



# Evaluating the Effectiveness of UGC's Policy to Prevent Sexual Harassment: A Systematic Review

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## Abstract

Incidents of sexual harassment in universities is a growing global concern. In order to make educational campuses a safe space for students, universities have developed and implemented various Anti-Sexual Harassment (ASH) programmes. However, it is imperative to validate the appropriateness of such policies to identify gaps and better develop the ASH programmes and the redressal mechanism employed by universities. This paper aims to evaluate the efficacy of the policies on prevention of sexual harassment formulated by the University Grants Commission (UGC) in India, which is implemented in approximately 967 higher educational institutions across the country. Two policies: the University Grants Commission (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulation 2015 and the Saksham Report (Measures for ensuring the safety of Women and Programmes for Gender Sensitisation on Campuses) 2013 are systematically reviewed using the Sadler effectiveness triangle that breaks down the policy to its Procedural, Transcriptive and Substantive Value in order to evaluate the policy principles, the policy measures and the implementation of these measures. Key findings of the analysis were: Absence of consent education in gender

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sensitisation programmes, lack of survivor-centered and trauma sensitive approaches, gaps in the appointment and qualification of members of the Internal Complaints Committee (ICC) which is responsible for sexual harassment redressal in universities and a lack of representation of sexuality minorities in both the gender programmes and ICC.

**Keywords:** Sexual Harassment, Internal Complaints Committee, Gender Sensitisation programmes, POSH policies, Higher Educational Institutions

## 1. Introduction

Sexual harassment is the violation of dignity, right to social security, right to equality, and the violation of life, liberty and bodily integrity as well as autonomy, guaranteed to all human beings by the society they live in (Sexual Harassment Act, 2013). It has grave legal as well as psychological consequences, both of which should be appropriately and adequately resolved in order to mitigate and lessen the emotional damage incurred by all parties involved.

The extensive literature present indicates that sexual harassment in campuses is a vital and critical equity issue that needs immediate attention. In United States of America studies specify that nearly 20% of all female students experience sexual harassment and this number is increasing every year. (Voth, 2017; Fedina, Holmes & Backes, 2018). In United Kingdom a study conducted by a campaign group (Revolt Sexual Assault, 2018) implies that 62% students in universities experience sexual harassment, whereas the statistics published by the Department of Education in United Kingdom (2018) estimate the number of female students who experienced some form of sexual harassment to be around 37% and the number of male students to be around 6%, while the number of female students who have experienced unwanted physical touch (sexual in nature) as 27% and males at 4%. A study (Tutchell & Edmonds, 2020) also indicated that 50,000 students experience either physical or verbal sexual harassment each year in English and Wales universities. In China, a study by Parish, Das, & Laumann, (2006) used data from Chinese Health and Family Life

services and indicated that about 12.5% females experience sexual harassment (Cross-sex harassment, i.e. harassment faced by the opposite gender) and the most commonly reported sexual harassment (of all types) was from a university peer or coworker.

In India, however there is a shortage of literature on the national statistics of sexual harassment experienced by college students. Most surveys are focused on university specific statistics or are collected by local newspapers and blogs which makes it difficult to scrutinise their methodology to compare data with global statistics. However, they indicate that as many as 99% of all sexual harassment cases in India go unreported (Chandran, 2016; Prमित Bhattacharya, 2018; Tiwari, 2018).

In the wake of these excessive sexual harassment cases on campuses globally, universities have committed themselves to providing safe campuses to students by creating stern sexual harassment policies that aims to create an environment that sensitises its individuals about the treatment of their peers, however a very important aspect and often neglected aspect of creating a sexual harassment policy is creating a survivor-centered and trauma-informed redressal mechanism that empowers survivors to speak up about their harassment and seek justice without facing any reprisal (Bondestam & Lundqvist, 2020).

Experiencing sexual harassment can complicate a survivor's involvement in hearings conducted during the investigative process of a sexual harassment complaint in universities. Like most individuals who experience traumatic events, survivors of sexual harassment suffer from alterations to their brain chemistry and functioning. These alterations can hinder survivors from providing a chronological and coherent testimony to law enforcement. This may sometimes be interpreted as a survivor being unreliable which may affect how the investigating committee interrupts the remaining evidence or the facts of the case. A survivor-centric and trauma informed approach provides information that can help investigating committees counter this bias\*.

## **2. Background**

In India, according to the Ministry of Women and Child Development sexual violence against women has been increasing since 2011 (Shakti, 2017). Vishaka Vs State of Rajasthan became the pioneering case in India in sexual harassment laws, the judgement of the case laid down guidelines for the prevention, protection and punishment of sexual harassment. These guidelines made it mandatory for every state, public sector & other institutions to set up a complaint mechanism for sexual harassment. These guidelines gave birth to the current mandate - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The University Grants Commission (UGC) is a statutory body set up by the Government of India, and is responsible for coordinating, determining and maintaining the standards of higher education in India. UGC regulates guidelines for universities it accredits and approves. 967 colleges in India come under the UGC ambit and this number is ever growing, according to the most recent statistics available on the UGC Website, approximately 418 universities are State owned universities, 128 are Deemed to be Universities, 54 universities come under the Central Government, and 370 are privately owned universities.

