

# Salesian College

## Policy on Sexual Harassment Redressal

Sexual harassment at a workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work/study environment, which discourage women's participation in work/study, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth. With more and more women joining the workforce/study, ensuring an enabling work/study environment for women through legislation is felt imperative by the Government and thereupon by the institution.

### Preamble

With regard to the Supreme Court Judgment and guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, the University Grants Commission (UGC) has issued circulars since 1998, to all the universities, advising them to establish a permanent cell and a committee; to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges and finally the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) POSH Act 2013. Keeping the above guidelines in view, Salesian College is committed to implementing all the provisions of the POSH and other relevant acts on prevention of Sexual harassment in the college.

Salesian College 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 stress. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender or amongst the same sex members. Every member of the College should be aware that while the College is committed to the right to freedom of expression and association, it strongly support gender equality and opposes any form of gender discrimination and violence.

### Definition of Sexual harassment as understood in the POSH act:

- Physical contact and advances
- A demand or request for sexual favours;
- Making sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- Implied or explicit promise of preferential treatment;

- Implied or explicit threat of detrimental treatment;
- Implied or explicit threat about present or future employment status;
- Interference with work or creating an intimidating or offensive or hostile work environment;
- Humiliating treatment likely to affect health or safety

## Declaration of Policy

Salesian College Sonada & Siliguri, shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, ensures the full enforcement of “Fundamental Rights” under articles 14, 15, 19(1) (g) and 21 of the Constitution of India, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

## OBJECTIVES OF THE POLICY

1. To fulfil the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place.
2. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at Salesian College.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To uphold the commitment of Salesian College to provide an environment free gender-based discrimination.
5. To create a secure physical and social environment which will deter acts of sexual harassment
6. To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
7. To generate public opinion against sexual harassment and all forms of gender-based violence.
8. To make recommendations to the Principal for changes/elaborations in the Rules, Standing orders and Bye-Laws etc., to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of sexual harassment by and of women employees and students
9. To deal with cases of sexual harassment, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
10. To recommend appropriate punitive action against the guilty party to the Principal.

## JURISDICTION

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

1. By a member of the institution against any other member irrespective of whether the harassment is alleged to have taken place within or outside the campus.
2. By an outsider against a member of the college or by a member of the college against an outsider if the sexual harassment is alleged to have taken place within the campus.
3. By a member of the 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 college 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.

## COMPOSITION: LOCAL COMPLAINTS COMMITTEE (LCC) AGAINST SEXUAL HARASSMENT

1. Two teacher representatives by nomination.
2. One non-teaching Staff representative of the College by nomination.
3. Two student representatives (as applicable) by nomination - one should be a second year graduate student and one should be a post graduate student
4. One person from outside with known contribution to women's issues, nominated.
5. The Chairperson (woman) to be nominated from amongst the teacher members.
6. The Member Secretary to be selected from amongst the members other than the student category.
7. At least 50% of the members in each of these categories should be women.
8. The Head of the Institution shall constitute the Committee and all nominations shall be made by him.
9. The member secretary shall be from any category except the student category

The members of the Local Complaints Committee(LCC) for the academic year 2020-2021 are: (the term of office of LCC or ICC is for a period of 3 years as per the POSH act)

## SCS LCC

Sraddha Pradhan (Chairperson)

Sruti Chettri

Rupa Rai

Sharon Lepcha

Peter Gomes

Savio Giri

## SCSC LCC

Ganga Parajuli Tirkey

Srijana Singh

Leena Biswas

Veronica Baroi

Bikash Jha

Flora Tirkey

(1 from NGO, 1 from local Police/lawyer and 1 lady doctor as recommended by the Act shall also be incorporated by the ICC). The college shall set up an ICC (Internal Complaints Committee) as and when there is a specific allegation of harassment. It will consist of 4 members, vide POSH act.

## POWER AND DUTIES OF THE COMMITTEE

### Preventive

1. To create and ensure a safe environment that is free of sexual harassment.
2. To create an atmosphere promoting equality and gender justice.
3. To publicize the policy in Nepali and English widely, especially through prospectus, noticeboards etc.
4. To publicize in English and in Nepali the names and phone numbers of members of the committees.
5. To plan and carry out programmes for gender sensitization.

### Remedial

1. The mechanism for registering complaints should be safe, accessible and sensitive.
2. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and
3. Redressal to the victims, recommend penalties and take action against the harasser, if necessary.
4. To recommend to the concerned authorities follow-up action and monitor the same.
5. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
6. To seek medical, police and legal intervention with the consent of the complainant.

7. To make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the victim if/s/he so desires.

## PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

Step 1. Formal complaint to the Chairperson/Presiding Officer of the Internal Complaints

Committee constituted by the Management within 3 months of the last incident.

Step 2.

The aggrieved woman shall submit 6(six) copies of the Complaint to the ICC along with supporting documents and the names and addresses of the witnesses in writing (The aggrieved woman is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward)

Step 3.

ICC shall send 1 of the copy to accused/respondent within 10 working days

Step 4.

The Accused/respondent) shall file his reply to the ICC along with supporting documents and the names and addresses of the witnesses, within a period of 10 working days from the date of receipt of the documents

Step 5.

At the time of inquiry, a minimum of 3 Members of the ICC including the chairperson, shall be present

Step 6.

The ICC shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer within the 10 days from the date of completion of inquiry

Step 7.

The Employer shall act upon the recommendation within 60 days of its receipt

Step 8.

The Complaint's Committee report will also be made available to concerned parties)

## Provision for Complaint Redressal:

A Written report is necessary in each option:

Conciliation effort at the request of the aggrieved woman: The ICC can take steps to arrive at a settlement between the parties. However, no monetary settlement can be made as the basis of such conciliation

## PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:

Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

## PROHIBITION OF PUBLICATION OR MAKING KNOWN THE CONTENTS OF COMPLAINTS AND INQUIRY PROCEEDING:

1. Notwithstanding anything contained in the Right to Information Act, 2005, following cannot be communicated or made known to public, press or media.
2. Identity and address of the aggrieved woman, respondent or witnesses.
3. Any information relating to conciliation and inquiry proceedings, recommendations of ICC.
4. Action taken by the employer

## Annual Report

The Chairperson of the Committee will prepare an Annual Report at the end of each academic year, giving a full account of the activities of the Committee during the year gone by. A copy of the report may be sent to the College Management.

Constituted and Approved by

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