

# PREVENTION & REDRESSAL OF SEXUAL HARASSMENT POLICY



**MIER COLLEGE OF EDUCATION (AUTONOMOUS)**

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**Autonomous**

**Recognised by the Govt. of J&K and  
Permanently Affiliated to the University of Jammu  
Accredited by the NAAC with 'A+' Grade**

## **Prevention and Redressal of Sexual Harassment Policy**



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## PREVENTION & REDRESSAL OF SEXUAL HARASSMENT POLICY

### 1. PURPOSE

In adherence to UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 (hereinafter referred to as UGC Regulation) MIER College of Education shall have an independent regulatory framework to ensure preventive, remedial and/or disciplinary measures against sexual harassment of its employees and students. The College shall be committed to create and maintain an environment that is free of all forms of gender based discrimination and sexual harassment. The College shall have a zero-tolerance policy towards sexual harassment towards any gender and shall provide for timely and adequate compliance of the directions in this regard contained in the UGC Regulation.

### 2. SCOPE

All allegations of sexual harassment by employee/students working /studying in MIER College are covered under this policy. The workplace for the purpose of this policy is defined as the campus, any official travel or transport provided by the College, team events, social events related to work, any venue whereby an employee/student finds them as a result of work or duties/study.

### 3. DEFINITIONS

Definitions of terms under this Policy shall be the same as provided under the Act, unless stated otherwise herein. In case of any ambiguity, the definitions as provided under the Act shall take precedence over the ones provided herein.

**3.1 Sexual Harassment:** "Sexual Harassment" includes any unwelcome, sexually determined behaviour, direct or by implication, and includes any physical contact and advances, a demand or request for sexual favours, making sexually coloured and unsavoury remarks, showing pornography, any other unwelcome physical (for example, touching or brushing against any part of the body and the like, etc.), verbal or nonverbal conduct having sexual overtones.



For the purposes of this policy "Sexual Harassment" shall include, but will not be limited to the following:

- a. Unwelcome sexual advances, requests for sexual favours, and/or verbal or physical conduct of a sexual nature made, either explicitly or implicitly, whether or not in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any University activity/academics.
- b. When unwelcome sexual advances and/ or verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or through mobile or e-mail, SMS, MMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment.
- c. Forcible physical touch or molestation, eve teasing, innuendos and taunts, physical confinement against one's will and any other act likely to impinge upon one's privacy.
- d. Any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of career development/studies or otherwise making the environment at the campus hostile or intimidating to a person belonging to the other/ same sex.
- e. When any such conduct is committed by a third party or outsider in relation to an employee/ student of the College, or vice versa during the course of employment.

**3.2 College:** refers to MIER College of Education.

**3.3 Complainant/ Aggrieved Woman:** means in relation to a workplace, a woman of any age, whether employed or not/student, who alleges to have been subjected to any act of sexual harassment at the workplace/ campus by another person. The definition of Complainant/Aggrieved person for the purpose of this policy extends to all women employee/ students irrespective of status of employment. It includes full time employee/ students, part time employee/ students, contract workers, temporary staff, interns, trainees, vendors, consultants, and students etc.

**3.4 Internal Committee/ Complaints Committee/ Committee:** means an Internal Committee constituted under Section 4 of the Act.

**3.5 CASH:** refers to Committee against Sexual Harassment, the internal complaints committee framed for the purpose of redressal of grievances.



## 4. POLICY GUIDELINES

**4.1 Sexual Harassment:** Circumstances of Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- a. Implied or explicit promise of preferential treatment in employment/ evaluation of academics; or
- b. Implied or explicit threat of detrimental treatment in employment/ evaluation of academics; or
- c. Implied or explicit threat about present or future employment status/ evaluation of academics; or
- d. Interference with work/studies or creating an intimidating or offensive or hostile work environment; or
- e. Humiliating treatment likely to affect health or safety.

