

Sexual Harassment against Women at Educational Institutions

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Abstract: *Over the past few years, the issue of women's safety has become a prime focus of public attention and concern in India. Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Sexual Harassment generally takes place when there is power or authority difference among persons involved. In institutions of higher education, both the offender and the offenders Supervisors, Chairperson, Directors, Institutional Heads can be held liable for acts of sexual harassment. The new report from HRW said such abuse is disturbingly common, government responses are falling short in protecting children and in treating victims. National Crime Records Bureau, A total of 66,40,378 cognizable crimes comprising 26,47,722 Indian Penal Code (IPC) crimes and 39,92,656 Special & Local Laws (SLL) crimes were reported, showing an increase of 9.9% over 2012 (60,41,559 cases).*

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1. Introduction

Over the past few years, the issue of women's safety has become a prime focus of public attention and concern in India. Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Sexual Harassment generally takes place when there is power or authority difference among persons involved (Student/Teacher, Employee/Supervisor, Junior Teacher/Senior Teacher, Research Supervisee/Supervisor). This also involves treating others unequally on the basis of gender in work-related or academic duties or programs and not providing female students with the same academic opportunities as male students or vice versa; this is also applicable to same sex harassment (male /male, female/female). In institutions of higher education, both the offender and the offenders Supervisors, Chairperson, Directors, Institutional Heads can be held liable for acts of sexual harassment.

The right to education is now a fundamental right. A study of school girls in one south Indian state also documented girls' vulnerability to harassment. There are no clear statistics on the number of child abuse cases in India, primarily because of the low reporting of such crimes. The new report from HRW said such abuse is disturbingly common, government responses are falling short in protecting children and in treating victims.

The report urges the government to ensure rigorous implementation of child protection laws and strict monitoring of child care facilities. It calls for an end to traumatic medical examinations and insensitive treatment by police and other authorities, which subject victims to further distress.

"The vulnerability of children to sexual abuse is very high, and it becomes worse because there is nobody monitoring these children's homes," said Anuja Gupta of the Recovering and Healing from Incest, or RAHI, Foundation in New

Delhi. "Shockingly the very institutions that should protect vulnerable children can place them at risk of horrific child sexual abuse," said Meenakshi Ganguly, HRW's South Asia director.

While the government in 2012 passed a comprehensive law to protect children from sexual offences, its efforts to implement the law remained poor or nonexistent, activists say. While child abuse is a problem elsewhere, in India it is further aggravated by poorly trained police officers who refuse to register complaints or encourage the victims to seek a settlement.

The Central Government has agreed to the incidents of sexual abuse of students in educational institutions in Kendra Vidyalaya, Navodaya Vidyalaya which are run by Central government. Speaking at the Rajyasabha, the Central minister Mr.Sashi Tarur said there were 14 sexual abuse cases and 42 cases on Navodhaya vidhyalaya and Kendriya vidhyalaya respectively. A total of 24 cases were found guilty and the actions were taken on them, he said. Moreover, inquiries are conducted on 18 more sexual harassment cases on students and are under investigation....he said.

2. Statement of Principles

- Sexual harassment is offensive sexual behavior by persons in authority towards those who can be benefitted or injured in an official capacity. Therefore, it is primarily an issue of abuse of power not sex.
- Sexual harassment is a breach of a trusting relationship that should be a sex-neutral and relaxed situation. It is unprofessional conduct and undermines the integrity of the employment relationship.
- Sexual harassment is coercive behavior, whether implied or actual. It is unwanted attention and intimacy in a nonreciprocal relationship.
- Sexual harassment is a violation of professional ethics.

3. Sexual Harassment Defined

Unwanted sexual advances;

- Unwelcome requests for sexual favors; and
- Other behavior of a sexual nature where:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a HE|-sponsored educational program or activity;
 - B. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
 - C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

4. Sexual Harassment: Types and Examples

(Actual reported cases)

a) By Teacher

- Male Teacher asked the Female student, if you want "A" grade, you need to take your final exam at my home.
- Male head of the department forced the female subordinate employee that if she wants her contract extended she needs to spend time with him after office hours
- Male HOD deliberately touching or hitting the body of female employee by file or pen/pencil.
- Male Teacher's referring to female bodies and reproductive cycles to embarrass female students during class lectures.
- Various complaints recorded of staring at female students especially at their bodies
- Needy female students were given financial support by Faculty member in exchange for sexual favors
- Students complaints of teacher telling vulgar jokes during classes which have sexual innuendos
- Complaints against male supervisor/teacher spending long hours locked away in office with a young female colleague or student

