by making efforts to provide a congenial atmosphere at the institute by arranging periodic programmes and lectures, if required, on prevention of sexual harassment of women at the workplace.

Things to remember:

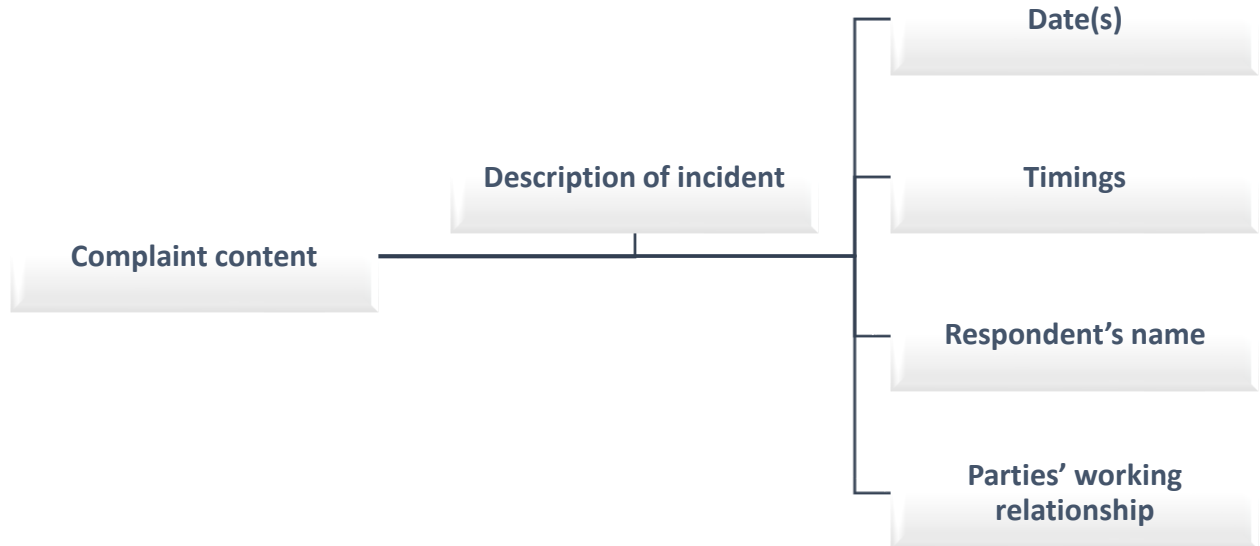
- Behaviours that may qualify as sexual harassment can range from lewd remarks or gestures to persistent, unwanted sexual attention, to jokes of a sexual nature to stalking and sexual assault.
- To be considered as harassment, the behavior must be unwanted or unwelcome.
- Harassment is unlikely to stop until confronted. Many who engage in offensive conduct stop when asked to stop.
- Filing of a complaint WILL NOT affect your career/grades / academic status adversely.

Steps to take:

- Communicate to the harasser that his conduct is offensive and unwelcome.
- Keep records of any verbal or written communication you have with the harasser.
- It is not necessary that you personally confront the harasser. If you are uncomfortable, seek help.

ICC Procedure:

1. The aggrieved party may make, in writing, a complaint of sexual harassment to the ICC, 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. The complaint should include:



2. The Committee may, before initiating an inquiry, at the request of the aggrieved party, take steps to settle the matter between her and the respondent through conciliation. No monetary settlement shall be made as the basis of conciliation.
3. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
4. If conciliation is found to be not feasible or the aggrieved party does not request conciliation, ICC shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
5. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Institute.
6. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or the aggrieved women or any other person making the complaint has produced any forged or misleading document, it may recommend to the Institute to take action against such falsification.
7. Nothing precludes the Institute authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Institute authorities.