The harasser's conduct must be unwelcome. Harassment can occur in person, over the phone (including voice mail), over the internet or e-mail or any other form of communication. The harasser can be the complainant's supervisor, a supervisor in another area, a co-worker or a nonemployee/student or faculty/non-teaching staff.

**4.2 Third-party Harassment:** The College also stands committed to take appropriate preventive and remedial action to prevent sexual harassment of its employee/students by nonemployee/students and vice-versa.

**4.3 Harassment-Free Working Conditions:** It is the responsibility of each employee/student to create an atmosphere free of harassment and respect the rights of fellow employee/students, thus, maintaining a positive and healthy work environment for all. The College expects all faculty/staff/senior leaders to take appropriate steps to prevent or deter acts of sexual harassment.

**4.4 Awareness about the policy:** The College shall take all requisite steps to ensure effective dissemination of this policy through workshops, awareness programs and printed communications in accordance with the Act.

## 5. INTERNAL COMPLAINTS COMMITTEE- CASH (COMMITTEE AGAINST SEXUAL HARASSMENT)

**5.1.** The Internal Complaints Committee shall be the primary authority responsible for dealing with and to adjudicate on any complaint / grievance in the nature of sexual harassment and shall function with full autonomy with power to make recommendations and/or to pass punitive orders in accordance with this Regulation.



1. The ICC shall consist of the following members:
  - i. Senior Woman Professor/Associate Professor of the College - Presiding Officer.
  - ii. 2 faculty members and 2 non-teaching employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
  - iii. Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively nominated in consultation with the Student Council of the College.
  - iv. 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.
2. All the members of the ICC shall be nominated by the Principal and approved by the Chairperson of the College.
3. At least one-half of the total members of the ICC shall be women.
4. The ICC may meet as many times as the need arises for the purpose of the Enquiry stated under Clause 4(2) herein but shall be obliged to meet twice in a year to review its performance and compliance under this Regulation. At least 2/3 of its members shall be the required quorum. The Presiding Officer may exercise a Casting Vote in case of a deadlock on any decision of the ICC.
5. The Presiding Officer shall have power to invite any faculty member, Counsellor or any other employee or student or any other 'covered individuals' to assist in the proceedings of ICC either as witness or for providing corroboratory evidence with reference to the instance/s leading to the complaint/grievance.
6. The Presiding Officer may appoint one of the Members to be the Secretary of the ICC to record and document all its proceedings.

#### Note

- i. At least one-half of the total members of the ICC shall be women.
- ii. Persons in senior administrative positions in the HEI, such as Registrar, Deans, Head of Departments etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
- iii. The members appointed from amongst the non-government organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Complaints Committee, by the Management as may be prescribed.



**5.2 Committee Responsibilities:** All complaints of sexual discrimination or harassment will be treated in a serious manner and as per the Act and the Committee will ensure that:

- a. An appropriate investigation of complaints is conducted. The report of the investigation, findings and recommendations which the ICC will prepare should be shared with the Management and both the parties.
- b. No reprisal or retaliatory action is taken or tolerated against the complainant.
- c. Sensitive nature of the complaint and the respective position in the College of the parties are kept in mind during investigation.
- d. Fair process and principles of natural justice are followed.

**5.3 Complaint Mechanism:** Employee/students who believe they are experiencing sexual harassment may follow the steps below:

- a. If the employee/student feels comfortable he/she may first directly talk to the harasser that he/she considers the behaviour inappropriate and that the conduct is unwelcome and wants it to stop. It is important that this is said very firmly and clearly.
- b. If the harassment still persists, the employee/student may report the situation to his/her supervisor/ HoD/ Principal/ Director's respectively.
- c. Employee/student can also report the situation to any level of management, at any time, who shall escalate the same to the Chairperson immediately.
- d. The employee/student may use the complaint mechanism and file a written complaint to the ICC.
- e. The employee/student may also e-mail the complaint addressed to the Presiding Officer of the committee.
- f. Gender Sensitization which shall involve creating awareness about issues of gender and sexuality and working towards and creating an enabling environment of gender justice where all can work together with a sense of personal security and dignity. Sensitization and Awareness will be a basic function of the Committee formed.

