



S.I.W.S.

**N.R. SWAMY COLLEGE OF COMMERCE & ECONOMICS
AND
SMT. THIRUMALAI COLLEGE OF SCIENCE**

Plot No. 337, Sewri - Wadala Estate,
Major R. Parameshwaran Marg, Wadala, Mumbai – 400 031
(Affiliated to the University of Mumbai)
ISO 9001 : 2015 Certified

ANTI-SEXUAL HARASSMENT POLICY



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1) PREAMBLE

SIWS College recognizes the right to freedom of expression, strongly supports gender equality and opposes any form of gender discrimination and violence on the basis of sex/gender or amongst the same sex members. The institution is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, intimidation and discrimination.

2) GUIDING PRINCIPLES

The policy is guided by the definition of sexual harassment given by the Supreme Court in 1997 in Vishaka vs. State of Rajasthan and 'UGC (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015 (vide MHRD- UGC- Notification dated 02.05.2016)'.

3) POLICY OBJECTIVES

The objectives of the Policy are as follows:

- (a) To fulfill the directive of the Supreme Court and respective UGC guidelines enjoining all employers to develop and implement a policy against sexual harassment at the work place
- (b) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at SIWS College
- (c) To ensure the implementation of the policy through proper reporting by way of a Letter of the complaints and their follow-up procedures
- (d) To uphold the commitment of the SIWS College to provide an environment free of gender-based discrimination.
- (e) To create a secure physical and social environment that will deter any acts of sexual harassment.
- (f) To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms

- (g) To deal with cases of sexual harassment, in a time bound manner, ensuring support services to the victims and weed out harassment

4) DEFINITION OF SEXUAL HARASSMENT

The following constitutes sexual harassment:

- a) Sexual harassment includes unwelcome sexually determined behaviour (whether directly or by implications) such as:
- Physical contact and advances;
 - A demand or request for sexual favours;
 - Sexually coloured remarks;
 - Showing pornography;
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- b) Any one or more than a one behaviour that has explicit or implicit sexual undertones
- Implied or explicit promise of preferential treatment as quidproquo for sexual favours
 - Implied or explicit threat of detrimental treatment as quidproquo for sexual favours
 - Implied or explicit threat of detrimental treatment in conduct of work
 - Creating an intimidating offensive or hostile learning environment
 - Humiliating treatment likely to affect the health safety dignity or physical integrity of the person concerned

5) JURISDICTION

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

- a) By a member of the SIWS College against any other member of the SIWS College irrespective of whether the harassment is alleged to have taken place within or outside the campus.

- b) By an outsider against a member of the SIWS College or by a member of the SIWS College against an outsider if the sexual harassment is alleged to have taken place within the campus.
- c) By a member of the SIWS College against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the SIWS College authorities initiate action by making a complaint with the appropriate authority.

6) **GUIDING PRINCIPLES FOR CONSTITUTION OF COMMITTEE**

The policy has abided by the following principles:

- a) In compliance with the UGC Regulations on the said aspect, this policy has been incorporated with provisions to constitute an **Internal Compliant Committee (ICC)**.
- b) In order to decentralize the functions of ICC at institutional and other levels, respective Head of the Institution shall be responsible for organising and conducting awareness programme and report of the same has to be submitted to Internal Compliant committee as and when required by the said committee.
- c) In order to create autonomous structures to look into complaints of sexual harassment, members from outside the institution with a known contribution to gender issues have been included in ICC.
- d) To make the Committees representative, each category of SIWS College members is given representation in the Committee.
- e) As per the 1997 Supreme Court Judgment, it is mandatory for each committee to have a woman presiding officer as well as at least 50 per cent women members.

7) **STRUCTURE & COMPOSITION OF THE INTERNAL COMPLAINTS COMMITTEE (ICC)**

- (a) **The Principal** shall constitute the Internal Complaint Committee as below.
- (b) **Presiding Officer:** Who shall be a woman faculty member of senior level - Associate Professor to be nominated by the Principal of SIWS College

(c) **Members:** Not more than eight members to be nominated by the Principal among following sections:

- i. Two Teaching staff/faculty by nomination
- ii. Two Non-teaching staff by nomination
- iii. Three Students from the Student Council

- iv. One member from amongst NGO association committed to the cause of women.

Provided that ICC shall have not less than 50% of members shall be women. Adding to this one among the above members except for student members may be nominated as a Member Secretary by the Presiding Officer.

