

POLICY ON PREVENTION OF SEXUAL HARASSMENT

1. PURPOSE:

The policy is issued to provide a framework to prevent, prohibit and redress sexual harassment of employees and students in Shridevi Institute of Engineering and Technology as per **All India Council for Technical Education** (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Educational Institutions) Regulations, 2016.

2. Definitions :

- a) **"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.
- b) **"ACT"** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)
- c) **"CAMPUS"** means the location or the land on which Shridevi Institute of Engineering and Technology and its related facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, parking areas, parks-like settings and other amenities like health centres, canteens, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the THE INSTITUTE including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of THE INSTITUTE;
- d) **"COMMISSION"** means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);
- e) **"COVERED INDIVIDUALS"** means 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.
- f) **"EMPLOYEE"** means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short visits and camps
- g) **"EXECUTIVE AUTHORITY"** means the Principal of Shridevi Institute of Engineering and Technology, in whom the general administration of Shridevi Institute of Engineering and Technology is vested.
- h) **"INTERNAL COMPLAINTS COMMITTEE" (ICC)** means Internal Complaints Committee to be Constituted by Shridevi Institute of Engineering and Technology.
- i) **"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;

“Sexual harassment” means-

- (i) An unwanted conduct with sexual undertones 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 behavior (whether directly or by implication), namely:—
 - (a) Any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - (b) Demand or request for sexual favors;
 - (c) Making sexually coloured remarks;
 - (d) Physical contact and advances; or
 - (e) Showing pornography; and
- (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 behavior that has explicit or implicit sexual undertones-
 - (a) Implied or explicit promise of preferential treatment as quid pro quo for sexual favors;
 - (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;

“Student” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short- term training programme’s in a TI: Provided that a student who is a participant in any of the activities in a TI other than the TI where such student is enrolled shall be treated as a student of that TI where any incident of sexual harassment takes place against such student;

“Third Party Harassment” refers to a situation where sexual harassment occurs as a result of an actor omission by any third party or outsider, who is not an employee or a student of the TI, but a visitor to the TI in some other capacity or for some other purpose or reason.

“Victimization” means any unfavorable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

“Workplace” means the campus of a TI, including-

- (a) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate TIs ;
- (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in TIs;
- (c) any place visited by the employee arising out of or during the course of employment including

- (m) Treat sexual harassment as misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (n) Treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) Ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (p) Monitor the timely submission of reports by the ICC or GSCASH;
- (q) Prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Council.

3.2 Supportive measures-

- (1) the rules, regulations or any such other instrument by which ICC or GSCASH shall function have to be updated and revised from time-to-time, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.
- (2) The Executive Authority of the TIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as, well as a sufficient allocation of financial resources.
- (3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.
- (4) Since research students and doctoral candidates are particularly vulnerable the TIs must ensure that the guidelines for ethics for Research Supervision are put in place.
- (5) All TIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.
- (6) Orientation courses conducted in TIs for administrators must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the TI community.
- (7) Counselling services must be institutionalized in the Institute and must have well trained full-time counsellors.
- (8) Many Institutes having large campuses have a deficit in lighting and are experienced as unsafe places by the institutional community. Adequate lighting is a necessary aspect of infrastructure and maintenance.
- (9) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.

level Institute, as the case may be.

- (d) One member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

4.2 At least one-half of the total members of the ICC shall be women.

4.3 Persons in senior administrative positions in the Institute, such as Principal, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning. The term of office of the members of the ICC shall be for a period of three years. The Institute may also employ a system whereby one-third of the members of the ICC may change every year.

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5. Responsibilities of Internal Complaints Committee (ICC)

The Internal Complaints Committee shall:

- (a) Provide assistance if an employee or a student chooses to file a complaint with the police;
- (b) 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;
- (c) 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 or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- (d) Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (e) Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

6. THE PROCESS FOR MAKING COMPLAINT AND CONDUCTING INQUIRY

The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The Institute shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

7. PROCESS OF MAKING COMPLAINT OF SEXUAL HARASSMENT

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. 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; 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

there is a definite threat, restrain their entry into the campus;

- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation-

(1) anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Institute, if the offender is an employee. Depending upon the severity of the offence, the punishments may include anyone or more such as a written apology, warning, reprimand, censure, undergoing counselling or carrying out community service, withholding of promotion, withholding of pay rise or increments and terminating the respondent from service.

(2) Where the respondent is a student, depending upon the severity of the offence, the Institute may,-

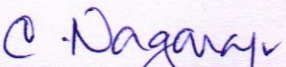
- (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- (b) suspend or restrict entry into the campus for a specific period;
- (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
- (d) Award reformatory punishments like mandatory counselling and, or, performance of community services.

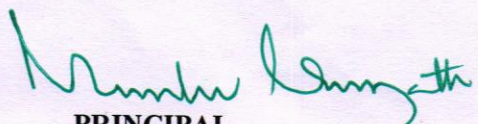
(3) The aggrieved person is entitled to the payment of compensation. The TI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

- (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.

11. Action against frivolous complaint-

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 publicized within the Institute. If the ICC concludes that the allegations made were false, malicious or the complaint 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 the provisions of Act. If the complainant happens to be a 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 procedure prescribed, conducted before any action is recommended.


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