

CHAPTER-XVIII
POLICY AGAINST SEXUAL HARASSMENT

1. Purpose:

This Policy is to promote the well-being, and provide a clean and safe working environment to Employees against any misbehavior and nurturing a workplace environment free of Sexual Harassment.

2. Policy:

- 2.1 Sankalchand Patel University strives to promote a fearless and harassment free working environment.
- 2.2 The University prohibits any form of sexual harassment in the way employees behave with each other or other stakeholders.
- 2.3 Sexual harassment of employees occurring at work place or in other settings in which employees may find themselves in connection with their employment will be dealt with appropriately, sensitively and expeditiously.

3. Scope:

- 3.1 This policy applies to all individuals who are employed/ engaged in permanent, contractual, visiting, honorary or temporary capacity at any offices of the Sankalchand Patel University and its constituent Colleges/Institution.
- 3.2 It covers sexual harassment committed inside the University premises in which employees/other stake holders may find themselves in connection with their employment/ University services.
- 3.3 This applies equally to relations between superior and subordinates as well as between peers. This is equally applicable to sexual harassment:
 - 3.3.1 Either way between opposite genders
 - 3.3.2 Between members of the same gender

4. Definition & Type:

- 4.1 A broad definition of sexual harassment consists of any physical or verbal behaviour

and any form of communication that has unnecessary, improper or unwelcome sexual connotations. Sexual harassment may vary in form of depending on circumstances. It may consist of, but not be limited to any of the following:

- 4.1.1 Unwelcome sexual advances, requests for sexual favours, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature.
 - 4.1.2 Transmitting any message, by mail, telephone, e-mail, electronic text etc. which is obscene, lewd, suggestive or blatantly sexual in nature. Any explicit or implicit communication wherein a sexual favour or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment.
 - 4.1.3 Sexually charged jokes or remarks and behaviour which have sexually oriented innuendoes.
 - 4.1.4 Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealings.
 - 4.1.5 Any pervasive pattern of behaviour which makes employees uncomfortable, insecure or feels humiliated or disadvantaged on the basis of gender/sexual orientation differentiation.
 - 4.1.6 Actual sexual assault.
- 4.2 The University's policy aims to prevent 'conflict of interest' if relationship involves supervisor and subordinate, which must be disclosed to the management or HR. Following a review, appropriate measures would be instituted.
- 4.3 Where any comment, act or conduct is committed against any person and such person has a reasonable apprehension that it is discriminatory based on gender:
- 4.3.1 It can be humiliating and may constitute a health and safety problem, or
 - 4.3.2 As for instance, when the person has reasonable grounds to believe that her/his objection would disadvantage her/him in connection with her/his employment,
 - 4.3.3 Including recruitment or promotion or advancement or
 - 4.3.4 When it creates a hostile environment, or
 - 4.3.5 When the complainant perceives that it is happening
- Such instances would deem to be Sexual Harassment. As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

5. Committee:

5.1 A standing Internal Complaints Committee (ICC) for investigating Sexual Harassment cases is to be formed as per the UGC Regulation 2015. The members of the committee will be nominated once in a year by Office of the Registrar. Any replacements in the committee also will have to be authorized by office of the Registrar. An organization wide communication on the names of the members of the ICC will be issued by the office of the Registrar at the various locations including University and/or constituent Institute websites.

5.2 The committee composition should be as per the following UGC guidelines:

- Presiding officer should be woman and a senior faculty member
- Two faculty members
- Two non-teaching employees
- One external member from an NGO or a person familiar with issues relating to sexual harassment such as a lawyer.
- Minimum 50 percent of the members should be women.
- Persons in senior administrative positions in the University such as Provost, Rectors, Registrar, Deans etc. should not be members of the ICC.
- External member can be person from various fields who have worked for / in the field of women's rights, including women's rights activists; social workers; activists from NGOs; counsellors; lawyers; doctors; psychiatrists; trade unionists; representatives of peasant and agricultural organizations and journalists etc.

5.3 The responsibilities of the Internal Complaints Committee are as mentioned under:

5.3.1 To operate as an inquiry authority for complaints received from Employees across all levels.

5.3.2 To investigate promptly and thoroughly, complaints of Sexual Harassment and to deal appropriately with the offending personnel as per this Policy and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

5.3.3 To provide interim relief, take immediate and appropriate corrective action

by doing whatever is necessary to end or prevent any further Sexual Harassment and make the Victim emotionally comfortable. (e.g., by counseling, providing necessary support services and so on).

- 5.3.4 Recommend appropriate disciplinary action against the offending Employee, where necessary. Generally, the corrective action must reflect the severity of the conduct. The appropriateness of remedial action will depend on the severity and persistence of the Harassment and the effectiveness of any initial remedial steps.
- 5.3.5 Make follow-up inquiries to ensure the Sexual Harassment has not resumed or the Complainant/ Victim is not being subjected to Victimization.
- 5.3.6 While dealing with complaints of Sexual Harassment, the Internal Complaints Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the respondent. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the respondent against the Complainant or the witness while the investigation is in progress should be reported by the Complainant to the Internal Complaints Committee as soon as possible. Disciplinary action will be taken by the Internal Complaints Committee against any such complaints which are found genuine.
- 5.3.7 To ensure complete confidentiality of the process. Any violation of this in way of any direct or indirect sharing of such information with persons not directly related to the complaint without good reason can result in disciplinary action against the concerned Committee member.
- 5.3.8 To undertake appropriate analysis and submit a detailed report of the enquiry to the University.
- 5.3.9 To deploy and disseminate orientation and training programs or any other collateral such as notifications, for preventing and creating awareness regarding the issue of Sexual Harassment.
- 5.3.10 To deal with complainant, in case ICC feels that complaint raised against individual is done with wrong intentions and do justice to such individual.

