

Policy against Sexual Harassment

Institute of Chinese Studies (ICS)

The Institute of Chinese Studies is committed to providing a place of work free of sexual harassment, intimidation or exploitation.

All employees and fellows of the Institute, including those who are in temporary or short term positions are subject to this policy. Anyone violating this policy is subject to disciplinary action.

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. ICS recognises that confidentiality is important and 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 behaviour that may violate this policy, are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

WHAT IS SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favours, 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 an Institute 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 environment.

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 behaviour 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.

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

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

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

INTERNAL COMPLAINTS COMMITTEE (ICC)

The Internal Complaints Committee constituted will be appointed for a period of three years. Following are the nominated members (November 2015):

1. Convener
Dr. Madhurima Nundy (madhurima.nundy@gmail.com)
2. Two members from amongst employees –
Dr. Tshering Chonzom (tsheringjnu@gmail.com),
Dr. Aravind Yelery (aravind.yelery@gmail.com)
3. One member from amongst NGOs or associations committed to the cause of women –
Prof. Mary John (maryjohn1@gmail.com), Senior Fellow, Centre for Women's Development Studies, New Delhi

PROCEDURE FOR REGISTERING COMPLAINTS

The complainant can make, in writing, a complaint of sexual harassment at workplace to the ICC. If the complainant is unable to write the complaint, the ICC or any other member of the organisation shall render all reasonable assistance to the individual seeking assistance for making the complaint in writing. If the individual is unable to write the complaint on account of physical or mental incapacity, any family member or authorised person can make the complaint.

ENQUIRY PROCEDURES

1. For the purpose of making an enquiry the ICC shall have the powers to summon and enforce the attendance of any person and examining him/her on oath;
2. The enquiry shall be completed within a period of ninety days.
3. On completion of the enquiry the ICC shall provide a report of its findings with recommendations to the Governing Council within a period of ten days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
4. Based on the report and its recommendations, the Governing Council will recommend whether action is required to be taken or not.
6. The employer shall act upon the recommendation within sixty days of its receipt.

PENALTIES

After completion of enquiry and on ascertaining the offense of the respondent, the “Internal Complaints Committee” may recommend to the employer the penalty to be given which may be any one or more of the following:

- i. Warning
- ii. Written apology
- iii. Bond of good behaviour
- iv. Adverse remarks in the Confidential Report
- v. Debarring from supervisory duties
- vi. Denial of membership of statutory bodies
- vii. Denial of re-employment
- viii. Stopping of increments/promotion
- ix. Reverting, demotion
- x. Suspension
- xi. Dismissal
- xii. Any other relevant mechanism

Notes

1. A complainant has the right to go public if she/he so desires. Going public before giving in the complaint to the committee by the complainant should not prejudice the committee members. Once a complaint has been given to the committee, the complainant should preferably not go public till the enquiry is completed unless required.
2. Filing of a grievance/complaint shall not adversely affect the complainant’s status/job, salary/promotion, grades etc.
3. The committee should make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who intimidates the complainant or members of the committee, during or after the enquiry.
4. Any committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.