

## POLICY FOR SAFE ENVIRONMENT

(Policy Against Sexual Harassment)

### 1. PREAMBLE

St Alphonsa College of Arts & Science, Karinkal, Kanniyakumari District (herein after referred to as 'SAC') is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, intimidation and stress. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex / gender or amongst the same sex members. Every member of SAC is to be aware that while SAC is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

This policy defines sexual harassment and the mechanisms of redressal by looking at the specific structures, needs and imperatives in SAC. It is guided by the definition of sexual harassment given by the Supreme Court in 1997 and UGC (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015 (vide MHRD- UGC Notification dated 02.05.2016).

### 2. OBJECTIVES OF THE POLICY

The Objectives of the Safe Environment Policy are:

- (a) To fulfil the directive of the Supreme Court and respective UGC guidelines enjoining all employers to develop and implement a policy against sexual harassment at the work place;
- (b) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at SAC;
- (c) To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures;

- (d) To uphold the commitment of SAC to provide an environment free of gender-based discrimination;
- (e) To create a secure physical and social environment which will deter acts of sexual harassment;
- (f) To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms;
- (g) To generate public opinion against sexual harassment and all forms of gender-based violence;
- (h) To make recommendations to the Chairman / Manager / Correspondent for changes / elaborations in the Rules, Standing orders and Bye-Laws, etc. in order to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of sexual harassment by and of women employees and students;
- (i) To deal with cases of sexual harassment, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment; and
- (j) To recommend appropriate punitive action against the guilty party to the Chairman / Manager / Correspondent.

### **3. DEFINITION OF SEXUAL HARASSMENT**

The following constitutes sexual harassment:

- a) An unwanted conduct with sexual undertone if it occurs or which is persistent and which demeans humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication) namely:-
  - ✓ Any unwelcome physical verbal or nonverbal conduct of sexual abuse;
  - ✓ Demand or request for sexual favours;
  - ✓ Making sexually coloured remarks;
  - ✓ Physical contacts and advances; and
  - ✓ Showing pornography.
- b) Any one or more than one or all of the following circumstances , if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones:

- ✓ Implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- ✓ Implied or explicit threat of detrimental treatment as quid pro quo for sexual favours;
- ✓ Implied or explicit threat of detrimental treatment in conduct of work;
- ✓ Creating an intimidating offensive or hostile learning environment; and
- ✓ Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

#### **4. JURISDICTION**

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

- (a) By a member of SAC against any other member of SAC, irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- (b) By a resident against a member of SAC or made by a member against a resident irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- (c) By an outsider against a member of SAC or by a member against an outsider if the sexual harassment is alleged to have taken place within the campus.
- (d) By a member of SAC against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that SAC / college authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

#### **5. DEFINITIONS**

**a. ‘Members of SAC’** includes students, teachers and non-teaching staff of SAC.

**b. ‘Students’** means a person admitted and perusing a UG, PG and Ph.D. programme, including short term training programmes under SAC. Provided that a student who is within the process of taking admission in the College although not yet admitted, shall be treated for the purpose of these regulations as a student, where any incident of sexual harassment takes place against such student.

Provided that a student who is a participant in any of the activities in SAC or its Institutes / Units other than the higher educational institute (HEI) where each student is enrolled shall be treated for the purpose of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student.

**c. ‘Teachers’** includes any person on the staff of SAC, who is appointed to a teaching and / or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.

**d. ‘Non-Teaching Staff’** includes any person on the staff of SAC, who is not included in the category of teacher. It shall also include contract workers and daily wagers.

**e. ‘Resident’** includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to a student or an employee by SAC.

**f. ‘Outsider’** includes any person who is not a member of SAC or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of SAC.

**g. ‘Campus’** means the location or the land on which SAC and its related institutional facilities like libraries, laboratories, lecture halls, residence, halls, toilets, student centre like health centres, canteen, bank counters, etc. are situated with its scope places visited as a student of SAC including transportation provided for the purpose of commuting to and from SAC, locations outside the institution on field trips, internships, study tours, excursion, short term placements, places used for camps, cultural festivals, sports meet and such other activities where a person is participating in the capacity of an employee or a student of SAC.

