

NIRMALA ARTS & SCIENCE COLLEGE
MULANTHURUTHY

(Affiliated to Mahatma Gandhi University, Kottayam)

Policy for Combating Sexual Harassment in the College

: As per the guidelines of the Supreme Court, UGC, NAAC and Mahatma Gandhi University, Kottayam the Nirmala Arts & Science College has framed a policy for combating sexual harassment cases in the college.

1. Objectives of the Policy:

- 1.1. To fulfil the directives of the Supreme Court, as per UGC directives and the Mahatma Gandhi University, Kottayam in respect of evolving and implementing a policy against sexual harassment in the College.
- 1.2. To uphold zero tolerance towards sexual harassment.
- 1.3. To provide a healthy and congenial atmosphere for the staff and students of the College.
- 1.4. To Provide a physical and social environment which shall prevent acts of sexual harassment
- 1.5. To promote awareness about sexual harassment in its various forms.
- 1.6. To provide an environment having no gender discrimination.
- 1.7. To evolve and implement a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence in the college

2. Definitions:

2.1. Sexual harassment: Sexual harassment” means- (i) “An unwanted conduct with sexual undertones 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;- (a) any unwelcome physical, verbal or non-verbal conduct of sexual nature; (b)

demand or request for sexual favours; (c) making sexually coloured remarks (d) physical contact and advances; or (e) showing pornography” (ii) 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- (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours; (b) implied or explicit threat of detrimental treatment in the conduct of work; (c) implied or explicit threat about the present or future status of the person concerned; (d) creating an intimidating offensive or hostile learning environment; (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned

- 2.2. **Campus:** Means the location or the land on which the college and its related institutional facilities like libraries, laboratories, lecture halls, toilets, student amenity centres, hostels, sport ground, parking areas, and other amenities like health centres, canteens, etc., are situated.
- 2.3. **Aggrieved woman:** Means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2.4. **Student:** Means a person duly admitted and pursuing a programme of study, including short-term training programmes in the college.
- 2.5. **Employee:** Includes teaching and non-teaching staff working on permanent or temporary basis, anyone working in a managerial capacity, trainee, apprentice and interns
- 2.6. **Third Party /Outsider:** Refers to person who is not an employee or a student of the College, but a visitor to the college in some other capacity or for some other purpose or reason.
- 2.7. **Internal Complaints Committee (ICC):** means Internal Complaints Committee constituted under University Grants Commission (Prevention, Prohibition and Redressal of

Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

- 2.8. **Protected activity:** includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation.
- 2.9. **Covered individuals:** are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person.

3. Responsibilities of the College:

- 3.1. The college shall publicly notify the provisions against sexual harassment and ensure their wide dissemination
- 3.2. The college shall organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and under the UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
- 3.3. The College shall act decisively against all gender-based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students and some male students and some students of third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation
- 3.4. The college shall publicly commit itself to a zero-tolerance policy towards sexual harassment

- 3.5. The college shall reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels
- 3.6. The college shall create awareness about what constitute sexual harassment including hostile environment harassment and quid pro quo harassment
- 3.7. The college shall include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment contact details of members of Internal Complaints Committee, complaints procedure and so on.
- 3.8. The college shall inform employees and students of the recourse available to them if they are victims of sexual harassment
- 3.9. The college shall organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity
- 3.10. The college shall proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within the college or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the college
- 3.11. The college shall be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus
- 3.12. The college shall treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee

- 3.13. The college shall treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student
- 3.14. The college shall monitor the timely submission of reports by the ICC
- 3.15. The college shall prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the UGC

4. Internal Complaints Committee:

The college shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism against sexual harassment.

4.1. The Composition of ICC:

- 4.1.1.A Presiding Officer who shall be a senior female faculty member preferably at a level of an associate professor nominated by the principal
- 4.1.2.Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the principal
- 4.1.3.Three members representing undergraduate and postgraduate students elected through transparent democratic procedure
- 4.1.4.One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the principal
- 4.1.5.Persons in senior administrative positions in the college such as Dean, Heads of Departments, etc., shall not be the members of ICC in order to ensure autonomy of their functioning.
- 4.1.6. At least one-half of the total members of the ICC shall be women
- 4.1.7.The term of office of the members of the ICC shall be for a period of three years

4.1.8. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances (prescribed by the college) for holding the proceedings of the Internal Committee.

4.2. Responsibilities of Internal Complaints Committee :

4.2.1. The Internal Complaints Committee shall provide assistance if an employee or a student chooses to file a complaint with the police

4.2.2. The Internal Complaints Committee shall provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence

4.2.3. The Internal Complaints Committee shall protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement as required during the pendency of the complaint.

4.2.4. The Internal Complaints Committee shall ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and

4.2.5. The Internal Complaints Committee shall ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

5. Process of Making Complaint of Sexual Harassment:

5.1. An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.

5.2. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal

Committee shall render all reasonable assistance to the person for making the complaint in writing.

- 5.3. Provided further that the ICC may, for the 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.” Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

6. Process of Conducting Inquiry:

- 6.1. The 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.
- 6.2. Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- 6.3. The inquiry has to be completed within a period of ninety 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 inquiry to the principal. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- 6.4. The principal shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- 6.5. An appeal against the findings or /recommendations of the ICC may be filed by either party before the principal of the college within a period of thirty days from the date of the recommendations.
- 6.6. If the principal of the college decides not to act as per the recommendations of the ICC, then he/she shall record written

reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the 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 of the college shall proceed only after considering the reply or hearing the aggrieved person.

- 6.7. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The college 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.
- 6.8. The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

7. Punishment and Compensation

- 7.1. Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the college, if the offender is an employee.
- 7.2. Where the respondent is a student, depending upon the severity of the offence, the college may
 - 7.2.1. withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card
 - 7.2.2. suspend or restrict entry into the campus for a specific period
 - 7.2.3. expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants
 - 7.2.4. award reformatory punishments like mandatory counselling and, or, performance of community services.
- 7.3. The aggrieved person is entitled to the payment of compensation. The college shall issue direction for payment of the compensation recommended by the ICC and accepted

by the college council, which shall be recovered from the offender. The compensation payable shall be determined on the basis of (a) mental trauma, pain, suffering and distress caused to the aggrieved person; (b) the loss of career opportunity due to the incident of sexual harassment; (c) the medical expenses incurred by the victim for physical, psychiatric treatment; (d) the income and status of the alleged perpetrator and victim; and (e) the feasibility of such payment in lump sum or in instalments.

Internal Complaints Committee 2020-2023

S.L.No	Name	Designation	Position	Phone No
1	Mrs.	Assistant professor	Presiding Officer	
2	Mrs	Assistant professor	Member	
3	Mr	Assistant professor	Member	
4	Mrs	Non-Teaching Staff	Member	
5	Mrs	Non-Teaching Staff	Member	
6	Mrs	Advocate (NGO)	External Member	
7	Kum	PG Student	Member	
8	Kum	UG student	Member	
9	Kum	UG Student	Member	

<p>DISCLAIMER: The ‘Anti-Sexual Harassment Policy’ is not a legal document. The college reserves the right to amend the policy as and when required. All efforts have been made to avoid errors and omissions. However, any error or omission made inadvertently would be rectified if brought to the notice of the college authorities</p>
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