In compliance with their mission, UGC is also entasked with forming the sexual harassment prevention policies and guidelines for the universities under its ambit. In response to the growing awareness of the extent of sexual violence after the 2012 Nirbhaya Delhi gang rape and murder case (Trivedi, 2012), a set of laws were released titled Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which mandated every institution including education institutions to set a Prevention of Sexual Harassment (POSH) policy in place. Thus, UGC released a set of recommendations titled: 'Saksham, Measures for Ensuring the Safety of Women and Programmes for Gender Sensitisation on Campuses'. In 2015 after the creation of The Women at Workplace Act - 2013, UGC passed a set of regulations that was to be implemented by every HEI under their ambit, 'University Grants Commission (Prevention, Prohibition and

Redressal of sexual harassment of women employees and students in higher educational institutions) Regulation'.

The aim of this paper is to analyze the effectiveness of these policies and guidelines. The objective is to understand if these policies are implemented the way they are intended and if they indeed bring about the result they were designed to achieve. The paper aims to highlight any gaps or flaws in the most widely used sexual harassment policy in Indian universities to aid in the movement of making campuses safe spaces for its students.

Aina & Kulshrestha (2017), conducted a survey across students from educational institutions in Delhi NCR and found that only 25% students in state and private universities have received anti-sexual harassment education, 53% students are unaware of the procedure to be followed when they file a sexual harassment complaint in their institute and 75.3% students in private universities and 82.4% students in state universities did not report their experience of sexual harassment to their universities.

Johannes, Gandhi, & Mehta (2011), conducted a similar survey on 1000 students and faculty members of 46 universities in Mumbai and found that 61.7% students reported they had experienced sexual harassment and 39.1% of the student were not aware of the sexual harassment redressal procedure in their university.

Gurung, Sangeetha & Binu (2016), conducted a cross-sectional study to assess the perception of undergraduate student in Udupi district towards sexual harassment, they study indicated that 90.9% of students perceive that establishing sexual harassment awareness programmes can be helpful in preventing sexual harassment in colleges. These studies indicate the importance of having a good policy in place to promote the mandatory establishment of anti-sexual harassment programmes in universities and adequate redressal mechanisms for those who experience harassment.

### **3. Methodology**

The aim of this study is to evaluate the effectiveness of the UGC sexual harassment policies, to do this, a systematic review method was adopted for this study due to its exploratory nature. The paper

consists of analysis drawn from reviewing the literature of the UGC policies for sexual harassment, and to do so the paper focuses on two documents:

1. University Grants Commission (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulation, 2015. (Refer to Table 1 below for content summary).

2. Saksham Report (Measures for ensuring the safety of Women and Programmes for Gender Sensitization on Campuses), 2013. (Refer to Table 2 below for content summary).

**Table 1: Content Summary of UGC (Prevention, Prohibition and Redressal of sexual harassment of women employees and student in higher educational institutions) Regulation, 2015.**

Sr.No.	Heading
1.	Short Title, Application and Commencement
2.	Definitions
3.	Responsibilities of the Higher Educational Institutions
4.	Grievance Redressal Mechanism
5.	Responsibilities of ICC
6.	The Process of Making Complaint and Conduction
7.	Query
8.	Process of Making Complaint of Sexual Harassment
9.	Process of Conducting Inquiry Interim Redressal
10.	Punishment and Compensation
11.	Action against Frivolous Complaint
12.	Consequences of Non-Compliance

**Table 2: Content Summary of Saksham Report (Measures for ensuring the safety of Women and Programmes for Gender Sensitisation on Campuses), 2013.**

Sr. No.		Content Covered
1.	Introduction	1. Higher Education and Gender in Contemporary India. 2. Sexual Violence and Harrasment in the Contemporary Context. 3. Vishaka Guidelines, Justice Verma

		<p>Committee.</p> <ol style="list-style-type: none"> <li>4. Sexual Harassment at the Workplace Act, 2013.</li> <li>5. Establishment of the UGC Task Force and its TOR.</li> </ol>
2.	Questionnaire based survey among university and colleges	<ol style="list-style-type: none"> <li>1. Method of eliciting information</li> <li>2. Background Information and Rationale</li> </ol>
3.	Open Forums	<ol style="list-style-type: none"> <li>1. Context and Background</li> <li>2. Observations and Feedback from Open Forums</li> <li>3. The Main Issues that Emerged.</li> </ol>
4.	Gender Sensitisation	<ol style="list-style-type: none"> <li>1. Rationale and Scope</li> <li>2. Suggested Course Module</li> <li>3. Workshop Series on Gender, Masculinities, Sexual Harassment, Laws and Rights</li> </ol>
5.	Sexual Harassment in Universities and Colleges	<ol style="list-style-type: none"> <li>1. Understanding the role of ICCs in University</li> <li>2. Guiding Principles</li> <li>3. Specially Vulnerable Groups</li> <li>4. Intimate Partner Violence</li> <li>5. Ethics for Research Supervision</li> </ol>
6.	Introduction	<ol style="list-style-type: none"> <li>1. Setting up a Gender Sensitization Unit</li> <li>2. The Problems of Protectionism</li> <li>3. Gender Sensitization</li> <li>4. Recognising and Combatting Sexual Harassment</li> <li>5. Preparation of UGC Handbook</li> <li>6. Courses and Workshops</li> <li>7. University Services and Infrastructure</li> <li>8. Women's Studies Centres/Women's Development Cells</li> <li>9. Recommended Projects/Research</li> <li>10. Regulatory Aspects</li> </ol>

While the first set of regulations is an explicitly written act for higher educational institutes printed on the Gazette of India, the Saksham Report is focused on the guiding principles for this act as well as guiding principles of the Internal Complaints Committee (ICC), a body mandated by the UGC to handle sexual harassment cases in higher education institutes (HEIs). Together they are referred to as the UGC sexual harassment policies.

