

REVISED POLICY DOCUMENT
OF
INTERNAL COMPLAINTS COMMITTEE

B. P. CHALIHA COLLEGE, NAGARBERA



POLICY ON SEXUAL HARASSMENT

Preamble:

The Internal Complaint Committee of B.P Chaliha College is committed to provide a conducive environment, free from violence, harassment, and exploitation amongst the students, teaching & non-teaching staff on the college campus. This includes all forms of gender violence, sexual harassment against women. The Committee members are expected to render full assistance to the “aggrieved woman” in writing the complaint of Sexual Harassment, the members should also be aware of the responsibilities and duties under the UGC Regulations as well as under the Sexual Harassment of Women at Workplace Act, 2013.

Formation of the Internal Complaint Committee:

The Internal Complaint Committee of B.P Chaliha College is formed under Section 4 of University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of women employees and students in higher educational institution) Regulation, 2015 & under Section 4 of Sexual Harassment of Women at Workplace (Prohibition, Prevention & Redressal) Act, 2013.

Historical Background of the Sexual Harassment of Women at Workplace Act, 2013:

The writ petition was filed before the Supreme Court expressing the lacuna in the legislative policy in the matters of Sexual Harassment of Women at Workplace as it violates Articles 14, 15, 19 & 21 of the Constitution of India. To fill the legislative gap, the Supreme Court laid down the following guidelines for the redressal of Sexual Harassment of Women at Workplace, the guidelines as also known as the “Vishaka Guidelines”:

- (i) Duty of the employer to prevent the sexual harassment of women at the workplace & to provide for the procedures for resolution and settlement.
- (ii) The rules and regulations relating to conduct and discipline in any Government or Private enterprise should include rules and regulations relating to sexual harassment of women at the workplace.
- (iii) Appropriate work conditions for women to ensure that there is no hostile environment for women at workplaces.
- (iv) An appropriate Complaint Mechanism should be made for the victim to ensure time-bound redressal of the cases.
- (v) The Head of the Complaint Committee should be a woman & more than half of the members should be women & to maintain impartiality, the Complaint Committee should involve a third party

In 2013, Parliament made legislation on Sexual Harassment named “Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act). The Act

was enacted with the basic objective of preventing and protecting sexual harassment at the workplace & to ensure redressal mechanism.

Declaration of the Policy:

B.P Chaliha College shall value the dignity of women & guarantee full respect for the “Fundamental Rights” under Article 14,15,19 & 21 of the Constitution of India. To achieve Gender Equality amongst the employees & students, all forms of sexual harassment in the employment, education, or training environment are declared as unlawful under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 & UGC Regulations as well as under the Sexual Harassment of Women at Workplace Act, 2013.

Objectives of the Policy:

- (i) To fulfill the requirements of the Sexual Harassment of Women at Workplace At, 2013 (POSH Act).
- (ii) To ensure that the in-house Grievance Redressal Mechanism as mentioned under the Act is implemented to the full letter and spirit.
- (iii)To provide an environment free of gender discrimination.
- (iv)To assist the “Aggrieved Woman” to make the complaint relating to Sexual Harassment of Women at Workplace.
- (v) To create a secure physical and social environment that will deter acts of sexual harassment

Definitions

- **Aggrieved Woman:** Section2 (a) of the Act mentions as:

“Aggrieved woman” means—

- (i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house

- **Sexual Harassment:** Section 2(n) of the Act mentions as:

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favors; or
- (iii) making sexually colored remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

● **Workplace:** Section 2(o) of the Act mentions as:

- (i) 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 Government or the local authority or a Government company or a corporation or a co-operative society;
- (ii) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (iii) Hospitals or nursing homes;
- (iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports, or other activities relating thereto;
- (v) Any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- (vi) A dwelling place or a house;

Composition of the Committee:

- (i) A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees: Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.
- (ii) Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have the legal knowledge.
- (iii) At least one-half of the total Members so nominated shall be women.
- (iv) If the case involves against the student at the college, then two members of the Committee shall be taken from the student community.

Jurisdiction of the Committee:

The Rules and Regulations outlined in this policy shall be applicable to all the complaints relating to Sexual Harassment at Workplace: When one member (faculty or the student) has sexually harassed the other member within the educational institution.

Powers of the Committee:

- (i) The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- (ii) The Committee shall have the power to issue interim directions to any person participating in the proceedings before it.
- (iii) The Committee before initiating an inquiry under the Act may undergo “Conciliation” under Section 10 of the Act if both the parties agree to it.

Procedure to be followed by the Committee:

- (i) The Committee shall meet as and when any complaint is received by it. Complaints may be received by any member of the committee.
- (ii) The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of five (5) days from such direction, the Committee members shall assist in writing the complaint.
- (iii) The Committee shall direct the accused employee(s)/student(s) to prepare and submit a written response to the complaint/allegations within a period of five (5) days from such direction or such other time period as the Committee may decide.
- (iv) Each party shall be provided with a copy of the written statement(s) submitted by the other.
- (v) The Committee shall allow both parties to produce relevant documents and witnesses to support their case. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- (vi) The Committee shall make all endeavors to complete its proceedings within a period of Ninety (90) days from the date of receipt of the complaint.
- (vii) On the completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the employer within a period of ten days (10) from the date of completion of the inquiry, and such report be made available to the concerned parties.
- (viii) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer to act for sexual harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the respondent & he shall also be liable to pay to the victim, the compensation amount of as decided by the Committee, which shall be deducted from the salary or wages of the respondent.