

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF
EMPLOYEES AND STUDENTS**

Objective

SPSU strives to provide and promote a safe workplace for all of its employees and students at the university. The Policy for Prevention, Prohibition and Redressal of Sexual Harassment of Employees and Students is framed to meet the requirements of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013' and to extend the applicability of the provisions of the Act to all employees and students of the university. This policy complies with the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of all sexes, men, women & transgenders and students in Higher Educational Institutions) Regulations, 2015.

Aim

- Create awareness among all employees of the university
- Prohibit the unwelcome behaviour that constitutes workplace sexual harassment or acts amounting to sexual harassment of any employee at the university
- Ensure that all individuals are treated with equal respect and no discriminatory treatment is meted out to anyone on grounds of gender alone
- Provide unbiased yet empathetic redress process

Sexual Harassment

Sexual harassment of women at workplace (prevention, prohibition & redressal) Act 2013 commonly known as the PoSH Act) in its Section 2n, defines sexual harassment and includes -

- Physical contact and advances, or
 - A demand or request for sexual favours, or
 - Making sexually coloured remarks, or
 - Showing pornography, or
 - Any other unwelcome physical, verbal, non-verbal conduct of sexual nature
- Section 3 (2) of the Act further elaborates that if any of the following circumstances occurs or is present in relation to or connected with any act or behaviour of sexual harassment among other circumstances, it may amount to sexual harassment-
- Implied or explicit promise of preferential treatment as quid pro quo for sexual favours, or
 - Implied or explicit threat of detrimental treatment in the conduct of work, or
 - Implied or explicit threat about her present or future employment status, or



- Interference with work or creating an intimidating or offensive or hostile work environment, or
- Humiliating treatment likely to affect the health, safety and dignity

Forms of Sexual Harassment at Workplace

Sexual Harassment has traditionally been divided into two well-known forms: -

- Quid pro Quo
- Hostile work environment

Quid Pro Quo literally means 'this for that'. Applying this to sexual harassment, it means seeking sexual favours or advances in exchange for work benefits such as promises of promotion, higher pay, academic advancements etc. This type of sexual harassment mostly holds a woman to ransom as her refusal to comply with a 'request' can be met with retaliatory action such as dismissal, demotion, memos, tarnished work record and difficult work conditions.

Hostile work environment is a less clear yet more pervasive form of sexual harassment. It commonly involves conditions of work or behaviour towards a female worker, which make it unbearable for her to be there. While the worker is never promised or denied anything in this context, unwelcome sexual harassment occurs simply because she is a woman.

Instances of Sexual Harassment include -

- a) Derogatory comments of sexual nature or based on gender;
- b) Presence of sexual visual material or pornographic material such as posters, cartoons, drawings, calendars, pinups, pictures, computer programs of sexual nature;
- c) Written material that is sexual in nature, such as notes or e-mail containing sexual comments;
- d) Comments about clothing, personal behaviour, or a person's body;
- e) Patting, stroking grabbing or pinching one's body;
- f) Obscene phone calls;
- g) Telling lies or spreading rumours about a person's personal or sex life;
- h) Rape or attempted rape and so on.

Internal Complaints Committee

- The Sexual Harassment of women in the Workplace (Prevention, Prohibition and Redressal) Act 2013 has developed a grievance procedure in the form of a grievance redressal forum called the Internal Complaints Committee or ICC. SPSU also in

Handwritten signature/initials



compliance with this has an Internal Complaints Committee and it shall have the following composition -

- Chairperson who shall be a woman employed at a senior level at the university
- Not less than two teaching employees and two non-teaching employees
- Not less than three students, who shall be enrolled at the undergraduate, postgraduate and research scholar levels respectively
- One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
- At least one-half of the total members shall be women.
- The term of office of the members of the ICC will be for a period of three years from the date of appointment
- One-third of the members of the ICC may change every year.
- At any given time during the conduct of the inquiry, a minimum of three members of the ICC must be present, which must include the Chairperson.

Responsibilities of the ICC

- Redressal of the complaints filed - The committee shall redress the complaints files within the scope of the laws, with fairness and without bias
- Protect the identity and ensure the safety of the complainant
- Awareness activities - The committee shall educate all employees and students of the institute about sexual harassment at the workplace, its effects, laws against it and filing a complaint with the ICC
- Annual report - The committee shall prepare an Annual Report containing the summary of the actions of ICC and the employer for complaints filed to be submitted by the employer to regulatory bodies and also to be uploaded on the university website
- Third Party Harassment - When sexual harassment occurs as a result of an or an omission by any third party or outsider, the University and the person in-charge shall take all necessary steps to assist the affected person in terms of support and preventive action.