The analysis is done by employing the Sadler effectiveness triangle (Sadler, 1996). Sadler (1996) described effectiveness as "how well something works or whether it works as intended and meets the purposes for which it is designed". The framework was initially made to evaluate the effectiveness of environmental assessment policies. The reason this model is applied to the current study of evaluating the UGC sexual harassment policies is because in creating this framework, Sadler created a way of relating policy principle to practise to performance and the implications of the performance back to policy judgements and policy mechanism development. Applying this model to the current study allows for the simultaneous study of the policy principles, measures and implementation, and identifies gaps at every level. Sadler (1996) proposes that the triangle consist of three key values:

1. **Procedural Value:** The extent to which a policy implements its principles.
2. **Transcriptive Value:** The extent to which measures and the principles are effective in reaching the objective of the policy.
3. **Substantive Value:** The extent to which the terms of reference were appropriate and policy helped in the decision-making process of its implementation.

The framework of the current Sadler model is expanded and made relevant by defining and adding a normative aspect (purpose) to these values. Therefore, with reference to this paper, the framework is operationalised as follows:

1. **Procedural Value:** Since in the effectiveness triangle this value corresponds to the level of implementation of the policy principles by the policy measures, for the purpose of



this paper, procedural value would evaluate the extent to which the policy measures and policy recommendations given by the UGC policies on sexual harassment co-align itself with the policy principles.

2. **Transcriptive Value:** Since in the effectiveness triangle this value checks if the policy principles and measures are effective in reaching the objective of the policy, for the purpose of this paper, transcriptive value would evaluate the extent to which the policy measures and policy principles of the UGC sexual harassment policies are relevant in achieving the policy objectives.

3. **Substantive Value:** Since in the effectiveness triangle this value checks the terms of reference in the policy and contribution to the decision-making process, for the purpose of this paper Substantive value would evaluate the extent to which the UGC sexual assault employs appropriate terms and special provisions the policy makes.

The framework used by Sadler can be found in (Figure 1) while a detailed breakdown of the extended framework with objectives used to analyze each value can be found in (Figure 2).

(Figure 1) The framework of Sadler's Effectiveness Triangle

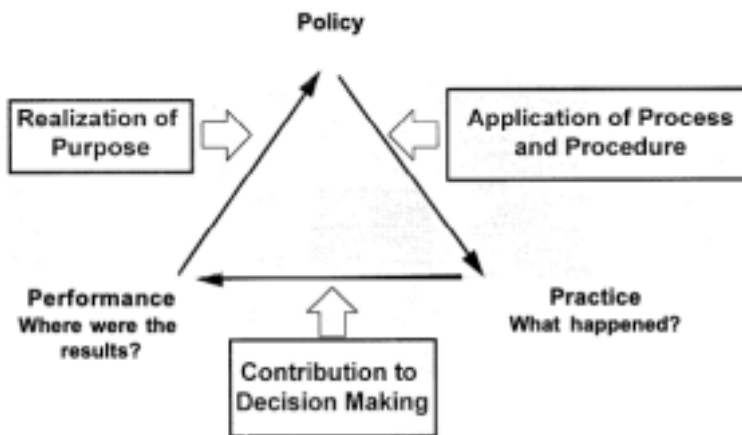
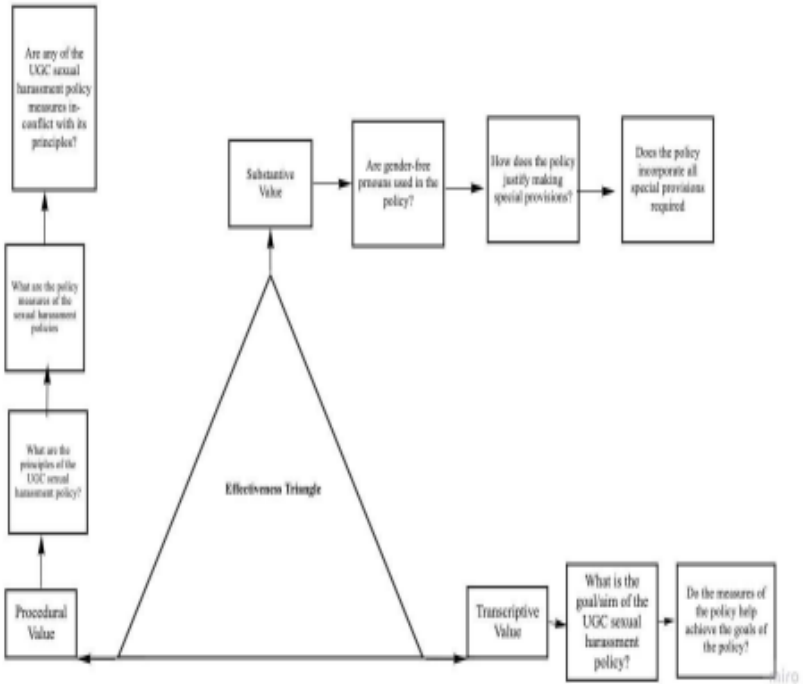


Figure 2: A detailed breakdown of the extended framework



Analysis by Sadler Model

The purpose of this section is to analyse the effectiveness of the UGC Anti-Sexual Harassment Policies using the Sadler Model of effectiveness (Refer to Table 3 below for a summary of the analyses). The UGC anti-sexual harassment policy has two overarching measures it employs to combat sexual harassment on campuses; Gender Sensitisation Programmes and Internal Complaints Committee.