Internal Compliant Committee (ICC) shall be set up so as to prevent incidents through preventive measures such as awareness program, seminars etc. for students and employees. The Committee shall function as per the guidelines issued by the UGC or from Ministry of Human Resources, Govt. of India from time to time. This committee will be a regulatory body for SIWS College. It will also act as the complaints and redressal committee for the employees directly under the employment of the SIWS College and its institutes. The academic year for the purpose of this policy shall mean period starting from 1st June of every year to 31st May of subsequent year.

8) MEETINGS

- a) The Internal Compliant Committee shall meet at least twice a year.
- b) The meetings may be chaired by the Presiding officer and the Member-Secretary will be responsible to call the meeting and take the minutes and circulate them.
- c) The notice of the meeting may be circulated at least a week in advance.
- d) The quorum for the meetings will be the presence of adequate members.
- e) In emergency situations, the meetings may be called at a shorter notice and held with fewer members, after an explanation for doing so.
- f) In the absence of the Member-Secretary, another member may be appointed by the members present to take the minutes.
- g) An annual report from ICC to Principal is to be submitted on 1st working day of July every year.

9) PROCEDURE FOR REGISTERING COMPLAINTS

- a) An Aggrieved person is required to file online / written complaint within 3 months in writing from the date of incident and in case of series of incidents within a period of three months from the date of last incident.
- b) Where such complaint cannot be made in writing, the presiding member or any member of internal compliant committee shall render all reasonable assistance to person for making complaint.
- c) Friends' relatives' colleagues' co-students' psychologists or any other associate of the victim may file complaints where aggrieved person is unable to make complaint on account of physical or mental incapacity.

10) ENQUIRY PRODECURES

- a) Any complaints made to any committee member must be received and recorded by the member, who shall then inform the Presiding Officer about the complaint, who in turn shall call a meeting of the Internal Compliant Committee.
- b) All meetings of the Committee will be called by the Member Secretary in consultation with the Presiding Officer and a notice of at least 3 to 5 working days must be given.
- c) 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.
- d) Upon receipt of the copy of the complaint, the respondent shall file his or reply to the complainant along with the list of documents and names and addresses of witnesses with in a period of ten days.
- e) The inquiry has to be completed within a period of 90 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 enquiry to the Registrar. Copy of the findings or recommendations shall be served on both parties to the complainant.
- f) The Registrar shall act on recommendations of the committee with in a period of 30 days from the receipt of the inquiry report unless an appeal against the findings is filed within that time by either party.

- g) If the Registrar decides not to act as per the recommendations of the ICC, then he shall record written reasons for the same to be conveyed to ICC and both the parties to the proceeding. If on the other hand it is decided to act as per the recommendations of 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 Registrar shall proceed only after considering the reply or hearing the aggrieved person.
- h) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Registrar 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 where ever possible, is preferred to purely punitive intervention.
- i) The identities of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of enquiry.
- j) The Committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).

11) PUNISHMENT

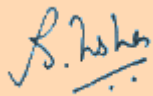
- a) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of SIWS College, if the offender is an employee by way of:
 - Warning
 - Written apology
 - Bond of good behavior
 - Adverse remarks in the confidential report
 - Debarring from supervisory duties
 - Denial of membership of statutory bodies
 - Stopping of increments/promotion
 - Reverting, demotion
 - Suspension
 - Dismissal
 - Any other relevant mechanism

- b) Where the respondent is a student, depending upon the severity of the offence, SIWS College may,
- With hold privileges of the student such as access to the library, auditorium, suspend or restrict entry into the campus for a specific period
 - Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants
 - Award reformatory punishments like mandatory counseling and, or, performance of community service
- c) The aggrieved person is entitled to payment of compensation. SIWS College shall issue direction for the payment of compensation as recommended by the ICC and Principal.
- d) In the case of third-party harassment/outsider harassment, SIWS College shall initiate action by making a complaint with the appropriate authority.
- e) Enhancement of disciplinary action, by the committee, could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.
- f) Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour etc.

12) ACTIONS AGAINST FRIVOLOUS COMPLAINTS

- a) 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 publicised within the institute and SIWS College.

b) If the ICC concludes that the allegations made were false malicious or the complainant 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 Section 14 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Section 12 of the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women and Employees and Students in Higher Educational Institutions) Regulations, 2015.



Dr. Usha Iyer

Principal

Date : 5th January, 2017
