

SHIV NADAR UNIVERSITY

Policy against Sexual Harassment

CIRCULAR

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The Supreme Court of India, in a landmark judgment on 13 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). A second Supreme Court Judgment on 20 January 1999 (*Apparel Export Promotion Council vs. A.K. Chopra*) 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”.

Following the Supreme Court guidelines on the prevention and deterrence of sexual harassment in the workplace, the University has adopted a Policy against Sexual Harassment for the University. The said Policy is hereby announced.

Shiv Nadar 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 and staff 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.

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

Reports of sexual harassment are taken seriously and will be dealt with promptly by a designated Committee on Sensitization of Gender, Prevention and Redressal of Sexual Harassment. The specific action taken in any particular case will depend on the nature and gravity of the conduct reported. The University will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Reprisals against an individual who in good faith reports, or provides information in an investigation, about behavior that may violate this Policy, are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

The emphasis of the Policy is on gender sensitization, and equitable, accountable and representative process of resolution and redressal in case of sexual harassment complaints, and it strives to prevent a division of men and women into two opposing interest groups.

The University 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 never an exercise of academic freedom or freedom of expression. It compromises the

integrity of the University and its traditions of intellectual freedom, and it also violates the principle of equality and dignity of all its members.

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when 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 permission to participate in a University activity, or when 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 living environment on the basis of a person's gender identity/sexual orientation.

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 behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident.

What to do if you feel you are being sexually harassed

Know your rights – Sexual harassment is illegal, both the law of the land and SNU prohibit sexual harassment.

Speak up – If you can, tell the person to stop. State clearly and firmly that you want a particular behavior to cease.

Get information and support – If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the University. Keep records that might be useful for 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 ignore it. Ignoring sexual harassment does not make it go away. The harasser may misinterpret a lack of response as approval of the behavior.

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

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