In order to create an environment that sensitises individuals about gender violence and sexual harassment, the UGC proposes the creation of workshops in universities that disseminate appropriate anti-sexual harassment information, a detailed list of content and topics that should be covered in these workshops is mentioned in the guidelines. The second measure adopted is the creation of an Internal Complaints Committee which will be formed when the Institution receives a sexual harassment complaint and this committee will serve as a hearing committee which will conduct an

investigation and on the basis of that determine the outcome of the complaint.

According to UGC the composition of the ICC should be as follows; At least fifty percent of the committee has to be comprised of women, the committee is mandated to have a female presiding officer, who is a faculty at a senior level (in case one is not available, the presiding officer is nominated from other offices or administrative units), two faculty members and two non-teaching staff members nominated by the Executive Authority of the HEI (it is encouraged that these members either have experience in social work/ legal knowledge or are committed to the cause of women), three students (only if the complaint involves students, these three representative are to be elected democratically to the ICC) and one member from a nongovernment organisation or committed to the cause of women or experience with matters relating to sexual harassment. The tenure of each member of the ICC is 3 years and HEIs are also given the option of adopting a system whereby one-third of the ICC members are changed every year. Persons in the senior administrative positions in HEIs like the Chancellor, Vice-Chancellor, Director, Dean, Registrar, Deputy Dean, Head of Departments etc. are forbidden from being members of the ICC.

**Table 3: Summary of Analysis**

Value Discussed	Key Issues Highlighted Sub - Themes Mention in Policy
Procedural Value	Saksham: Guiding Confidentiality, Transparency Principles (Section 5.2)
	Saksham: Guiding Lack of Transparency Lack of Impartiality Principles (Section 5.2)
	Saksham: Guiding Zero - Tolerance stance Levels of Punishment principles (Section 5.2)
Transcriptive Value	Content of Gender Sensitisation Consent Education Saksham:

	Gender Programmes Sensitisation (Section 4.1)
	Saksham: Understanding Formation of a Appointment of ICC the Role of ICCs in representative committee University (Section 5.1)
Substantive Value	Exclusion of men as Saksham: Throughout the Presumption of Gender victims recommendations.
	Saksham: Specially No inclusion of sexual Vulnerable Group (Section Special Provisions orientation minorities 5.3)

### 3.A. Procedural Value

Procedural Value of a policy aims to measure the extent to which the recommendations and actions of the policy co-aligns itself with the governing principles of the policy. Saksham Report dictates the governing principles of the policy aimed at combating sexual harassment in universities and colleges. The first principle, ‘Confidentiality’ guarantees that the complainant’s identity, the respondent’s identity and the identity of the witness is never revealed, however by principle the confidentiality extends itself to the procedures of the hearing itself. By making sure not only the identity of the witness(es), complainant and respondent remains confidential but also their testimony, by default then the nature of the questions asked, the procedure adopted by the Internal Complaints Committee (ICC) and the final verdict also remains confidential.

While confidentiality is a salient principle in cases of this nature, a byproduct of confidentiality is lack of transparency (Goede & Neuwirth, 2014). The Fair Enquiry principle of the Saksham promotes “transparency and impartiality”, however how higher education institutes (HEIs) must achieve this while maintaining

their confidentiality clause is not mentioned, and seems impractical. Sexual Harassment cases are notorious for needing both transparency and confidentiality in its redressal mechanism. Confidentiality guarantees safety to the victim and the respondent (Stone & Carolyn, 2000), while transparency guarantees justice to both the parties (NASEM, 2018). In the absence of transparency, the working of ICC resorts to a good faith system and there is no mechanism to ensure that the ICC works in tandem with its Fair Enquiry Principle that guarantees an impartial hearing that does not resorting to victim blaming and moral policing, especially in an environment where individuals on the committee may have interacted with either the complainant or respondent previously on campus giving rise to potential bias.

The Saksham guidelines also states that HEIs must maintain a zero-tolerance stance towards sexual harassment and gender discrimination. Well neither the guidelines nor the policy defines zero tolerance the layman definition of this term directs towards imposing a predetermined punishment not keeping in mind the individual culpability, the circumstances or the extremity of the case, it advocates against authorities adjusting the punishments delivered to their perceived appropriation, (Merriam Webster; Oxford Dictionary, 2009). In the education sector in general, zero tolerance refers to mandatorily implementing a predetermined consequence which is severe, punitive and exclusionary in nature, as a response to specific types of student misbehaviour (Skiba, 2000).

However, this works against their guidelines under the principle of Orientation towards Education and Redressal as mentioned in Saksham, which states: "The specific redressal a particular complaint demands will similarly have to vary according to individual case, but the objective of the interventions by ICCs must first and foremost be to ensure that the sexual harassment stops at once." (University Grants Commission, 2013). This is violative of the definition of zero-tolerance as it does exactly what the terms advises against. It is unclear how or why HEIs must maintain a zero-tolerance stance while ICCs do not commit themselves to this stance and are encouraged to factor in various criteria for individual cases.

