

Prevention of Sexual Harassment Policy document

**POLICY FOR PREVENTION OF
SEXUAL HARASSMENT**



MELAMORA COLLEGE

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POLICY STATEMENT

Melamora College is committed to providing a campus that is free of sexual harassment irrespective of gender, race, caste, creed, religion, place of origin, sexual orientation, disability, or economic status. The college's students, faculty, and non-teaching staff, and others associated with the college have the right to be in an environment free from any form of discrimination and conduct which can be considered harassing, coercive, or disruptive, particularly behaviours that are tantamount to sexual harassment as defined in this policy. This policy (“**Policy**”) will assist individuals who believe they have been subjected to sexual harassment, seek support and remedial action.

The college is committed to take all necessary steps to ensure that none of its members and others associated with it are subject to sexual harassment and will enforce this Policy to the fullest extent if necessary. This Policy is also in furtherance of requirements of the legislation – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made to this law in 2013 (collectively referred to as ‘law’). In addition, this Policy shall be read with reference to any provisions of the Regulations, rules and other policies of the college, as applicable. Relevant guidelines of the Ministry of Human Resource Development, Government of India, and the University Grants Commission, may also be referred in the implementation of this Policy.

1.0 WHAT CONSTITUTES SEXUAL HARASSMENT

Sexual harassment includes any one or more of the following unwelcome acts or behaviors (whether directly or by implication):

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) making sexually colored remarks;
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further, the following circumstances may also amount to sexual harassment if it occurs or is present in relation to any other act of sexual harassment:

- (a) implied or explicit promise of preferential treatment;
- (b) implied or explicit threat of detrimental treatment;
- (c) implied or explicit threat about present or future;
- (d) interference with work or creating an intimidating or offensive or hostile environment; or
- (e) humiliating treatment likely to affect health or safety.

2.0 SCOPE AND APPLICABILITY

The College strongly condemns and prohibits sexual harassment against all genders. Sexual harassment is unlawful, and this Policy will apply to all Students, Faculty, Non-teaching staff, and individuals engaged by or associated with the Institute and its Campus, regardless of their position, nature, and duration of their involvement.

2.1 INTERNAL COMMITTEE

In furtherance to the law, the College has constituted an INTERNAL COMMITTEE (“IC”) to further gender sensitization (e.g., through regular sensitization workshops for all stakeholders) and to investigate allegations of sexual harassment at the Campus. The Institute reserves the right to add to, remove, or replace the IC members from time to time.

2.2 PREVENTION

In order to ensure that the college Campus is ‘harassment free’, as a preventive measure, the IC shall undertake regular sensitization workshops for all. For the IC to consider and initiate any process, a complaint has to be submitted by the aggrieved person(s). Complaints should be made in writing or via email, not later than 3 months from the date of occurrence of the alleged incident (in case of a series of incidents, within a period of 3 months from the date of the last incident). Friends, relatives, colleagues, students, faculty and staff members, or any other associate of the aggrieved person may file the complaint in only such situations where the aggrieved person is physically or mentally unable to make a complaint.

The complaints submitted should be clear and include details of the incident(s), supporting facts and related documents, names of individuals involved and the names, addresses and details of the witnesses, if any. [The IC may extend the time limit not exceeding an additional three months, if it is satisfied that there were unavoidable circumstances which prevented the aggrieved person from filing a complaint within the said period.] Therefore, the IC is restricted under the law from considering any Complaint which is more than 6 months after the alleged incident of sexual harassment has occurred.

It is also the duty of the college to necessarily assist the complainant, if the complainant chooses to initiate action under the Indian Penal Code, 1860 (“IPC”).

2.3. RESOLUTION PROCESS

Conciliation: Before the IC initiates an inquiry into the complaint, the complainant may request the IC (in writing/email) to settle the matter between the complainant and the respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. In the event a settlement has been reached, and duly recorded

by the IC, further inquiry shall not be conducted.

