



**POLICY AGAINST**  
**SEXUAL HARASSMENT**

**WITH EFFECT FROM**  
**1<sup>ST</sup> SEPTEMBER, 2021**

### **1. Preamble:**

WOXSEN is committed to create and maintain a community in which students, faculty and staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of Human Rights violations including Sexual Harassment and discrimination based on gender. The Supreme Court of India, in a landmark judgment stated that every instance of sexual harassment is a violation of Fundamental Rights under Articles 14, 15 and 21 of the Constitution of India, and amount to violation of the Right to Freedom.

This judgment makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the court and to evolve a specific policy to combat sexual harassment in the workplace.

### **2. Objectives:**

- To fulfil the directive of the supreme court requiring all employers to develop and implement a policy against sexual harassment.
- To lay down a mechanism for the prevention and redressal of sexual harassment and other acts of gender-based violence.
- To ensure the implementation of the policy in letter and spirit through proper reporting and their follow up procedures.
- To create a secure physical and social environment which will deter acts of sexual harassment.
- To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.

### **3. Definitions:**

#### **“Sexual Harassment”:**

- When submission to unwelcome sexual advances, requests for sexual favours and verbal or physical conduct of a sexual nature are, implicitly or explicitly made.
- When unwelcome sexual advances, and verbal, non-verbal and or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature

have the purpose and or effect of interfering with an individual's performance or creating an intimidating, hostile or offensive environment.

- When a person uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
- When deprecatory comments, conduct or any such behaviour is based on the gender identity / sexual orientation of the person in any platform or other public forum of Woxsen is used to denigrate / discriminate again person(s), or create a hostile environment based on a person's gender identity / sexual orientation.

**"Members of Woxsen"** include students, Faculty, and all permanent & temporary staff of the Woxsen.

#### **4. Jurisdiction:**

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

- By an employee/student of Woxsen against any other employee/student of Woxsen irrespective of whether the harassment is alleged to have taken place within or outside the campus / office.
- By an outsider against an employee/student of Woxsen or by an employee/student of Woxsen against an outsider if the Sexual Harassment is alleged to have taken place within the campus/office.
- By a member of Woxsen against an outsider if the Sexual Harassment is alleged to have taken place outside the campus. In such cases the committee shall recommend that Woxsen authorities initiate action by making a complaint with the appropriate authority. Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

#### **5. Internal Complaints Committee (ICC):**

This committee will consist of 5 members (At least 50% of the members should be women)

This committee is formed according to the UGC (Prevention, prohibition, and redressal of sexual harassment of women employees and students in higher educational institutions) regulations, 2015):

1. A Presiding Officer who shall be a woman faculty member employed at a senior level, not below a Professor, or shall be nominated from other offices or administrative units of the workplace.
2. Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority.
3. Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's and research scholar levels respectively, elected through transparent democratic procedure.
4. 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.

Persons in senior administrative positions such as Vice President, Vice Chancellor, Rectors, Registrar, Deans, HODs, etc. shall not be members of ICCs in order to ensure autonomy of their functioning.

#### **6. Apex Complaints Committee (APC):**

The Apex Complaints Committee upon receipt of the enquiry report will take necessary disciplinary / administrative action based on the recommendations of the ICC. All those cases which cannot be resolved at the **ICC level** will be forwarded to the APC for necessary disposal.

The APC will consist of:

- Vice Chancellor
- CEO
- Dean
- Head HR
- Any other Staff (Female)

### **7. Duties of The Complaints Committee:**

- To create and ensure a safe environment that is free of sexual harassment.
- To create an atmosphere promoting equality and gender justice.
- To publicize the policy widely, especially through mailers, notice boards etc.
- To publicize the name and phone numbers of member of the committee
- To plan and carry out programs for gender sensitization.
- To take cognizance of complaints about Sexual Harassment, conduct enquiries, provide assistance and redressal to the victim(s).
- To recommend penalties and take action against the harasser.
- To recommend to the concerned authorities follow-up action and monitor the same
- To advise disciplinary actions.
- To seek medical, police and legal intervention with the consent of the complainant.
- To make arrangements for appropriate psychological, emotional, and physical support (in the form of counselling, security, and other assistance) to the victim if the victim so desires.
- To conduct orientation workshop to bring awareness on behaviour, social etiquette etc. along with training on negative impact of sexual harassment of individuals at workplace, for all staff/students which would address perceptions and understanding of sexual harassment, understanding the policy and complaints mechanism.