6. Procedure:

6.1 Filling a compliant:

The Victim/Complainant can file a complaint, through written application and can submit the application to any member of Internal Complaints Committee within



one week of the last occurrence of the alleged incident of Sexual Harassment. However, the one-week period can be extended at the sole discretion of the Internal Complaints Committee for a further period of one month. Any person can make a complaint on behalf of the aggrieved provided that the aggrieved has given a written consent to such complaint. Along with complaint, the aggrieved can choose to opt for a conciliation process where under, if a settlement is arrived at no further investigation process will be conducted by the Internal Complaints Committee, unless the alleged accused is not in compliance with the settlement terms. If Conciliation is done after complaint made to ICC, such conciliation is to be carried out only in presence of representative of ICC members. No aggrieved can seek a monetary settlement through the conciliation process.

6.2 Investigation process:

The University will exercise its duty to promote an atmosphere of healthy cooperation between male and female Employees in which sexual safety and dignity of Employees is maintained and respected. The University will also prevent and deter the committing of any act of Sexual Harassment at the workplace.

The redress process for the complaint received will be undertaken as per the process mentioned below:

- 6.2.1 On receipt of a written complaint, the Internal Complaints Committee must contact the Victim immediately or within 3 working days.
- 6.2.2 The Internal Complaints Committee shall send one copy of the complaint received to the respondent within a period of 7 working days of receipt of the complaint.
- 6.2.3 The Internal Complaints Committee may also contact the respondent to obtain his version.
- 6.2.4 The Internal Complaints Committee must organize a preliminary meeting with the Victim. This meeting must be completed within 10 working days of the complaint being filed with the Internal Complaints Committee.
- 6.2.5 At the first meeting, the Committee members will hear the Complainant and record her / his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint.

- 6.2.6 Thereafter, the respondent shall be asked to present before the Committee



and an opportunity will be given to him / her to give an explanation.

- 6.2.7 The Internal Complaints Committee may hold its proceedings in the University location or outside as it may deem proper.
- 6.2.8 The quorum for the investigation proceedings shall be minimum three members of the Committee present including the Chairman and in all proceedings involving a woman Complainant, two shall be women members present.
- 6.2.9 The genuineness of the complaint will be investigated and established. In case the complaint is deemed to be frivolous/ false and/or the intent of the Complainant/ Victim is found to be malafide, necessary disciplinary actions may be initiated.
- 6.2.10 The Committee shall investigate the matter in accordance with the letter and spirit of law and submit its report along with recommended action to the University within a period of 10 working days from the completion of the inquiry.
- 6.2.11 In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof. But if the case falls under any of the grievances category then it will be dealt as per Grievance Redressal Policy of the University with the approval from competent authority through Office of the Registrar.
- 6.2.12 The disciplinary action, if any, to be taken will be informed to the parties in writing by the University within 5 working days following the submission of report by the Internal Complaints Committee.
- 6.2.13 Failure or refusal of any persons to co-operate, or to disturb or misguide the Committee during its investigations may result in disciplinary action against such persons as deemed appropriate by the Internal Complaints Committee.
- 6.2.14 If the conclusions of the Internal Complaints Committee are unsatisfactory to either individual, the aggrieved shall have the right to make an appeal to the Local Complaints Committee (a government body, established under the Act), within 30 (thirty) days of the date of conclusion of the investigation proceedings before the Internal Complaints Committee. The University will provide assistance to the aggrieved for the same.
- 6.2.15 The University must be sensitive to the possibility of the respondent



displaying Retaliation behavior and take appropriate action wherever required. At all times, the University shall take all necessary steps to prevent Retaliation/ Victimization.

6.2.16 Where the Employee of the University lodges a complaint alleging Sexual Harassment directly with the police/State Women Commission, intimation regarding the same must also be sent to the Human Resources department of the University by the Employee as soon as possible.

7. Possible Outcomes:

Upon completion of the enquiry, the Complaints Committee will submit a detailed report to the University recommending any of the following disciplinary action against the respondent. The respondent is liable for disciplinary actions depending on the level of severity and persistency of misconduct.

These actions could include but not limited to the following:

7.1 Issue of an advisory to be filed in the Personal File

7.2 Issue of a warning letter to be filed in the Personal File

7.3 Stoppage of increment

7.4 Reduction to a lower grade or post

7.5 Immediate suspension from services without salary for a time period

7.6 Termination from services. An Employee dismissed and discharged from service for such misconduct, shall not be entitled to any notice or pay in lieu of notice, or any other benefits or privileges provided by the University except those to which he may be entitled under any statute being in force at that time.

7.7 Cash Fine

7.8 Any other action that the Committee may deem commensurate to the misconduct as per rules.

7.9 In case the Committee finds the degree of offence to be coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action may be initiated by the University Authorities for making a Police Complaint.



8. Confidentiality

8.1 The contents of the complaint made under the present policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the ICC and the action taken by the ICC shall be confidential and shall not be published, communicated or made known to the public, press and media in any manner except upon the aggrieved woman submitting a specific request to do so in writing and upon the ICC acceding to the said request.

8.2 Upon the respondent being found guilty, information may be disseminated regarding the justice secured to any victim of sexual harassment under this policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

9. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the University/Institute, ICC and its members in respect of anything which is done or intended to be done in good faith in pursuance of these policies, and the circulars/orders/notifications issued thereunder.