Furthermore, ICC cannot adopt a zero tolerance stance because the recommended punishments and compensations are not specific to the nature of the misconduct but on who the respondent of the complainant is (student, faculty member or member of non-teaching staff), and these recommended punishments drastically vary in their severity (from denying the accuser (when found guilty) access to college resources like libraries to restricting entry to the institute for a specific period of time to expulsion) and there is no recommendation that predetermines which penalty is given to the respondent under what situation. Having a zero-tolerance policy should translate into compartmentalising and categorising each punishment/penalty on the basis of the nature of the misconduct.

Encouraging HEIs to adopt a 'strict zero tolerance stance' under the motivation to show that all sexual harassment cases will meet strict action can be misleading since this sort of operationalisation of the term "zero tolerance" is very different from its regular use and is directed towards the HEIs and not the ICC, which ends up holding no value. The only end goal universities could achieve by enforcing a zero-tolerance stance would be encouraging students who face sexual harassment to come forward and file complaints when they experience sexual harassment, but students can potentially be discouraged to continue with their complaint if they perceive the ICC to not inculcate the zero tolerance stance promised by the HEI.

### **3.B. Transcriptive Value**

The Transcriptive Value of the policy aims to evaluate if the policy is effective in achieving its goals. The overarching goal of both the guidelines and the policy is the prevention and prohibition of sexual harassment on campuses as well as providing adequate redressal to victims of sexual harassment. As mentioned previously, in order to achieve this the policy considers two main measures: Gender sensitisation workshops and Implementation of ICCs.

With regards to the gender sensitization programme, the curriculum is distributed over 6 workshops covering; Gender, gender norms as a cause, recognising diversity in gender and sexuality, gender and inequality, gender equality in interpersonal rela-

tionships and power and violence against women. These workshops cover a wide array of topics ranging from personal rights, tackling and understanding power structures, historic forms of violence like corporal punishments by teachers and state sanctioned violence against women in the past with a focus on language and internalized misogyny.

While these courses provide an understanding of how misogyny has operated over the years, it does not provide adequate prohibitive or preventive education. A key component missing from this module is consent education, consent education is an important aspect of providing students' knowledge of what counts as sexual harassment (Carmody, 2005; Tatter, 2018). Consent education focuses on how to identify, communicate and interpret sexual consent or non-consent. UGC in its guidelines states that:

“For many young persons, the years in University are the first time that they can begin to address questions of sexual orientation and sexuality. Such self-discovery is often traumatic, and in the face of (internalised) social taboos and ridicule, may lead to behaviour that is violative of the rights of another. Such cases cannot, and must not be dealt with only at a punitive level; while all steps must be taken to ensure that the sexual harassment stops, an equal concern must be shown to the individual who is dealing with his/her own sexuality.” (University Grants Commission, 2013).

If the agreement is that discovery of sexuality can create confusion, consent education should be imperative, since understanding power dynamics and historic forms of violence does not do much to tackle this form of sexual harassment. The problem of tackling sexual harassment as a result of self discovery can be then solved by providing adequate consent education, which provides detailed information about how one should indulge in sexual behaviour or acts in way that is not violative of any persons rights (McGuire, 2018).

Sexual Harassment cases in HEIs are difficult to resolve because in most situations victims inevitably find themselves in an educational environment with their harassers (since most of the

recommended punishments of the guidelines only temporarily bar the harasser from accessing the university campus), this is a major impediment to the learning environment of the HEI and the victim's capacity to learn and utilise their institute for the purpose they enrolled for. The current UGC guidelines try to minimise this by providing reconciliation sessions between the victim and the harasser post the ICC hearing, however this is done by members of ICC most of whom are not professional mediators or therapists (since no such exclusion is made during their appointment) and thus are not equipped or certified to carry out such an intervention, and might further jeopardise the mental health of the victim and/or the respondent.

The policy has set guidelines on the constituents of the ICC, however the qualifications of these members are stated in optional terms. The guidelines encourages that members have certain skill sets like legal knowledge or experience in social work or be committed to the cause of women or are familiar with issues relating to sexual harassment, however this is not mandatory and no exclusionary provisions are made and therefore it is possible that in most cases, 60% - 100% of the members have no legal knowledge and "experience in social work" or "committed to the cause of women" or "familiar with issues relating to sexual harassment" is not an appropriate qualification for someone to impartially evaluate a hearing and deliver judgement in the way the ICC members do (Safko, 2016). How then an ICC helps forming an adequate redressal mechanism is undetermined.

### **3.C. Substantive Value**

The Substantive Value of the policy aims to evaluate the special provisions made in the policy that aid in the decision-making process of the ICC and the justifications behind it, as well as the terms of reference. It is encouraged to use gender neutral pronouns while making policies against sexual harassment (Robinson & Wilson, 2016), however the Saksham Guidelines repeatedly makes use of gendered pronouns, using "she/her" or female centric pronouns while referring to the victim or the complainant and "he/him" or male centric pronouns while referring to the harasser or respondent. While this can be excused for the UGC prevention, prohibition



and redressal act since it's printed on the Gazette of India and the IPC of India views all gendered pronouns as referring to any and all genders, however the same cannot be done for the Saksham Guidelines. It is also fair to argue that using gendered pronouns in the guidelines do not have any direct legal implications, but it is difficult to ignore the social implications, especially considering that it is implemented by individuals that do not necessarily have legal training.

