

Preventing Sexual and Gender-Based Harassment and Sexual Violence in the University of Peradeniya



A Handbook for University
Students and Staff



Published by the Sexual and Gender-Based Harassment and Sexual Violence Prevention Committee (SGBVC) of the University of Peradeniya

LOGO DESCRIPTION

The interlocking gender symbol in the middle of the logo symbolizes the aim of the Committee to serve all members of the community without discrimination. The masculine and feminine hands symbolize unity in reaching out to provide protection to those in need of help.

The lotus petal design at the two corners represent the purity of intentions of the Committee.

Two corners of the logo are curved to signify non-rigidity and flexibility in attaining the objectives of the Committee. The smooth ramps cascading from the lotus petal design accentuate that fact.

The maroon coloured background represents strength and ambition while the gold-coloured accents represent compassion, warmth and wisdom.

Creator: K.M.C.W.B. Wijeratne (MBBS, UOP)

Message from the Vice-Chancellor

The Handbook on Sexual and Gender-Based Harassment and Violence compiled by the SGBV Prevention Committee is intended for both students and staff of the University. It is designed to educate the university community on what sexual and gender-based harassment and violence mean, what to do when faced with such situations, and how to help prevent it. Readers are guided through different issues related to the topic through a Question and Answer (Q & A) format for easy understanding. The Handbook also includes scenarios and drawings to illustrate definitions and important points.

The Handbook is part of the University's efforts to create an environment that is free of SGBV at the University with the involvement and support of students and staff. The laudable commitment of the Sexual and Gender-Based Harassment and Violence Prevention Committee towards this goal is to be commended and appreciated. I wish this endeavour all success.

Prof. M.D. Lamawansa

Vice-Chancellor

Foreword

Sexual and gender-based harassment and sexual violence (SGBV) is widespread across the world. From all accounts, it is so in Sri Lankan society as well, including in higher educational institutions (HEIs). Lack of awareness of SGBV in Sri Lanka in general and among the university community in particular has led to the normalization of such violence, which, in turn, prevents victims from coming forward to lodge complaints due to the perceived indifference on the part of others and the hostile climate that confronts victims who dare to complain.

The Handbook aims to:

1. impart an understanding of sexual and gender-based harassment and sexual violence.
2. raise awareness on the provisions of the UOP Policy & Bylaws to prevent SGBV and to investigate complaints of sexual and gender-based harassment and sexual violence at the university.
3. dispel misconceptions relating to SGBV and to nurture a culture of zero tolerance towards such harassment and violence.

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1. Definitions

1.1 What is Sex?

Sex refers to the biological and physiological characteristics that define humans as female or male. This classification begins at birth based on the primary sex organs. The secondary sexual characteristics (e.g., breasts and facial hair) that develop later at puberty also contribute to and enhance this difference. But there is a small percentage of people born who do not fall strictly within these two categories because they are born with a combination of male and female biological traits. This category is called “inter-sex.”

1.2. What is Gender?

Gender refers to the social meanings that a particular culture attributes to the biological differences described above. These meanings change from one culture and society to another.

Based on these meanings, those who are biologically classified as “female” or “male” are socialized into adopting attributes, behaviours, and values that the society decides are appropriate for “men” and “women” of that society. These gender expectations range from attire to physical appearance to conduct and values. For example, if one is a woman in the Sri Lankan society, there is a dress code that pertains to one depending on the cultural group that one belongs to. Similarly, there is a dress code that pertains to men.

This way of assigning gender is called binary gender because gender is directly pegged to sexual difference. But, we must keep in mind that, in addition, there is a non-binary gender community, that is, people who do not act in accordance with their biological sex. Some cultures and societies accept and, even, grant rights to this community, for example, India and Nepal. Sometimes the umbrella term “third gender” is used to classify them.

Gender differences lead to differences in social status and inequalities in access to resources and power. In patriarchal societies, those belonging to the masculine gender, *by and large*, have more power than those belonging to the feminine and third genders although access to power will also differ based on other social classifications in addition to gender.

Depending on the culture and society, social expectations from those who are classified as masculine and feminine can be harshly or leniently imposed. Where the expectations are strict, those who fail to conform can be subjected to disapproval and recrimination and, even, harassment and violence.

Nevertheless, we should all bear in mind that, irrespective of these differences in sex or gender, we are all human beings with equal rights and have the right to live a life free of harassment and violence.