**5.4 Initiating Action:** Any aggrieved employee/student may approach the Complaints Committee with a complaint of sexual harassment under this Policy.



The following steps will be followed in this regard:

- a. A complaint of sexual harassment can be filed within a time limit of one (1) month from the date of the last incident. This may be extended to another one (1) month upon satisfactory reason provided for the delay in reporting.
- b. An employee/student making a complaint ("Complainant") has to give the complaint to the Complaints Committee in writing along with supporting documents, names and addresses of witnesses and the said complaint will be afforded confidentiality as prescribed by law.
- c. No person against whom a complaint is made shall be part of the Complaints Committee.

**5.5 Investigation Process:** On receipt of the complaint, the process as described under the Act shall be followed. During the pendency of the investigation process depending upon the facts and circumstances of the complaint, the committee may recommend to the College to take certain pre-emptive steps in support of the complainant, like, grant of leave etc. to support a free & fair investigation.

**5.6 Protection against False Accusations:** Where the Internal Complaints Committee arrives at a conclusion that the allegations against the harasser/ respondent is malicious or the complainant/ aggrieved woman/student making the complaint has made the complaint knowing it to be false or the complainant/ aggrieved woman/student making the complaint has produced any forged or misleading document, or the employee/student appearing as a witness deposes falsely, the Internal Committee may recommend to the College to take action against the complainant/ aggrieved woman/student who has made the complaint or the witness who has deposed falsely in accordance with the provisions of Service Terms & Conditions/standing orders applicable to him/ her, which may even include dismissal from service/rustication from the College.

**5.7 Records and Reports:** Records shall be maintained for all complaints received and actioned. The Internal Committee will make an annual report detailing number of complaints received, number of complaints disposed, pending complaints and action taken by the College. Normally such details are needed by the UGC.

**5.8 Non-Retaliation:** No retaliation or intimidation directed at anyone who makes/assists in filing a complaint or is a witness to the investigation will be tolerated.

**5.9 Corrective Action:** Upon receipt of the findings of the Committee, the Management will pronounce its verdict with regard to the charges against the harasser, which shall thereafter be promulgated.





### 5.10 Punishment for Sexual harassment

- a. **Penalties:** If an employee/student is found to have violated this Policy, the Management shall take such action as may be appropriate action for misconduct by the employee/student under the College policy and service rules/standing orders.

Such actions may include any of the following:

- i. Written apology
  - ii. Warning
  - iii. Reprimand or censure or warning
  - iv. Withholding of promotion
  - v. Withholding of pay rise or increments
  - vi. Termination of employment
  - vii. Counselling session
  - viii. Carrying out community service
  - ix. Suspension from the College up to specified duration
  - x. Rustication from College
- b. **Compensation:** If the Complaints Committee concludes that a serious instance of sexual harassment is proved against the Counter Party, the Committee can also recommend monetary compensation in favour of the Complainant by way of deduction from the salary or wages of the Counter Party, in an amount that it may consider appropriate to be paid to the Complainant and in accordance with applicable law.
- c. The Complainant upon request is entitled to leave as per statutory guidelines during pendency of the proceedings.

## 6. IMPLEMENTATION

The provisions of this Policy are in addition to and not in derogation of the provisions of the Act, as amended from time to time, or any law in force from time to time. The provisions of the Act shall always be held sacrosanct and shall be followed by the Committee and the College.



## 7. INTERPRETATION

Any matter not specifically covered under the above guidelines shall be referred to Management for necessary advice. The interpretation of this policy rests exclusively with the College. The decision of the College shall be final and binding.

*Renu Gupta*

**Chairperson**

**Principal**

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