## **6. GUIDING PRINCIPLES FOR CONSTITUTION OF COMMITTEE**

The policy has abided by the following principles:

- (a) In order to comply with the UGC Regulations on the said aspect, this policy has been incorporated with provisions to constitute an Internal Complaint Committee (ICC).
- (b) In order to decentralize the functions of ICC at institutional and other levels, respective Heads of Department shall be responsible for organising and conducting awareness programme under the approval of the Principal and report of the same has to be submitted to the ICC as and when required by the said Committee.

- (c) In order to create autonomous structures to look into complaints of sexual harassment, members from outside the institution with a known contribution to gender issues have been included in ICC.
- (d) To make the Committees' representative, each category of SAC members is given representation in the Committee.
- (e) As per the 1997 Supreme Court Judgment, it is mandatory for each committee to have a woman presiding officer as well as at least 50 per cent women members.

## **7. STRUCTURE**

The Internal Complaint Committee is empowered to carry out the mandate of this policy. Implementation of the policy will be achieved through the following structures:

- (a) Internal Complaint Committee (ICC) of SAC: A committee shall be set up so as to prevent incidents through preventive measures such as awareness program, seminars, etc. to its students and employees. The Committee shall function as per the guidelines issued by the UGC or from Ministry of Human Resources, Govt of India or from the Department of Higher Education, Govt of Tamilnadu or the Affiliating University from time to time. This Committee will be a regulatory body for SAC for redressal of complaints related to safe environment in the College. It can also act as the complaints and redressal committee on safe environment for the employees directly under the employment of SAC.
- (b) Institutional level activities: The Principal will be responsible to execute the mandate of this policy by creating awareness on the said aspects through seminars, workshops, etc.; however, it has to be kept in mind that, when ever any complaints of such nature is reported to any of SAC authorities the same has to be handed over or forwarded to the ICC through proper channel, along with related documents / evidence, if any, for further process and actions.

## **8. CONSTITUTION AND COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE**

- a. The Principal shall constitute the ICC, with prior approval from the Secretary and Correspondent as below:
  - i. Presiding Officer: Who shall be a woman faculty member of senior level – Professor to be nominated by the Principal.

- ii. Members: Not more than eight members to be nominated by the Principal among following sections:
  - (a) Two Teaching staff / faculty by nomination
  - (b) Two Non Teaching staff by nomination
  - (c) Two Students (elected through transparent democratic process)
  - (d) One member from amongst NGO association committed to the cause of women.

Provided that ICC shall have not less than 50% of women members. In addition to the above, one among the above members except for student members may be nominated as a Member Secretary by the Presiding Officer.

## **9. TERM OF COMMITTEE**

The Internal Complaint Committee shall function for a period of three academic years and members and Presiding Officer shall not be considered for re-nomination to the next committee. However, the members representing from the student section shall remain as a member for one academic year.

## **10. REMOVAL OF MEMBERS**

The following may be kept in mind in removal and induction of members of ICC:

- (a) The Principal at any point of time may remove any member or Presiding Officer on the ground of dereliction of duties entrusted to the committee or remain absent for continuous for three meetings without any justifiable grounds or abstain from attending training or seminar organized to the members or involving in any act which is subversive to discipline or any offence involving moral turpitude or if any members are removed, discharged, suspended or rusticated from SAC, in consultation with the Presiding Officer, if any members are removed from the committee and in consultation with the Chairman / Manager / Secretary and Correspondent if the Presiding officer is removed from the Committee without causing any notice.
- (b) The Principal shall nominate fresh members in their place without much of delay so as to ensure the committee functions and its meetings are held without any hurdle in whatsoever manner. The Committee shall all the time consist of responsible, duty bound and a member who can work for the cause of woman shall always be given priority. No faculty or students have any right to challenge the ICC constituted by the Principal.