To assume that the members of ICC will be qualified enough to keep their existing biases outside the hearing is a stretch since no such provision or checks exists in the present guidelines of selecting ICC members that accounts for this. Therefore, there exists a possibility where a biased individual might find themselves in an ICC, in such a scenario presupposing the gender of both the victim and the harasser might unconsciously further fuel the existing biases of those members, for example in the scenario of same sex harassment. Especially when the UGC policy repeatedly makes use of sentences like: "All women and some men can be the target of sexual harassment", while there are no official statistics on sexual harassment faced by men in Indian colleges, corresponding data from the US shows that 13% men face sexual harassment in universities (Duggan, 2020).

The literature of these Gender Sensitisation Workshops are heavily focused on narratives that historically teach about women being oppressed by gender norms and men being pushed to be oppressors by the same toxic norms, while this is important to learn about, it should be supplemented by LGBTQ+ narratives. According to the MINGLE (Mission for Indian Gay and Lesbian Empowerment) study (Dhar, Sinha, & Khan, 2016) over 40% of sexual orientation minorities experience harassment. Gender Sensitisation modules that aim to educate students about the rights of individuals do not disseminate information about the rights of LGBTQ+ individuals or the historic account of the oppression and violence they face. The sexual redressal mechanism of UGC acknowledges that women fall under the special vulnerable group when it comes to sexual harassment and in order to counter this the UGC mandates that at least 50% of the ICC must be female. However the degree to which someone indulges in victim blaming

and moral policing does not depend on their gender, studies show that women are as likely as men to reach conclusions like: 'harassment was welcomed', 'harassment did not occur' and 'harassment was over exaggerated' in cases where legal courts concluded harassment did in fact occur (Fitzgerald, Swan, & Fischer, 1995), and mandating a majority female ICC can definitely encourage the victim to open up about their experience when the victim is female but by that logic it could be equally discouraging for male victims. The UGC guidelines does not mention members of the LGBTQ+ community under the special vulnerable groups and does not mandate any representation of the community in the ICC. While the Gender sensitization programme acknowledges and promotes awareness of caste based violence, no provisions for the representation of the same have been made to the ICC.

#### **4. Discussion**

According to Kapoor & Dhingra (2014) "Women, who have suffered humiliation and harassment, show certain peculiar characteristics in their behaviour such as frightened, guilty, powerless, angry, ashamed, depressed, numb and lacking self-confidence." Sexual Harassment, is an offence that highly influences the life of the victim, and therefore guidelines made to curb and combat sexual harassment need to be carefully made to address this complex issue. The two-step approach taken by the UGC sexual harassment policy that includes gender sensitization workshops to curb and ICC to combat sexual harassment is a common system employed by universities across the globe, however the policies and regulations released by UGC consist of various gaps.

When evaluating if the recommendations of the UGC guidelines are effective in achieving UGC's goal of prevention, prohibition and redressal of sexual harassment on campuses it is important to remember that the purpose of these guidelines are very idealistic and unmeasurable in nature. It is therefore recommended that these goals be supplemented by realistic achievable and measurable goals, example: reducing the gap between the number of people who face sexual harassment and the number of ICC cases filed.

The UGC policy states that college is a time for confusion around one's sexuality and introduces Gender Sensitisation workshops as a way of creating an environment that informs students about gender-based violence, however in the context of sexual harassment, students should also be taught consent education which focuses on teaching students healthy ways of exploring their sexuality that does not curb the freedoms and rights of their peers, i.e sexual consent education. Consent education has the potential to reduce the prevalence of sexual harassment by changing social norms to consider affirmative sexual consent as the normalised standard (Johnson & Hoover, 2015). In the United States of America, affirmative consent legislation has been passed by many states (De Leon, 2014; Gilbert 2018). In United Kingdom there is a widespread use of student-led consent training programmes (Giugni et al., 2019) in an effort to reduce sexual harassment on campuses and even in Australia, prominent universities have made sexual consent education mandatory (Cook, 2018; Khalil, 2018).

The appointment of ICC members should also be revisited. A committee in the absence of legal expertise has a precedent for making punitive decisions and conducting investigations when members of such a committee are democratically voted into the committee (eg; the panchayat system in India), however there is no good precedent of a committee that comprises of members who are appointed to the committee by an executive authority (who in many cases are senior administrative members like Chancellors and Deans, representation of whom in the ICC is forbidden) to make decisions that overlap the legal jurisdiction, since it is difficult to develop a system of checks and balances that would ensure that such a committee functions in a fair manner. Additionally, no provision for training members in building a survivor-centric and trauma sensitive approach may result in investigations that are ill-informed and unfair to survivors.

The Gender Sensitisation workshop should also include content on the awareness of violence in the LGBTQ+ community, since same sex violence can manifest in unique ways that might leave individuals who are struggling with their sexual orientation, in a state of confusion. An approach that focuses on addressing the harm done to the victim while holding the harasser accountable for

their actions can be greatly beneficial to addressing sexual harassment, this approach is known as restorative justice (Ness & Strong, 2015). This allows students who want punitive justice to approach legal authorities and reduces the burden on an appointed and not elected ICC to carry out a legal investigation. The ICC in a restorative justice system could consist of social workers and experts in mediation who aim to restore justice for the victim after the respondent has taken accountability for their actions.