b) By Students

- Female student dressing or behaving provocatively while in a meeting or in the presence of the male faculty or supervisor in a one-to-one situation.
- Female student asked the teacher to provide the final grade list of all students. When the teacher refused to do that, the student registered a complaint against the teacher that he tried to hold her hand in parking lot while asking her to meet in private for grade list.
- Female student visiting male teacher in his office unnecessarily and spending long hours and initiating intimacy for benefits (of grades, employment or even monetary).
- Students sending in written notes, letters, emails with requests for intimacy- in exchange for grades
- Character assassination of female teachers to gain political, academic, or financial gains
- Dressing culturally inappropriately to emphasize body parts (both males/females)

c) By Employees

- Using vulgar language to address females (student, faculty and other employees)
- To touch their intimate parts in the presence of women
- Younger faculty member was blocked by Dean of the relevant faculty to get higher education (PhD/Phil).
- Junior faculty was transferred to other department against their will by the authorities as punitive measure for not complying with undue request for (sexual) favors
- Administrative Staff asking the female students to pay them for providing the students for their documents in time,
- Giving extra favors to young female faculty/staff in nominating their names for international/domestic trips for their attention.
- Threatening the females students by using forge/fake documents and pictures to black mail them into compliance.
- Anonymous letters/pamphlets/e-mails defaming or character assassinating of employees/teachers/students.
- Providing material to newspaper/magazine to tarnish the reputation of faculty/employee/students.

Harassment may take the form of words Violence against women is experienced by women of all ages and social classes, all races, religions and nationalities, all over the world. It is overwhelmingly perpetrated by men (Krug et al., 2002). It is the most pervasive violation of human rights in the world today. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement, and violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men (United Nations, 1993). Sexual harassment is one of the forms of sexual exploitation of women that occurs in the workplace or in an educational setting under certain conditions. It is unwanted sexual pressure that one person inflicts upon another. Media plays a significant role in shaping notions about gender roles and gender identities within the Indian context. It is the cultural framework within which people get their cue. Fight back against harassment and abuse within higher education institutions that you or a loved one has faced. Inappropriate teacher conduct and workplace harassment boils down to abuse of power. Sometimes a professor, counselor or other university employee will use his or her power to coerce students or subordinates into sexual relationships. When harassment or abuse takes place, and the college or university does not investigate or take steps to prevent future abuse, contact a skilled attorney.

Relationships between students and teachers should remain professional and within bounds of appropriate educational behavior. If you have felt uncomfortable dealing with your professor, and are afraid of taking action against him or her, you may have been the victim of abuse or harassment. Examples of inappropriate behavior include:

- Being made to feel that submitting to misconduct or sexual relations is a condition of a passing grade
- Being made to feel that rejecting inappropriate behavior could adversely affect your success within the institution
- Being made to feel intimidated or offended within a hostile environment that interferes with your work

Universities should have policies in place that define what constitutes sexual harassment, to what degree such behavior is prohibited, what steps to take if harassment takes place and methods for prevention. If your school has failed to protect you from harassment and abuse, contact us. We can help you take action against inappropriate relations that have made your academic career difficult and intimidating.

Under the recommendations of the Raghavan Committee, all government and private schools are required to have a sexual harassment committee but there are many schools who are not complying with the same. It is a very sensitive issue and needs immediate attention. All schools should have a complaint box in place and students must be encouraged to submit complaints if they have any.

Schools should also organize awareness programmes for both students as well as their parents. Students need to be told that if any incident related to sexual harassment occurs, then it needs to be brought out in the open. Students need to be counseled so that they do not hesitate in bringing up such issues with the seniors. Also it is not only in the schools that causes related to child abuse can take place rather such issues can also come up at home where relatives might be involved. Thus, there is a need to educate the parents as well so that students do not hesitate in discussing the issue with them.