2. Definition of Sexual and Gender-Based Harassment and Sexual Violence

2.1 Sexual Harassment

Sexual harassment is a broad term that includes many types of unwelcome sexual advances or requests for sexual favours. They could be verbal, physical, gestural, visual, written, or electronic.

Physical sexual harassment: Touching, pinching, groping, stalking.

Verbal sexual harassment: Unwelcome sexual jokes and teasing; Spreading false rumours of a sexual nature; Name-calling that is meant to sexually humiliate; Sexual innuendoes.

Non-verbal harassment: Ogling or concerted staring that makes a person feel uncomfortable; Offensive gestures such as sticking one's tongue out or licking one's lips or winking; Wolf-whistling; Peeping through keyholes/fanlights; unwelcome exposure of one's private parts.

Visual: Taking pictures or videoing someone without his/her consent, e.g., placing video cameras in public bathrooms; Blackmailing people using photos/videos taken against their will or without their knowledge; Circulating or threatening to circulate and give publicity to photos and videos which were meant for private consumption.

Written: Anonymous letters, emails, and posters intended to defame another or for purposes of "character assassination."

Cyber harassment: Misuse of shared office computers or group emails; Hacking someone's devices for unauthorized access to someone's personal information and material and/or sharing them; Misuse of social media to sexually defame another through body-shaming and creating and circulating false content; Impersonation and blackmail via electronic means; Circulation of confidential material belonging to another for purposes of retaliation.

2.2 Gender-Based Harassment

Gender-based harassment refers to harmful acts directed at an individual, based on his/her biological sex, gender identity or gender expression. They may not be of an overtly sexual nature but are acts intended to embarrass, hurt or demean the victim based on his/her perceived or actual sexual/gender identity. Encouraging others to inflict such harassment on another person also comes under this category. It also includes threats of violence, coercion and manipulation. E.g., calling a man who is not married "gay" or calling a married woman who does not have children "barren" would come under this category.

2.3 What is Sexual Violence?

Sexual violence includes the many types of sexual harm of a physical nature including (but not limited to) sexual assault, rape, sexual battery, molestation or attempts to commit such acts. Such violence could be based on a person's sexual orientation or identity, either actual or assumed. Threats to carry out such acts that intimidate or instil fear in a person or curtail the freedom of a person also fall under the category of sexual violence. Intimate partner violence of a sexual nature, incest, and forced abortion too come under this category.

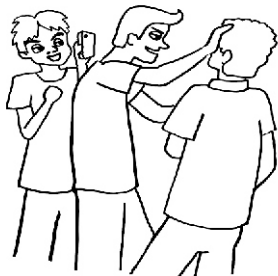
3. Does Ragging come under SGBV?

Yes, on many occasions, ragging takes the form of sexual and gender-based harassment and violence (SGBV). Some may consider ragging to be a harmless way of initiating newcomers to the university but it is not.

Some common acts of sexual harassment and violence that take place under “ragging” are forcing students to strip naked; forcing them to perform obscene sexual acts or describe them; forcing them to watch pornographic videos; coming for lectures without undergarments; using obscene language to verbally abuse first-year students; and requiring students to memorize obscene verses and repeat them to senior students.

Some believe that when the parties involved in sexualized ragging are of the same gender (say, senior male students ragging first-year male students), there is no sexual harassment or violence involved. But we must remember that the sex or gender of the victims and victimizers does not cancel out the harassment and violence of such ragging on those subjected to them.

If someone is forced to do something that s/he does not wish to in the context of ragging, it is harassment and violence.



4. Do consensual sexual acts between people come under SGBV?

Yes, they too can fall under SGBV under the following scenarios:

Scenario 1: If two people are in a relationship but one party forces the other party to engage in sexual acts against the latter's will using threats and intimidation, that would come under sexual and gender-based violence. For example, if one partner forces the other to engage in unprotected sex that would lead to pregnancy or some other act that would cause sexual or physical harm, that would come under SGBV.

Scenario 2: If someone is forced to engage in sexual activities by another through fear or due to direct/indirect threats of what would happen if s/he does not comply, that would come under SGBV.

For example, if someone in authority over you in terms of your education or work requests a sexual favour and promises you some educational or employment-related reward, or you are made to believe that if you do not oblige s/he may take steps to deprive you of what is rightfully yours, that comes under SGBV.