A restorative approach would also help both the respondent and complainant get the closure that would enable them to go back to their classrooms with a better mental ability to carry on with their education. Restorative responses to sexual harassment could include: sharing circles, victim-offender dialogue, sentencing circles and conferencing. This approach would also negate the confidentiality-transparency conflict raised by the current policy measures and would also incorporate the orientation towards education principle by eradicating the need for zero-tolerance.

Therefore, a policy revision with reconsidered content for gender sensitisation workshops and a fair redressal mechanism that constitutes of either a wholly elected ICC or equips students with the ability to choose how they would like the complaint addressed (restorative via ICC or punitive via legal authorities) would aid in making the UGC sexual harassment policy more effective.

## **5. Implications**

The implications of revising the policies on prevention of sexual harassment by the University Grants Commission in accordance with the recommendations above would allow for the policies to be more victim centered and trauma sensitive. This would encourage more victims to come forward with their experiences and access the justice mechanism that is not only inclusive of their needs but also works towards repairing the harm they experienced.

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## **End Notes**

\*[https://www.unescwa.org/sites/default/files/event/materials/VAW%20Conference\\_Survivor-centered.pdf](https://www.unescwa.org/sites/default/files/event/materials/VAW%20Conference_Survivor-centered.pdf)

## References

- Aina, A. D., & Kulshrestha, P. (2017). Sexual Harassment in Educational Institutions in Delhi' NCR (India): Level of Awareness, Perception and Experience. *Sexuality & Culture*, 22(1), 106-126. doi:10.1007/s12119-017-9455-5
- Bondestam, F., & Lundqvist, M. (2020). Sexual harassment in higher education – a systematic review. *European Journal of Higher Education*. doi:10.1080/21568235.2020.1729833
- Carmody, M. (2005). Ethical Erotics: Reconceptualizing Anti-Rape Education. *Sexualities*, 8(4), 465-480. doi:10.1177/1363460705056621.
- Chandran, R. (2016, April 28). Much crime unreported in Indian cities, sexual harassment complaints ignored: Survey. Retrieved February 02, 2021, from <https://www.reuters.com/article/us-india-women-harassment-idUSKCN0XP2CL>.
- Cook, H. (2018, February 08). 'Enthusiastic yes': Melbourne Uni makes sexual consent course mandatory. Retrieved February 02, 2021, from <https://www.theage.com.au/national/victoria/enthusiastic-yes-melbourne-uni-makes-sexual-consent-course-mandatory-20180208-p4yzzq9.html>
- De Leon, J. 2014. "An Act to Add Section 67386 to the Education Code, Relating to Student Safety." <https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/20130sb96793chp.pdf>
- Department for Education, United Kingdom (2018). Sexual violence and sexual harassment between children in schools and colleges. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719902/Sex](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sex)

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ual\_violence\_and\_sexual\_harassment\_between\_children\_in  
\_schools\_and\_colleges.pdf

- Dhar, U., Sinha, R., & Khan, Z. (2016). The Indian LGBT Workplace Climate Survey 2016 A study by Mission for Indian Gay & Lesbian Empowerment (MINGLE) (Rep.). MINGLE.
- Duggan, M. (2020, August 17). Online Harassment. Retrieved October 27, 2020, from <http://www.pewinternet.org/2014/10/22/online-harassment/>
- Fedina, L., J. L. Holmes, and B. L. Backes. 2018. "Campus Sexual Assault: A Systematic Review of Prevalence Research From 2000 to 2015." *Trauma Violence & Abuse* 19: 76-93.
- Fitzgerald, L. F., Swan, S., & Fischer, K. (1995). Why Didn't She Just Report Him? The Psychological and Legal Implications of Women's Responses to Sexual Harassment. *Journal of Social Issues*, 51(1), 117-138. doi:10.1111/j.1540-4560.1995.tb01312.x
- Gilbert, J. 2018. "Contesting Consent in Sex Education." *Sex Education* 18 (3): 1-12.
- Giugni, L., Dr, Greenfield-Liebst, M., Dr, Rhode, S., Rosengard, L., Fava, M., Dr, & McCann, J. (2019). Consent training and sexual violence prevention in UK universities (Rep.). GenPol.
- Goede, M., & Neuwirth, R. J. (2014). Good governance and confidentiality: A matter of the preservation of the public sphere. *Corporate Governance: The International Journal of Business in Society*, 14(4), 543-554. doi:10.1108/cg-08-2013-0099
- Gurung, A., Priyadarshini, S., & Margaret, B. E. (2016). Perception of Sexual Harassment among the Undergraduate Students. *Mpl J of Nurs Health Sci*, 2(1), 46-51
- India: Act No. 14 of 2013, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013,