Procedure for making a complaint

1. Complaints regarding Sexual Harassment can be made either in paper form or by sending an e-mail to icc@spsu.ac.in. The Aggrieved (who alleges to have been subjected to any act of sexual harassment by the respondent) employee of the university shall submit a written complaint of sexual harassment at the workplace to the ICC within a period of three months from the date of incident and in case of a series of incidents,



within a period of three months from the date of the last incident. In case the women cannot write, the Chairperson shall render all reasonable assistance.

2. The ICC may, for reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.
3. The complaint shall be addressed to the Chairperson, Internal Complaints Committee and shall contain all the material and relevant details concerning the alleged sexual harassment including the name(s) of the contravenor.
4. The complaint can be made to the Head / President of the University who then shall forward the complaint in a sealed cover to ICC for further enquiry and initiate the process of redressal immediately.

Procedure for conducting an inquiry

The ICC shall, upon receipt of a complaint, send one copy to the person against whom the complaint is made (Respondent) within a period of seven days of such receipt.

1. Upon receipt of a complaint, the ICC must proceed to make an inquiry to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant.
2. The inquiry must be completed within 90 days and a final report submitted to the Employer within ten days thereafter. Such a report will also be made available to the parties concerned. The Employer is obliged to act on the recommendations within 60 days. Any person not satisfied with the findings or recommendations of the Complaints Committee or non-implementation of the recommendations, may appeal in an appropriate court or tribunal
3. If the Respondent is found guilty by ICC, the employer shall take appropriate action against the Respondent as per the internal policies within 60 days of receipt of the Inquiry Report. While taking action against the Respondent, recommendations made by the ICC in its Inquiry Report shall also be taken into consideration.
4. Where both the parties are employees, the parties during the course of the inquiry shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
5. The employer shall implement the recommendations made by the ICC and send the report of such implementation to the ICC. The report of the ICC is in the nature of recommendations to



the employer. It is the employer which takes "action" (in the nature of punishment) on the said recommendations.

6. If the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it will recommend to the employer that no action is required to be taken.

7. If either the complainant or the respondent fail to appear without sufficient cause, for three consecutive hearings, the committee has the power to terminate the proceedings or give an ex-parte decision on the complaint. Before passing such an order, however, the ICC is required to give fifteen days' notice in writing to the party(ies) concerned.

8. Confidentiality - As per Section 16 of the Sexual Harassment Act of 2013 the identity and addresses of the aggrieved woman, respondent and the witness, information relating to conciliation and inquiry proceedings, recommendations of the committee, and action taken by the employer are confidential and not to be published.

Interim Redressal

During the pendency of the inquiry of the ICC, on a written request by the aggrieved woman, the ICC can recommend the following to the employer -

- Grant leave to the aggrieved woman up to a period of 3 months, (This leave is in addition to the leave that she is otherwise entitled), or
- Restrain the respondent from reporting on the work performance of the aggrieved woman, or from writing her confidential report, and assigning the said task to another officer; or
- Restrain the respondent from supervising the academic activity of the aggrieved woman;
- Take strict measures to provide an environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

Disciplinary Action

If the ICC arrives at the conclusion that the allegation against the respondent has been proved, it will recommend the following, if the respondent is an employee of the University:

- i) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rule applicable to the respondent which may include one or more of the following (according to the severity of the offense):



- A written apology;
- A warning;
- Reprimand or censure;
- Withholding of pay rise or increments;
- Termination from service;
- Counselling

ii) Where the **respondent is a student**, depending upon the severity of the offence, the university may

- Withhold privileges of the student such as access to the library, hostel, transportation, scholarships, mess, etc.
- suspend or restrict entry into the campus for a specific period
- expel from the institution, including denial of readmission, if the offence so warrants

if the respondent is a repeated offender, the University shall take cognizance of this in deciding on the nature and quantum of punishment

Action against frivolous complaint

If the ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint.

However, mere inability to substantiate a complaint or provide adequate proof will attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry conducted, in accordance with the procedure prescribed, before any action is recommended.

Amendments

These rules may be amended from time to time on the basis of revisions in other applicable laws, rules and regulations by the Government. Rules may also be amended on the basis of feedback from stakeholders of the university.

Handwritten signature