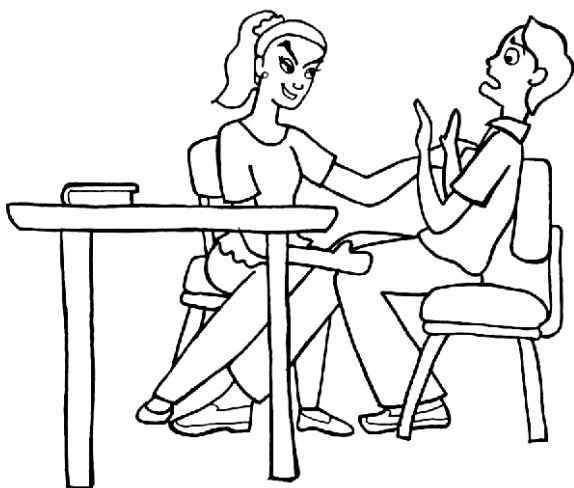
On certain occasions, it may seem as if the subordinate person in the relationship seems willing or even invites it. But we cannot overlook the fact that behind such incidents is the unequal relationship between the two parties. The one who appears to comply may think that if s/he declines, s/he may be penalized either in terms of grades, a class, a job, a scholarship, a promotion, or some other study- or work-related benefit.

Such educational or workplace scenarios can result in two things: a) If you go along with or grant sexual favours in expectation of something undeserving or something you're not entitled to, then you may be depriving another deserving fellow student or colleague of what is rightfully theirs; b) If you allow someone to take sexual advantage of you out of fear that rejection may deprive you of what is rightfully yours, you are allowing another to violate your rights as a student/employee; c) If you force your subordinate, i.e., student or employee, to fulfil your sexual desires in exchange for some institutional privilege, you are trading in favours that do not legitimately belong to you and will bring discredit to the university that you serve.

What is important to remember here is that it is the hierarchical nature of relationships in the institution, where some have more power than others, which leads to such situations. But we must remember that we have the right to say 'no' and to complain against such individuals using the provisions of the SGBV Policy. Demanding sexual favours in exchange for something related to the university's legitimate interests or threatening and penalizing someone for not obliging is against the UOP SGBV Policy.

5. Are women always victims of SGBV and men always victimizers?

No, not at all. Both women and men can be victims of such harassment and violence although, according to statistics, women are more likely to be victims than men. But, if power is a principal determiner of SGBV, it stands to reason that men as well as women could be victims of SGBV. Unfortunately, conventional gender norms may stand in the way of male victims coming forward with complaints of harassment and violence. If the sexual advance or proposition is unsolicited and unwelcome, the gender of the victim and victimizer is immaterial.



6. Why is it important for you to know about SGBV?

As indicated above, SGBV takes many forms. Knowledge about the different acts/forms of SGBV helps you to safeguard yourself against such acts, learn where you can find support if you experience such acts, educate your peers to avoid such situations and work to prevent them. Knowing about your rights will empower you and enable you to stand up for your right to be free of exploitation, abuse, harassment, and violence and to respect the rights of others. That way the University will become an SGBV-free zone where everyone will be able to pursue their education or career free of harassment and violence.



7. What are the causes of SGBV?

It is difficult to pinpoint one principal reason. Listed below are some of them:

Power: Wherever there is an imbalance in power or a hierarchy, SGBV may happen. By and large, victims tend to be those with less power. Those that are higher up in an institutional hierarchy, whether staff or students, have more leeway to abuse others with impunity (that is, without fear of penalties or consequences). A good example that shows power to be the principal cause is ragging, where juniors, both male and female, are subject to abuse at the hands of their seniors.

Culture of shame: Social attitudes relating to sexuality lead to victim-blaming. For example, if a woman complains of rape, it is likely that some people will ask what she was wearing; why she was where she was, etc. This leads many victims to remain silent and refrain from coming forward. There is also little support for victims from their families who too fear the damage to their social standing or who may be motivated by a desire to protect the victim's good name.

Sexual double-standard: Sri Lankan society is, in general, more lenient regarding sexual lapses on the part of men than on the part of women. The higher standard of sexual conduct expected of girls and women may prevent some female victims from coming forward because they may feel that they would be the ones shamed or blamed for not adhering to the norms pertaining to sexual purity for women and girls.

