

# **Smt R. M. Prajapati Arts College Satlasana**

## **POLICY ON PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT**

### **Preface:**

Smt R.M.Prajapati arts college has created such an atmosphere in a campus and in classrooms for their employees as well as students that they can work with respect, dignity , and without fear in institutes whereas students are treated equally without gender bias, free of prejudice, hostility and sexual harassment.

Gender discrimination or any form of harassments to students especially girl students as well as employees is considered a violation of human rights and has been condemned in India as a violation of the Fundamental Rights of an individual. Accordingly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (which is referred to as the SHWW Act and SHWW Rules respectively) were implemented w.e.f. April, 2013. The said Act was proclaimed to provide protection to female against any kind of sexual harassment inside the domain of workplace and for the prevention and proving justice to the complaints of sexual harassment or matters connected there with it. This legislation makes it mandatory for Employers and Educational Institutions to put in place certain measures for the protection of women employees, students, etc., and providing procedures to be followed for redressal of complaints. In the meantime, the Ministry of Human Resource Development, University Grants Commission has notified the University Grants Commissioner (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees & Students in Higher Educational Institutions) Regulations, 2015 (hereinafter referred to as “UGC Regulations”) providing for the procedure for constitution of the Internal Committee,

inquiry into complaints etc.

Smt R.M.Prajapati Arts college Satlasana believes that all our women in faculty and staff, as well as students deserve a safe and fearless environment to entertain protection of their basic human as well as Fundamental Rights. Keeping in above views and in accordance with the SHWW Act, SHWW Rules read with UGC Regulations the Institute has framed policy for the Prevention of Sexual Harassment at workplace. Smt R.M.Prajapati Arts college Satlasana is committed to providing a healthy environment to all its employees which is free from any kind of discrimination and from harassment at workplace including **sexual harassment**.

Smt R.M.Prajapati Arts college Satlasana has established an atmosphere for female associated with the institute that no sexual harassment or eve teasing will take place in campus and if happens will be treated with hard hand with proper investigation of allegation, and punishment. Any person found to be guilty in any form will have to face disciplinary action according to the rule including dismissing from the job. Such complaints will be treated equally, without any bias, and will be kept all procedure confidential without hurting the self respect of victims.

### **Definition**

Sexual harassment makes a person feel offended, humiliated and/or intimidated which hurts their own self respect and dignity. It is unwanted behavior of a physical or mantle nature which is connected with physical, verbal, or in a oral form with victims. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment may involve more than one incidents and actions which include physical, verbal or non verble conduct that directly make them insulting, and lowering their dignity in a public or in their own self. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### **Physical conduct**

- Unwelcome physical contact like patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching on secret part of body.
- Physical violence, like sexual assault or which contain physical injuries.

- Physical contact, e.g. touching any part of body, pinching, keeping unwanted closeness with a view to arouse sexual feelings.
- The use of threat related to their job or seducing to solicit sexual favours.
- Asking to do sexual favours in a turn to providing any benefits, job etc. or influencing by power, knowledge, or authority which he contained. For such attitude casting couch is defamed word usually use in film industries.

### **Verbal conduct**

- Comments on a worker's physical appearance, age, private life, words used in double meaning etc.
- Sexual comments, stories and jokes, incidences.
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

### **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

**NOTE:** The above instances of sexual harassment are illustrative and not exhaustive.

### **SCOPE, APPLICABILITY & EXTENT**

This policy is applicable to all the administrative,

educational and research departments of the Institute and to all categories of employees teaching and non -teaching including administrative staff, workmen, temporary staff, engaged either directly or through an agency, trainees, employees on contract Faculty including Guest Faculty, persons working on projects, either at its workplace or during visits to partner organisations and students.

This policy is also applicable to all complaints of sexual harassment made by an aggrieved woman in relation to the 'workplace' against:

a. any person of the Institute irrespective of the location where such harassment took place i.e. within or outside campus as long as it is within the definition of 'workplace'.

b. any person (outsider) of the Institute when sexual harassment is alleged to have taken place within the Institute/campus (workplace).

Anyone can be a victim of sexual harassment, regardless of their sex and age of the sex of the harasser. College recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. College recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of the institution, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within the premises or outside, including at social events, business trips, training sessions or conferences sponsored by the institution.

### **EXCLUSION**

It is to be noted that this Policy does not apply when the Aggrieved Woman is performing work which is outside the purview of the workplace.

### **ZERO TOLERANCE TO RETALIATION, VICTIMIZATION AND DISCRIMINATION:**

If an Employee/Student feels that he/she is experiencing any kind of retaliation, victimization or discrimination in any nature of intimidation, pressure to withdraw the complaint or threats for any reporting, he/she should immediately report the matter keeping without any fear by sending email to any member of the Internal Complaint Committee.