## **11. ACADEMIC YEAR**

The academic year for the purpose of this policy shall mean period starting from **June** of every year to **May** of consequent year or as directed by the Affiliating University.

## **12. MEETINGS**

- ✓ The Internal Complaint Committee shall meet at least twice a year.
- ✓ The meetings may be chaired by the Presiding officer and the Member-Secretary will be responsible to call for the meeting and take the minutes and circulate them.
- ✓ The notice of the meeting may be circulated at least a week in advance.
- ✓ The quorum for the meetings will be presence of 30% members.
- ✓ In emergency situations, the meetings may be called at a shorter notice and held with fewer members, after an explanation for doing so. In the absence of the Convenor, the members present shall appoint a female member to act as the Presiding Officer for the said meeting.
- ✓ In the absence of the Member-Secretary, another member may be appointed by the members present to take the minutes.
- ✓ An annual report from ICC to the Principal shall be submitted on or before May 15<sup>th</sup> of every year.

## **13. POWER AND DUTIES**

Role of Chairman / Manager / Correspondent is to bring in preventive steps through seminars, awareness programmes, workshops, etc. as per the approval of the Principal. On the other hand, the role of ICC is not only to undertake preventive measures or steps but also to handle complaints as per the UGC guidelines. In other terms ICC will be considered as a prime body to handle complaints under this policy.

### **(a) Preventive Steps**

1. To create and ensure a safe environment that is free of sexual harassment.
2. To create an atmosphere promoting equality and gender justice.
3. To publicize the policy widely, especially through prospectuses, notice boards, etc.
4. To publicize the names and phone numbers of members of the committee.
5. To plan and carry out programmes for gender sensitization.

### **(b) Remedial Steps**

1. The mechanism for registering complaints should be safe, accessible and sensitive.

2. 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.
3. To recommend to the concerned authorities follow-up action and monitor the same.
4. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if s/he so desires.

#### **14. PROCEDURE FOR REGISTERING COMPLAINTS**

- (a) An aggrieved person is required to file written complaint within 3 months in writing from the date of incident and in case of series of incidents within a period of three months from the date of last incident. Provided that where such complaint cannot be made in writing, the presiding member or any member of internal complaint committee shall render all reasonable assistance to a person for making complaint. Provided further that ICC may, for reasons to be accorded in writing, extend the time limit not exceeding three months, if it is satisfied that circumstances were such which prevented the person from filing a complaint within the said period.
- (b) Friends, relatives, colleagues, co-students, psychologists or any other associate of the victim may file complaints where aggrieved person is unable to make complaint on account of physical or mental incapacity.

#### **15. ENQUIRY PROCEDURES**

The following enquiry procedures may be strictly followed in cases where complaints are received by the presiding member or any member of the ICC:

1. Any complaints made to any committee member must be received and recorded by the member, who shall then inform the Presiding Officer about the complaint, who in turn shall call a meeting of the ICC.
2. All meetings of the Committee will be called by the Member Secretary in consultation with the Presiding Officer and a notice of at least 3 to 5 working days must be given.



3. ICC shall upon receipt of the complaint send one copy of the complaint to the respondent within a period of seven days of such receipt.
4. Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complainant along with the list of documents and names and addresses of witnesses within a period of ten days.
5. The inquiry has to be completed within a period of 90 days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the enquiry to the Principal. Copy of the findings or recommendations shall be served on both parties to the complainant.
6. The Principal shall act on recommendations of the committee within a period of 30 days from the receipt of the inquiry report unless an appeal against the findings is filed within that time by either party.
7. An appeal against the findings or recommendations of the ICC may be filed by either party before the Chairman / Manager / Correspondent through the Principal within a period of 30 days from the date of recommendations.
8. If the Principal decides not to act as per the recommendations of the ICC, then he shall record written reasons for the same to be conveyed to ICC and both the parties to the proceeding. If on the other hand it is decided to act as per the recommendations of ICC, then a show cause notice answerable within ten days shall be served on the party against whom action is decided to be taken. The Principal shall proceed only after considering the reply or hearing the aggrieved person and in consultation with the Chairman / Manager / Correspondent.
9. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Principal shall facilitate a conciliation process through ICC as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
10. The identities of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of enquiry.
11. The Committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).