Culture of impunity: The culture of shame and victim-blaming allows perpetrators to go scot-free and even boast of their “achievements” or to further harass the victim. Sometimes, this may mean demanding more sexual favours or bribes in exchange for keeping quiet or even forcing the victim to sexually service the friends of the perpetrator.

Homo/Transphobia: Sri Lankan society is, by and large, *intolerant* of LGBTQ persons on the assumption that “opposite” sexes/genders “naturally” attract and heterosexual marriage and family constitute the fundamental building blocks of society. As such, those who are considered to be or identify themselves as LGBTQ (Lesbian, Gay, Bisexual, Transgender, or Queer) are more likely to face sexual and gender-based violence because they are perceived as “deviant” and are marginalized as a sexual/gender minority. This may also prevent victims from coming forward to lodge complaints. But the University does not tolerate any harassment or violence against persons based on their sexual or gender identity.

8. What are the consequences of sexual and gender-based violence?

Physical injuries and deaths, unplanned pregnancies, possible damage to the reproductive system from unsafe abortions, contraction of venereal diseases, etc.

Mental health issues such as depression, breakdowns, poor concentration, low self-esteem, self-harm, and psychosomatic disorders.

Social problems such as adverse impacts on social and family relationships, including breakups and divorce, difficulty in holding down a job, etc.

Institutional losses arising from retention-related issues (i.e., loss of good students and workers); low productivity or poor performance of student/employee in studies or work; bad publicity for the institution when such incidents become public knowledge.

9. What is the role of the SGBV Committee in the University?

The SGBV Committee was appointed in 2018 by the Governing Council of the University to implement the Policy and Bylaws to prevent sexual and gender-based harassment and violence at the University.

The SGBV Committee assists the UOP:

- To maintain a good education and work environment that is free of sexual and gender-based violence and harassment;
- To implement prompt and fair mechanisms to inquire into and resolve complaints;
- To provide adequate and appropriate assistance to victims;
- To create and maintain a culture at the university where all people, irrespective of their differences, are treated with dignity and as equal human beings.

Please see the SGBVC Webpage of the University to find out more on the Policy and Bylaws on SGBV.

10. To whom should you submit SGBV-related complaints?

Submit your complaint directly to the Vice-Chancellor. You may send a copy to the Chairperson of the SGBV Committee. Complaints can also be made via the online complaints portal of the University (Go to “Quick Links” on the bottom right-hand corner of the main UOP webpage and click “Complaints” and, under “Complaints”, click “Complaints on Sexual Harassment”, which will take you to “Quick Complaints” on the SGBVC webpage):

<https://www.pdn.ac.lk/Complaints/complaints.php>

You may also lodge a complaint at the UGC SGBV complaints portal:

<https://eugc.ac.lk/complaint-portal/instruction.php>

11. What are the modes for submitting complaints?

The initial complaint may be made orally or in writing. If it is an oral complaint, it will be committed to writing prior to the investigation;

Complaints can be made anonymously or under one's own name. If the complaint is anonymous, the authenticity of the complaint will be verified prior to investigation;

Important: There is no specified time limit within which to lodge complaints. The Vice-Chancellor will determine what constitutes a suitable time-frame in consultation with the SGBV Committee on a case-by-case basis where there is a time lag between the incident and the complaint.

(See p. 5 of the Policy)



12. How are complaints on SGBV investigated?

- Upon receipt of the complaint, the Vice Chancellor will take steps to appoint a Preliminary Inquiry Committee (PIC).
- If the PIC finds that the complaint merits a formal investigation or inquiry, the Council will appoint the formal inquiry committee.
- If the complainant so desires, s/he may resort to the formal mediation process available as per the Policy.

(See 3.2 and 3.4 of the Bylaws for more on the procedure adopted and the composition of the various inquiry committees.)



13. What about confidentiality relating to SGBV complaints?

The University will do its utmost to protect the identity of the complainants and the accused as well as details of the proceedings.

The University will take action against those who breach the confidentiality requirement.

(See page 5 of the SGBV Policy for more on this)

14. What about retaliation?

University takes retaliation and threats of retaliation against complainants, witnesses, or members of inquiry committees seriously. Those found guilty of such acts or attempts will face disciplinary action. University will also take steps to eliminate the possibility of retaliation once a complaint has been lodged by the victim if the situation so warrants it.