Inquiry: All claims of sexual harassment will be promptly and thoroughly investigated by the IC in accordance with the principles of natural justice and the provisions of law. Neither the complainant nor the respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC. Process of conducting Inquiry shall broadly comprise of the following steps:

1. The IC shall, upon receipt of the valid complaint, send one copy of the complaint to the respondent within a period of seven (7) days of such receipt.
2. Upon receipt of the copy of the complaint, the respondent shall file a reply along with the list of documents and names, addresses, and details of witnesses within a period of ten (10) days.
3. As mandated by the law, the inquiry has to be completed within a period of ninety (90) days from the receipt of the complaint. The inquiry report, with IC recommendations, if any, has to

be submitted within ten (10) days from the completion of the inquiry to the Principal. A copy of the findings and/or recommendations shall also be provided to the complainant and the respondent.

4. The Principal shall act on the recommendations of the IC within a period of thirty (30) days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.

5. An appeal against the findings and/or recommendations of the IC may be filed before the Principal by either complainant or the respondent, within a period of thirty (30) days from the date of the recommendations.

6. If the Principal decides not to act as per the recommendations of the IC, it shall be only on the basis of reasons recorded and conveyed to the IC, complainant, and the respondent. If on the other hand the Principal decides to act as per the recommendations of the IC, then a show cause notice, answerable within ten (10) days, shall be served on the person against whom action is decided to be taken. The Principal shall proceed only after considering the due reply or hearing the aggrieved person.

Towards ensuring that this Policy and its provisions for the protection of employees and students from sexual harassment do not get misused, the IC may make any provisions against false or malicious complaints. In the event the IC determines that the complaint is false or malicious, or that false or misleading information was provided during its proceedings, the IC shall recommend strict disciplinary action against such person.

It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not by itself imply a false or malicious complaint.

Interim redressal: Even while an inquiry is pending, the IC may, on considering the request of the complainant, recommend to the Director for certain interim measures, including, whereby the Institute may, (a) transfer the complainant or the respondent to another or department to minimize the risks involved in contact or interaction; (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months; (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant; (d) ensure that respondent(s) are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus; (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of

making a complaint of sexual harassment. The Principal shall act on any such recommendations of the IC within a period of thirty (30) days.

2.4 CONFIDENTIALITY

All incidents/grievances reported will be treated seriously, sensitively and with utmost confidentiality as is practically possible. Contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the college must be treated as confidential by all involved parties. If any person entrusted with the duty to handle the complaint, inquiry or any recommendations of the IC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the Regulations, rules and other policies of the Institute, as applicable.

3.0 CORRECTIVE ACTIONS

3.1. Corrective action for students

Where the respondent is a student of the Institute and is found guilty of sexual harassment, depending upon the severity of the offence, the IC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

- (i) Warning, reprimand, or censure.
- (ii) Community service such as cleaning campus such as the football field, cleaning classrooms, etc.
- (iii) Award reformatory punishments, including any form of mandatory counselling.
- (iv) Curtailment of privileges, including denial of access to certain facilities; denial of scholarships; etc.
- (v) Bar on representing the Institute in any co-curricular/extra-curricular activities.
- (vi) Removal and/or bar on holding any positions of responsibility.
- (vii) Suspension or expulsion from the College

3.2 Corrective action for Faculty/Non-teaching staff/other employees If the respondent is an employee of the Institute and is found guilty of sexual harassment,

then the IC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

(i) Warning, reprimand, or censure.

(ii) Award reformatory punishments, including any form of mandatory counselling.

(iii) Declare as ineligible to be course instructor, or to evaluate or administer any program or course or student related academic activities, for a prescribed period not exceeding one year.

(iv) Withholding increments and promotions.

(vi) Suspension.

(vii) Termination of employment.

4.0 GENERAL

I. All Students, Faculty, and Non-Teaching Staff at the Institute have a responsibility in contributing to a mature and respectful Campus. All Students, Faculty, and Non-Teaching Staff are personally responsible for their actions and must ensure that their behavior does not constitute sexual harassment whether it happens deliberately or inadvertently.

II. The college reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, Regulations, rules and other policies of the college, as applicable, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the college from time to time. If any of the provisions contained herein are found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

Authorisation

Ms. Luhit Nath
Coordinator, IQAC

Mr. Sanjib Kr. Boruah
Principal
Melamora College