The Institute strictly prohibits retaliation/, victimization/ discrimination against any employee/student/complainant/aggrieved woman for either filing a complaint or helping in addressing the complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including suspension and termination in case of any physical assault. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of Sexual Harassment.

## Complaints procedures

Anyone who has sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unnatural. College come to know that sexual harassment may occur in unequal cadre (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser when harasser is on higher post. He /she may approach one of the designated staff members responsible for receiving complaints of such a harassment. When a designated person receives a complaint of sexual harassment, he/she will:

- Immediately note down the dates, times and facts of the incident(s)
- Ascertain the views of the victim as to what outcome he/she wants.
- To ensure the victim to understands the company's procedures for dealing with such complaint
- Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- Keeping all record of all discussions and proof confidential.
- Respecting the choice of the victim
- To ensure that the victim knows it can lodge the complaint outside of the company through the relevant country/legal framework

Throughout the procedure of the complaints, a victim is entitled to be helped by a counsellor within the company. College will nominate a number of counsellors and provide them special training to enable them to assist victims of sexual harassment.

College recognizes that sexual harassment often take place between stronger and weaker sex within the workplace. A weaker sex victims often feel to avoid the complaints due to fear of job and prestige, College feels sympathy for her to support the victims in making complaints.

## **Informal complaints mechanism**

If the victim wishes to deal with the matter informally, the authority will:

- Give an enough chances to the alleged harasser to respond to the complaint made against him.
- Ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- Ensure that record of procedure is kept confidential.
- To take continuous Follow up after the complaints mechanism to ensure that the behaviour has improved.

If the victim wants to make a formal complaint due to unsatisfactory outcome of informal complaint mechanism he may use the formal complaint mechanism to resolve the matter. The designated person who initially received the complaint will refer the matter to the Principal to instigate a formal investigation. Principal may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy.

## **The person carrying out the investigation will:**

- Interview the victim and the alleged harasser separately
- Introgate other relevant eye witness or relevant co worker as a third parties separately
- Decision on pro and cons of the incident(s) of sexual harassment which was said to have happen.
- Producing the detail report of investigations, findings and recommendations, if any.
- If the harassment to victim has been proved, decision need to be taken about the solution ,remedy and punishment i.e apology,,change in working arrangement, promotion of victim, or any other ,for him.
- Follow up is needed in regular period of time to ensure that the recommendations which were made by committee are implemented properly and also , need to observe the improvisation in behaviour of culprit toward victim has occurred or not.
- keep a record of all procedures ,minutes, and conclusions and also ensure that record concern to allegation are kept confidential.

## **Implementation**

College will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company. Every year, college will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of the Principal to ensure that all his/her employees are aware of the policy. A legal code of conduct and seriousness of offence will be highlighted to everyone in a beginning of their job. A behaviour and attitude towards their co worker or colleagues will be reminded to them and a certain kind of discipline must be observed from all who associate the institute.

## **Monitoring**

College recognizes the importance of harassment policy it will collect the important data and statistics from college to evaluate the effectiveness of it. Convener of women cell or concern authority will be held responsible to report on compliance of the policy. Their suggestion on number of cases, dealing process, and recommendation and implementation of policy are of much importance. For nay modification in policy these suggestion and views of convener will be given more impotent in an annual report.

## **Punishment for false or malicious complaint and false evidence:**

Eve teasing or sexual harassment case usually happen with female rather than male in job place or public place. A female is considered to be weaker sex in society where male domination is high, such a case every where and now take place and create a serious consciences in society so such complaints need to be taken seriously and handle with hard hand. these laws are made with many experiences and research done on it to eradicate or reducing the victims from society but many a time it is also found that a false use or misuse of policy rule are done by the same gender which are usually made to favour the female.

Some times defaming the prestige of co workers, with jealousy, or in a form of retaliation, female workers become scape goat in a hand of other and force to misuse of the policy. Such a cases are low in number but it also be examined thoroughly well to save someone from injustice.



If complaints is false, on a basis of retaliation, documents and proofs provided are not real or fabricated or complaints are misleading a necessary disciplinary action against the complainer need to be taken.

When fabricated or forge documents are produce before committee or a complaint is found to be misleading ,committee can recommend the culprit to take necessary action against the victim according to service rule applicable on such witness or victim.

Where the Internal Complaint Committee arrives at a conclusion that during the inquiry any witness has given false evidence or has produced any forged or misleading document, it may recommend to the employer to take action against such witness in accordance with the service rules applicable on such witness or such other manner as may be prescribed.