15. What legal and medical help is available to victims of SGBV?

The university will direct and assist victims to access relief—medical, counselling, legal, etc.—based on the victims’ expressed wishes and the university’s own assessment of what the victims need on an immediate basis.

If the required intervention is health-related, victims will be directed to the CMO of the University Health Centre, who will, in turn, refer the victim to the appropriate source of help. If it is counselling, the victim will be directed to the university’s counselling centre, CaPSU, at the Health Centre. If the nature of the complaint and/or injury requires the intervention of the law, the university’s Legal Officer will direct and assist the victim to obtain the necessary legal help.

How to contact:

University Health Centre:	+94 81 2392324
Legal Division,UOP:	+94 81 2392327/
	+94 81 2392432

SGBVC Email: SGBHSV@pdn.ac.lk

16. What is the type of punishment that perpetrators receive?

If it is a member of staff, the Council may impose a punishment based on the findings and recommendations of the report of the Formal Inquiry Committee.

- Stoppage, reduction or deferment of one or more increments for a period exceeding one year;
- Disqualifying from sitting any promotional examinations for specified periods;
- Deferment of promotion for a specified period;
- Reduction in seniority by a specified number of places in a grade;
- Reduction in rank;
- Retirement for general inefficiency;
- Termination of services;
- Dismissal.

***For a more comprehensive list refer to Section 4 of Chapter XXII of the University Establishment Code.**

If it is a student, the Board of Discipline may recommend to the Vice- Chancellor one or more of the following punishments stipulated in Section 27 of the Student By-laws on Discipline

- A written warning or a severe reprimand;
- Suspension from the University;
- Withdrawal of residential facilities and accommodation;
- Withdrawal, cancellation or suspension of any financial benefits, assistance or awards;
- Disqualification from sitting any university examination for a specified period;
- Suspension of the release of the results of any university examination for a specific period;
- Expulsion from the University.

*For a more comprehensive explanation, refer to Section 27 of the Student By- laws on Discipline.

17. What can you do to make the University SGBV-free?

The University *can* be turned into a place where the rights of all persons are respected and where everyone is able to pursue their education or career free of harassment and violence *only* if all of us come together.

Here are some things you can do:

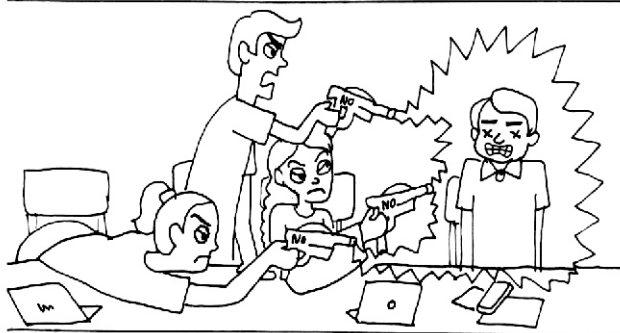
- Join awareness-raising seminars/webinars and workshops so you can be better informed about what constitutes harassment and violence. Try to engage your friends and colleagues on the subject of SGBV and dispel misconceptions that they may harbor on gender and sexuality;
- Express your discomfort with or object to practices that are classified in the UOP Policy as forms of sexual and gender-based harassment and sexual violence;
- Always support victims of SGBV and do not conceal information you may have on offenses that come under SGBV. Be ready to come forward as a witness if called upon to do so;
- Conduct research on SGBV and gender-related topics and/or make them the focus of your dissertations and theses;
- Turn to SGBV and gender-related topics in your creative endeavors. Write poems and stories; stage plays; draw pictures. Think of other possible creative endeavors where these themes could inspire you.



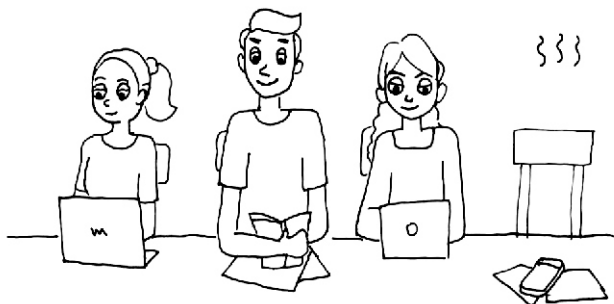
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NOT TOLERATED



PUNISHING THE
CULPRIT



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