### **8. Procedure for Registering Complaints:**

- All complaints must be brought by the complainant in person. In cases of complaints brought by another person on behalf of the complainant, the committee will examine whether an investigation, intervention or some other assistance is needed. The exception for this will be in cases of forced confinement of the person.
- In exceptional cases, third party / witness complaints may be entertained. In such cases, the committee will ascertain whether the person alleging to have been harassed wishes to lodge a formal complaint. Once such a complaint is received, the committee shall proceed to investigate it as per the procedure specified.
- If the complainant wishes she/he can be accompanied by a representative.

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 ICC 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 from filing a complaint within the said period.

Friends, relatives, colleagues, co-students, psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental capacity or death.

#### **9. Enquiry Procedures:**

- All complaints made to any committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the committee
- All meetings of the committee will be called by the Member Secretary in consultation with the Chairperson and a notice of at least 3 to 5 working day must be given
- The committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).
- After the report has been finalized, confidentiality should be maintained, if the complainant so desires, by withholding the complainant's name and other particulars that would identify him/her. (Revealing the identity either in exceptional cases such as stalking which may put the complainant at greater risk or as a result of social prejudices; the complainant may face additional adverse effects as a result of public circulation of the finished report.
- During an enquiry the quorum for all committee meetings will be one-third of the total membership and must include at least one member from the complainant's category as well as the member co- opted from outside.
- The Complaints Committee will, within ten days of the receipt of a complaint establish a prima facie case of sexual harassment as given in this policy and the jurisdiction of this policy.

Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing. In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement), the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.

- In case a prima facie case is established, the Complaints Committee shall set up an enquiry committee of 3 – 5 members, with at least one member of the complainant’s category, as well as a member from outside of WOXSEN.
- The sub-committee so formed must inform the accused in writing about the charges made against him/her and he/she should be given a period of five days from the date of receipt of the notification to respond to the charges.
- During the enquiry procedure, the complainant and the accused will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry.
- The sub-committee must submit its report to the Complaints Committee not later than 15 working days. The Complaints Committee will discuss the report and make recommendations for punitive action if required.
- The entire process of enquiry should be completed within one month.
- The complainant or the accused may appeal to the Apex Committee.
- Filing of a grievance / complaint shall not adversely affect the complainant’s status/job, salary, promotion, grades etc.
- The Complaints Committee shall act against anyone who intimidates the complainant or member of the committee, during or after the enquiry.
- Any committee member charged with Sexual Harassment in a written complaint must step down as member during the enquiry into the complaint.

#### **10. Interim Redressal:**

The University may,

1. transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such a recommendation is made by the ICC;

2. grant leave to the aggrieved with full protection of status and benefits for a period up to three months.
3. restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
4. ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus.
5. 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.

#### **11. Redressal:**

Disciplinary actions could take the form of:

- Warning
- Written apology
- Bond of good behaviour
- Adverse remarks in the Performance Appraisal
- Debarring from supervisory duties
- Denial of re-employment
- Stopping increments / promotion
- Demotion
- Suspension
- Dismissal
- Any other relevant measure

#### **12. Monitoring and Review:**

- The Complaints Committee will send annual reports to the Apex Complaints Committee.
- The Apex Complaints Committee will provide a brief annual report to the senior management on the cases monitored by them. The reports must be kept confidential.
- The Apex Complaints Committee will organize a meeting once every year for all members of the Complaints Committee to meet and discuss their experiences on the functioning of the committees and recommend improvements if any.