- Johannes, A., Gandhi, N., Mehta, A., & P. (2011, September 21). A Study on Sexual Harassment in Colleges in Mumbai: An Executive Summary. Retrieved from <https://arajohannes.wordpress.com/writing/research/a-study-on-sexual-harassment-in-colleges-in-mumbai-an-executive-summary/>
- Johnson, A., & Hoover, S. (2015). The Potential of Sexual Consent Interventions on College Campuses: A Literature Review on the Barriers to Establishing Affirmative Sexual Consent. Retrieved from <https://digitalcommons.wou.edu/pure/vol4/iss1/5/>
- Kapoor, V., & Dhingra, K. (2014). Sexual Harassment Against Women in India. *OIDA International Journal of Sustainable Development*, 06(10), 85-92. <https://doi.org/https://ssrn.com/abstract=2389784>
- Khalil, S. (2018, November 01). Sydney students forced to do sex test. Retrieved February 02, 2021, from <https://www.news.com.au/finance/business/other-industries/uts-students-must-do-an-online-consent-matters-course-to-obtain-exam-results/news-story/db2011e043b41d1c1d75e6dab78c4e0b>
- McGuire, L. (2018, October 25). The Role of Education in Preventing Sexual Misconduct. Retrieved October 27, 2020, from <https://www.edutopia.org/article/role-education-preventing-sexual-misconduct>
- National Academies of Sciences, Engineering, and Medicine. 2018. *Legal and Policy Mechanisms for Addressing Sexual Assault, Measures Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24994>.
- Ness, W.D. & Strong, H. K. (2015). *Restoring justice: An introduction to restorative justice*. Amsterdam: Elsevier.

- 
- Parish, W. L., Das, A., & Laumann, E. O. (2006). Sexual Harassment of Women in Urban China. *Archives of Sexual Behavior*, 35(4), 411-425. doi:10.1007/s10508-006-9079-6
- Pramit Bhattacharya, T. (2018, April 24). 99% cases of sexual assaults go unreported, govt data shows. <https://www.livemint.com/Politics/AV3sIKoEBAGZozALMX8THK/99-cases-of-sexual-assaults-go-unreported-govt-data-shows.html>
- Revolt Sexual Assault (2018), National consultation into the sexual assault and harassment experienced or witnessed by students and graduates from universities across the UK. <https://revoltsexualassault.com/wp-content/uploads/2018/03/Report-Sexual-Violence-at-University-Revolt-Sexual-Assault-The-Student-Room-March-2018.pdf>
- Robinson, W., & Wilson, M. (2016). Gender Neutral Law Drafting: The Challenge of Translating Policy into Legislation. Lecture presented at Sir William Dale Annual Memorial Lecture in 13 Eur. J.L. Reform 199 (2011).
- Sadler, B. 1996. International study of the effectiveness of environmental assessment - Final report. Environmental assessment in a changing world: Evaluating practice to improve performance. Ottawa: Canadian Environmental Assessment Agency.
- Safko, E. (2016). Are Campus Sexual Assault Tribunals Fair?: The Need for Judicial Review and Additional Due Process Protections in Light of New Case Law. Retrieved October 27, 2020, from <https://ir.lawnet.fordham.edu/flr/vol84/iss5/16/>
- Shakti, B. S. (2017). Tackling Violence Against Women: A Study of State Intervention Measures. Ministry of Women and Child Development, Government of India, New Delhi.
- Skiba, R. J. (2000). Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice. Policy Research Report. Policy Research Report #SRS2.



- Stone, C. B. (2000). Advocacy for sexual harassment victims: Legal support and ethical aspects. *Professional School Counseling*, 4, 23–30.
- Tatter, G. (2018, November 28). Sex Education that Goes Beyond Sex. Retrieved October 27, 2020, from <https://www.gse.harvard.edu/news/uk/18/11/sex-education-goes-beyond-sex>.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. (Ind.). [https://www.indiacode.nic.in/handle/123456789/2104?sam\\_handle=123456789/1362#:~:text=An%20Act%20to%20provide%20protection,connected%20therewith%20or%20incidental%20thereto](https://www.indiacode.nic.in/handle/123456789/2104?sam_handle=123456789/1362#:~:text=An%20Act%20to%20provide%20protection,connected%20therewith%20or%20incidental%20thereto).
- Tiwari, S. (2018, October 16). #MeToo India: About 78% Sexual Harassment Cases Go Unreported. <https://www.shethepeople.tv/news/metoo-india-about-78-sexual-harassment-cases-go-unreported/#:~:text=W hile%20the%20wave%20is%20going,workplace%20go%20unreported%20in%20India>.
- Trivedi, N. (2012, December 18). Indians outraged over rape on moving bus in New Delhi. Retrieved February 08, 2021, from <https://india.blogs.nytimes.com/2012/12/18/outrage-in-delhi-after-latest-gang-rape-case>
- Tutchell, E., & Edmonds, J. (2020). *Unsafe spaces: Ending sexual abuse in universities*. Bingley, UK: Emerald Publishing Limited.
- University Grants Commission, (2015). *Prevention, Prohibition and Redressal of Sexual Harassment of Women Regulations*. Ministry of Human Resources Development; New Delhi.
- University Grants Commission, (2013) *Saksham*, Ministry of Human Resources Development; New Delhi
- Voth Schrag, R. J. 2017. "Campus Based Sexual Assault and Dating Violence: A Review of Study Contexts and Participants." *Affilia: Journal of Women and Social Work* 32: 67–80.

Zero Tolerance. (n.d.). Retrieved October 27, 2020, from  
[https://www.merriam-webster.com/dictionary/zero tolerance](https://www.merriam-webster.com/dictionary/zero%20tolerance)

Zero tolerance, n. (under zero, n.). *The Oxford English Dictionary*,  
2nd Ed. 1989. Retrieved 10 November 2009.