5. Present scenario

a) India

According to National Crime Records Bureau, 'Crime in India, 2013' report, According to National Crime Records Bureau, A total of 66,40,378 cognizable crimes comprising 26,47,722 Indian Penal Code (IPC) crimes and 39,92,656 Special & Local Laws (SLL) crimes were reported, showing an increase of 9.9% over 2012 (60,41,559 cases). During 2013, IPC crime rate has increased by 9.6% over 2012 while SLL crime rate has increased by 7.9% over 2012. Percentage share of SLL was 60.1% while percentage share of IPC cases was 39.9% reported during 2013.

b) Andhra Pradesh

'Crime in India, 2013' report, According to National Crime Records Bureau, Andhra Pradesh reported 10.6% of total such cases in the country (32,809 out of 3,09,546 cases). Delhi UT reported the highest crime rate (146.8) as compared to the national average rate of 52.2. Andhra Pradesh has reported 37.4% (4,702 cases) of total insult to the modesty of women cases reported in country during 2013. Highest incidents of kidnapping & abduction 18.8% (9,737 cases) and dowry deaths 28.9% (2,335 cases) were reported in Uttar Pradesh. A total of 53,464 cases of crime against women were reported from 53 mega cities out of 3,09,546 cases reported in the country during 2013. The

rate of crime in these cities at 69.7 was comparatively higher as compared to national rate at 52.2.

c) World scenario

According to a 2013 global review of available data, 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. However, some national violence studies show that up to 70 per cent of women have experienced physical and/or sexual violence in their lifetime from an intimate partner. Worldwide, more than 700 million women alive today were married as children (below 18 years of age). More than one in three or some 250 million were married before 15. Child brides are often unable to effectively negotiate safer sex, leaving themselves vulnerable to sexually transmitted infections, including HIV, along with early pregnancy. The fact that girls are not physically mature enough to give birth, places both mothers and their babies at risk. Poor girls are also 2.5 times more likely to marry in childhood than those living in the wealthiest quintile. Around 120 million girls worldwide (slightly more than 1 in 10) have experienced forced intercourse or other forced sexual acts at some point in their lives. Between 40 and 50 per cent of women in European Union countries experience unwanted sexual advances, physical contact or other forms of sexual harassment at work. In the United States, 83 per cent of girls in grades 8 through 11 (aged 12 to 16) have experienced some form of sexual harassment in public schools.

6. Core Elements for Sexual Harassment Laws in the Educational Setting

As with sexual harassment in other settings, many countries deal with sexual harassment in educational settings through a variety of legal regimes, including criminal law, anti-discrimination legislation, and education laws, as well as local policies and disciplinary codes. Laws should:

- Prohibit harassment by teachers, staff, and fellow students, keeping in mind the age of alleged student perpetrators;
- Prohibit harassment of admitted students as well as those students seeking admission to educational institutions;
- Reflect a zero-tolerance policy for sexual relationships between teachers and students;
- Make schools financially liable for harassment that occurs on their premises or during school-related activities;
- Require that all educational institutions, both public and private, have sexual harassment prevention policies;
- Require that sexual harassment policy information be made available to students, parents, and staff in an accessible way (ie. training, posting policies in easily visible locations, and translating policies into other languages).

7. Prevention and control

Options for handling sexual harassment at Individual level:

- 1) Do nothing as the situation probably won't get any better?
- 2) Speak up and tell the person that you don't like his behaviour

- 3) Tell the harasser what you are feeling.
- 4) Don't try to deal with severe sexual harassment alone. Ask someone to accompany when you confront the person.
- 5) Don't hesitate to tell the incidence to the supervisor, head or the employer about the incident.
- 6) Consult a legal advocate or human resources to lodge a formal complaint.

Considering the importance of the education sector where a large number of women are employed or are present as students, and with a view to have a proper & effective complaint mechanism in various educational institutions and establishments, both at the college and school levels to prevent or deal with complaints regarding sexual harassment.

8. Conclusion

The paper concludes that all women are vulnerable to this type of violence irrespective of their occupational status, marital status, educational or economic status. It can also be concluded that high socio-economic or educational status does not protect a woman from sexual harassment. It is clear that sexual harassment is one of the most endemic forms of violence against women and girls today. Despite widespread prohibition around the world, unwanted sexual attention is an unavoidable condition of work and education for a significant number of women and girls. The types of behaviors that constitute it and the type and severity of harm that result from it vary by region, occupation, and discipline. How seriously complaints are taken and the amount of protection and remediation offered vary by nationality and organization. Globalization has been a dual-edged sword in the campaign to protect women. The world struggles to survive the most significant economic recession since the Great Depression, the global hemorrhaging of employment and educational opportunities will only increase the number of women and girls vulnerable to sexual harassment. To balance their meager budgets, governments, employers, universities, and schools have already begun to reduce or cut completely vital resources for prevention and protection. So, while lawmakers were exceptionally prolific in their efforts to prohibit sexual harassment during an era of unprecedented economic expansion, the question remains whether their efforts will be sufficient in this time of extreme economic contraction.

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