## **NOTES:**

- i. A complainant has the right to go public if she so desires. Going public before giving in the complaint to the committee by the complainant should not prejudice the committee members. Once a complaint has been given to the committee, the complainant should preferably not go public till the enquiry is completed unless required.
- ii. Filing of a grievance / complaint shall not adversely affect the complainant's status / job, salary / promotion, grades, etc.
- iii. The ICC should make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint. The committee shall make recommendations to the Principal to take action against anyone who intimidates the complainant or members of the committee during or after the enquiry.
- iv. Any committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.
- v. The ICC should form a small crisis intervention group comprising a group of committee members who should be readily accessible. At least 75 percent of the crisis intervention group should be women. The telephone numbers of members should be widely publicised. The committee should have names and easy access to groups and / or individuals who can assist by providing legal, medical and / or psychological help.
- vi. During the pendency of an enquiry, on a written request made by the complainant, the ICC may recommend to the Principal to
  - transfer the complainant to any other work place; or
  - grant leave to the complainant up-to a period of three months; or
  - grant such other relief to the complainant as may be prescribed.

The leave granted to the complainant under this circumstance shall be in addition to the leave she would be otherwise entitled.

## **16. INTERIM REDRESSAL**

1. Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such recommendation is made by the ICC.
2. Grant leave to the aggrieved with full protection of status and benefits for a period upto 3 months.
3. Restrain the respondent from reporting on or evaluating the work or performance or tests or examination of the complainant.
4. Ensure that offenders are warned to keep distance from aggrieved, and wherever necessary if there is a definite threat, restrain their entry into the campus.
5. Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complainant of sexual harassment.

## **17. PUNISHMENT**

- a. Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of SAC, if the offender is an employee.
- b. Where the respondent is a student, depending upon the severity of the offence, SAC may,
  - i. withhold privileges of the student such as access to the library, auditorium halls, residence, transportation, scholarships, allowances and identity card;
  - ii. suspend or restrict entry into the campus for a specific period;
  - iii. expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
  - iv. award reformatory punishments like mandatory counselling and / or performance of community services.
- c. The aggrieved person is entitled to payment of compensation. SAC shall issue direction for the payment of compensation as recommended by the ICC and as accepted by the Chairman / Manager / Correspondent, which shall be recovered from the offender. The compensation payable shall be determined on the basis of:
  - i. Mental trauma, pain, suffering and distress caused to the aggrieved person;
  - ii. The loss of career opportunity due to the incident of sexual harassment;

- iii. The medical expenses incurred by the victim for physical and psychiatric treatment;
  - iv. The income and status of the alleged perpetrator and victim; and
  - v. Feasibility of such payment in lump sum or in instalments.
- d. In the case of third party harassment / outsider harassment, SAC shall initiate action by making a complaint with the appropriate authority.
  - e. Enhancement of disciplinary action by the committee could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence. etc.
  - f. Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour, etc.

## **18. ACTIONS AGAINST FRIVOLOUS COMPLAINTS**

- ✓ To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within SAC.
- ✓ If the ICC concludes that the allegations made were false, malicious or the complainant was made knowing it to be untrue or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per Clause 17, if the complainant happens to be student.
- ✓ However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry in accordance with the procedures prescribed, conducted before any action is recommended.

## 19. AMENDMENTS TO THE POLICY

On the basis of their experience of the working of the policy, ICC or the Principal will have the power to make recommendations to the Chairman / Manager / Correspondent of the College for bringing changes in the policy. The Chairman / Manager / Correspondent after adequate consultation shall make recommendations to the Governing Body about changes in the policy, as and when required in keeping with the preamble and objectives of the policy.

*The Policy on Safe Environment has been approved by the Governing Body of the College in its meeting on 7<sup>th</sup> January, 2017.*

