



Manakula Vinayagar Institute of Technology

Kalitheerthal kuppam, Puducherry – 605 107

(Approved by AICTE, New Delhi, and affiliated to Pondicherry University)

PREVENTION OF SEXUAL HARASSMENT POLICY

Approved in the Governing body meeting held on **March 19, 2016**

PREFACE

The University Grants Commission (UGC) has instructed the higher educational institution to establish a permanent cell and a committee; to develop guidelines to combat sexual harassment, violence against women at the universities and colleges. “The Sexual Harassment of Women in Workplace (Prevention, Prohibition and Redressal) Act, 2013” (hereinafter the Act’) and “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013” describes the responsibilities of higher educational institutions in taking measures for prevention of sexual harassment at the workplace. Keeping the above guidelines in view our College has constituted a Committee against Sexual Harassment.

Our College has committed itself to provide a pleasant and conducive atmosphere in which our students, teachers and non-teaching staff can work together in an environment free of harassment and exploitation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of gender. Every member is expected to be aware of the commitment to the right to freedom of expression and association. It strongly supports gender equality and opposes any form of gender discrimination and violence.

The implementation of this Policy has been effectively done by Internal Complaints Committee functioning in the Institute. It probes in the issues relating to gender insecurity / harassment and implements strict measures to ensure congenial environment without Gender discrimination or harassment.

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POLICY FOR PREVENTION OF SEXUAL HARASSMENT (POSH)

1. OBJECTIVES OF THE POSH POLICY

- To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.
- To provide an environment free of gender-based discrimination and create a secure physical and social environment, which deter the acts of sexual harassment.
- To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.
- To guide the operations of Internal Complaint Committee in receiving and redressing the complaints on gender discriminations or harassments, effectively.

2. MEASURES TO PREVENT SEXUAL HARASSMENT

1. Conducting Legal Literacy Workshops on Laws and Rights frequently for Women teaching , non teaching and students.
2. Ensure provision of a work and educational environment that is free from sexual harassment (Sexual harassment is defined by law from the perspective of the person who feels they have been harassed and it occurs if the person who feels they have been harassed feels offended, humiliated, or intimidated by the conduct and it is reasonable, in all the circumstances that the person who feels they have been harassed would feel offended, humiliated or intimidated).
3. To take all reasonable steps (active and preventive in nature) to prevent the harassment occurring; To address any oral/written complaint about: unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome conduct of asexual nature. Unwelcome conduct of a sexual nature includes oral or written statements of a sexual nature to a person, or in a person's presence.
4. Obtain high level support from the Principal for implementing a comprehensive strategy: Providing information to all staff and students about what constitutes sexual harassment and about their responsibility not to sexually harass other staff and students
5. Develop a written policy which prohibits sexual harassment. The Institution shall have a Sexual Harassment Policy. The policy outlines the Institute's key commitments and legal responsibilities and provides a definition of sexual harassment and behaviors that are not acceptable.
6. Provide the policy and other relevant information on sexual harassment to new staff as a standard part of induction; Periodically review the policy to ensure it is operating effectively and contains up to date information.
7. Display anti-sexual harassment posters on notice boards in common work areas and distribute relevant brochures.

Ensure that complaints processes:

- are clearly documented;
- are explained to all employees;
- offer both informal and formal options for resolution;
- address complaints in a manner which is fair, timely and confidential;
- are based on the principles of natural justice;
- provide clear guidance on internal investigation procedures and record keeping;
- Give an undertaking that no employee will be victimized or disadvantaged for making a complaint.

3. INTERNAL COMPLAINTS COMMITTEE (ICC)

Our college has constituted an Internal Complaints Committee (POSH) for redressal of sexual harassment complaints (made by the victim) and for ensuring time bound treatment of such complaints.

- To facilitate a safe environment that is free of sexual harassment;
- To promote behaviors that create an atmosphere that ensures gender equality and equal opportunities.
- To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
- To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- To advise the competent authority to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- To seek legal intervention with the consent of the complainant.
- To make arrangements for appropriate psychological, emotional and physical support (in form of counseling, security and other assistance) to the victim if so desires.

3.1. Constitution of the Committee

The Internal Committees shall consist of the following members to be nominated by the Institute (as per provision laid by POSH Act, 2013), namely:

- A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;
- Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
 - i. Where the Presiding Officer or any Member of the Internal Committee, —
 - ii. has been convicted for an offence or an inquiry into an offence under any law for the time
 - iii. being in force is pending against him; or
 - iv. she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - v. has so abused his position as to render his continuance in office prejudicial to the public interest,

Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of POSH Act.

3.2. Terms and Conditions for the functioning of the Internal Complaints Committee

- i. It needs extensive orientation for effective functioning.
- ii. It cannot function like a criminal court.

- iii. The complainant, when she complains, has at stake her personal life and career.
- iv. The impact sexual harassment has on a woman, It is difficult for a woman to talk about anything sexual. Hence there can be long time interval between the harassment and the actual complaint.
- v. It needs to handle complaints in a confidential manner and within a time-bound framework
- vi. It needs to submit an annual report on sexual harassment to the Principal and the Management.

3.3. Powers and Functions of Internal Complaints Committee

- i. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- ii. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- iii. Whether any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
- iv. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
- v. The Committee has the power to issue directions to / with regard to any person participating in the proceedings before it.
- vi. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

3.3.1. Preventive Steps

- i. To facilitate a safe environment that is free of sexual harassment
- ii. To promote behaviors that create an atmosphere that ensures gender equality and equal opportunities.

3.3.2. Remedial Steps

- i. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
- ii. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- iii. To advise the competent authority to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- iv. To seek legal intervention with the consent of the complainant.
- v. To make arrangements for appropriate psychological, emotional and physical support (in form of counseling, security and other assistance) to the victim if so desires.

4. PROCEDURE FOR HANDLING COMPLAINTS AND DISCIPLINARY ACTIONS

- i. The Committee shall conduct meeting when any complaint is received . Complaint may be received by any member of the committee.
- ii. The Committee instructs the complainant to prepare and submit a detailed statement of incidents happened within a period of two days .
- iii. The Committee shall direct the accused employee(s) to prepare and submit a written response to the complaint / allegations within 3 days from such direction or such other time period as the Committee may decide.
- iv. Each party shall be provided with a copy of the written statement submitted by the other. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings.
- v. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original copy. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- vi. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- vii. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee..
- viii. The Committee shall make all effort to complete its proceedings within a period of ten days from the date of receipt of complaint.
- ix. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Principal , within a period of five (5) days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
- x. If, in the course of the proceedings before it, the Committee is satisfied that the case of sexual harassment is made out against the accused employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, disciplinary action could be initiated in the form of:-

1. Warning
2. Written apology
3. Bond of good behavior
4. Debaring from supervisory duties
5. Denial of membership of statutory bodies
6. Denial of re-employment/re - admission
7. Stopping of increments / promotion/denying admission ticket
8. Suspension
9. Dismissal
10. Any other relevant mechanism

If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting the complainant as a result of the

complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Principal, with reasons and with recommendations of the action to be taken against such person.

5. SUBMISSION OF REPORT

A report has to be prepared by the Presiding officer at the end of each academic year, giving full details of the activities of the Committee during the Academic year. A copy of the report may be sent to the Management through Principal.



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