



Policy/Procedure

Subject: Sexual Harassment policy & Procedure

Distribution: University wide Community

Review Date: 15 January 2010

Effective Date:

Approved By:

Prepared By: HR Department



HARASSMENT

SEXUAL HARASSMENT POLICY

AND PROCEDURE



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IMPORTANT FULL FORMS

*IEC University Compliant Committee -	IECUCC
*IEC University -	IECU
*Standing Committee -	S.C
*Crisis Mediation Advisors -	C.M.A.S



Policy Statement: The Policy against Sexual Harassment at IEC University seeks to maintain and create an academic and work environment free of sexual harassment for students, academics and non-academic staff of the University. The Policy will also apply to outsiders and residents, of the University to the extent specified in these rules and procedures.

DEFINITIONS

I. “Students” includes regular students as well as current day scholars of the University.

II. ‘Teaching staff’ includes any person in the staff of the University, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and includes employees on casual basis.

III. ‘Non-Teaching Staff’ includes any person on the staff of IEC University, who is not included in the teaching staff. This category includes employees who are full-time, temporary, ad-hoc, part-time, visiting honorary, or on special duty or deputation, and the ones employed on a casual or project basis.

IV. “Member of the University” includes all those listed in categories I – III above.

V. “Resident” includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to him / her as an employee of the University.

VI. “Outsider” includes any person who is not a member of the University or a resident. It also includes, but is not limited to, any private person offering residential and other facilities to students, teaching staff or non-teaching staff of the University.

VII. “Campus” includes all places of work and residence in the IEC University. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, staff quarters and public places.

VIII. “Sexual harassment” includes any unwelcome sexually determined behavior, whether directly or by implication and includes physical contact and advances, a demand or request for **Sexual favors**, sexually-colored remarks, showing of pornography or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. Explanation: “Sexual harassment” shall include, but will not be confined to, the following:

a. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either implicitly or explicitly like, on of a favourable consideration relating to employment, academic performance, extracurricular activities entitlement to services or opportunities at the University.



b. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mail, gestures, exhibition of pornography, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.

c. When a person uses, with a sexual intent, 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 the person's will, amount to sexual assault.

d. When deprecatory comments, conduct or any such behavior is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University is used to denigrate/discriminate against a person or create a hostile environment on the basis of a person's gender identity/sexual orientation.

SCOPE OF THE POLICY

This Policy shall be applicable to all complaints of sexual harassment made:

I. By a member of the University against any other member of the University irrespective of whether the harassment is alleged to have taken place within or outside the campus.

II. By a resident against a member of the University or by a member against a resident irrespective of whether the sexual harassment is alleged to have taken place within or outside the campus.

III. By an outsider against a member of the University or by a member of the University against an outsider if the sexual harassment is alleged to have taken place within the campus.

IV. By a member of the University, 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 University 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.



COMPLAINT MECHANISM

Implementation of the University policy against sexual harassment shall be achieved through **IEC University Complaints Committees (IECUCC)** as the designated complaints and redressal body.

Constitution of the Committees

- The Chairperson will be a female (as stipulated in the Supreme Court guide lines) faculty member and elected by the members of the IECUCC
(Member of the Standing Committee)
- A member of the Proctoral Committee (S.C)
- Dean or Dean's Representative of Student Services (S.C)
- One Human Resources Department Representative (S.C)
- One nominated member of the Academic Staff (Chosen from a pool of trained staff on a case by case basis).
- One nominated member of the Non-Academic Staff (Chosen from a Pool of trained staff on a case by case basis).
- One person experienced in sexual harassment issues – co-opted from out with the University (As per Supreme Court Guidelines) (IECU)
- 50% of IECUCC should be female. (Supreme Court Guidelines)

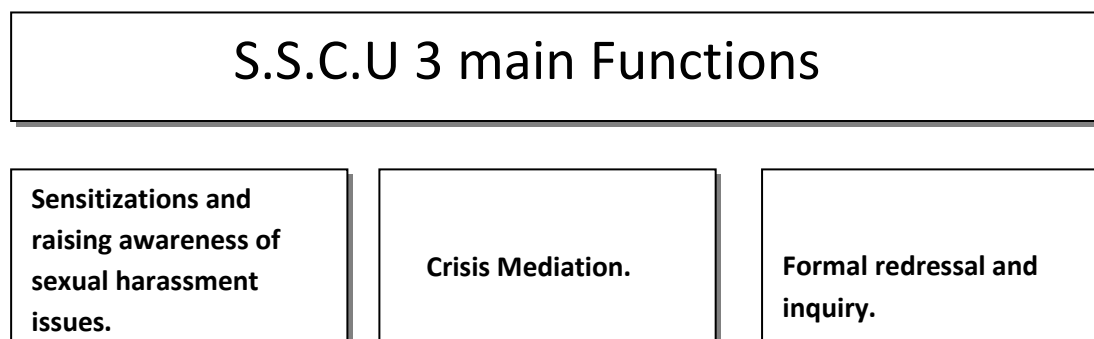
The IECUCC will be empowered to co-opt hostel wardens if the complaint relates to University accommodation.

Disqualification of Chair / member IECUCC

A person shall be disqualified from being a member of IECUCC if any investigation into their personal conduct relating to sexual harassment, moral turpitude or criminal charges are pending against him/her. Should he/she be found guilty as charged he/she will be permanently barred from service on IECUCC



Power and Duties



SSCU will have three main functions.

1. Sensitizations and raising awareness of sexual harassment issues.
2. Crisis Mediation.
3. Formal redressal and inquiry.

1. Sensitizations and raising awareness of sexual harassment issues is one of the roles of IECUCC.

- a) The Sexual Harassment Policy in summary form shall be prominently displayed on notice boards of IEC University. The responsibility for the display of notices lies with the School Registrars.
- b) Gender sensitizations will be included in staff induction and subsequent training programmes.
- c) Gender sensitizations will be included in student's induction and subsequent training programmes.

2. Crisis Mediation

- a) The H.R representative on IECUCC will provide a contact list with names and telephone numbers of trained crisis mediation advisers (C.M.A). Who may be contacted should the need arise.
- b) This list will be provided to IEC University security personnel. The responsibility for ensuring that Security is aware of and fulfills their requirements rests with the Deputy Registrar (Security and House keeping).
- c) The list will be provided to all wardens of IEC University hostels. The responsibility for ensuring that wardens are aware of and fulfill their requirements rests with the Chief Warden.



- d) The list will be provided to all Deans of Schools. The responsibility for ensuring that Heads of Department / Sections are aware of and fulfill their requirements rests with the Deans of the Schools.

N.B: It is incumbent upon the C.M.A's to inform the Chair Person of IECUCC of any incidents that arise.

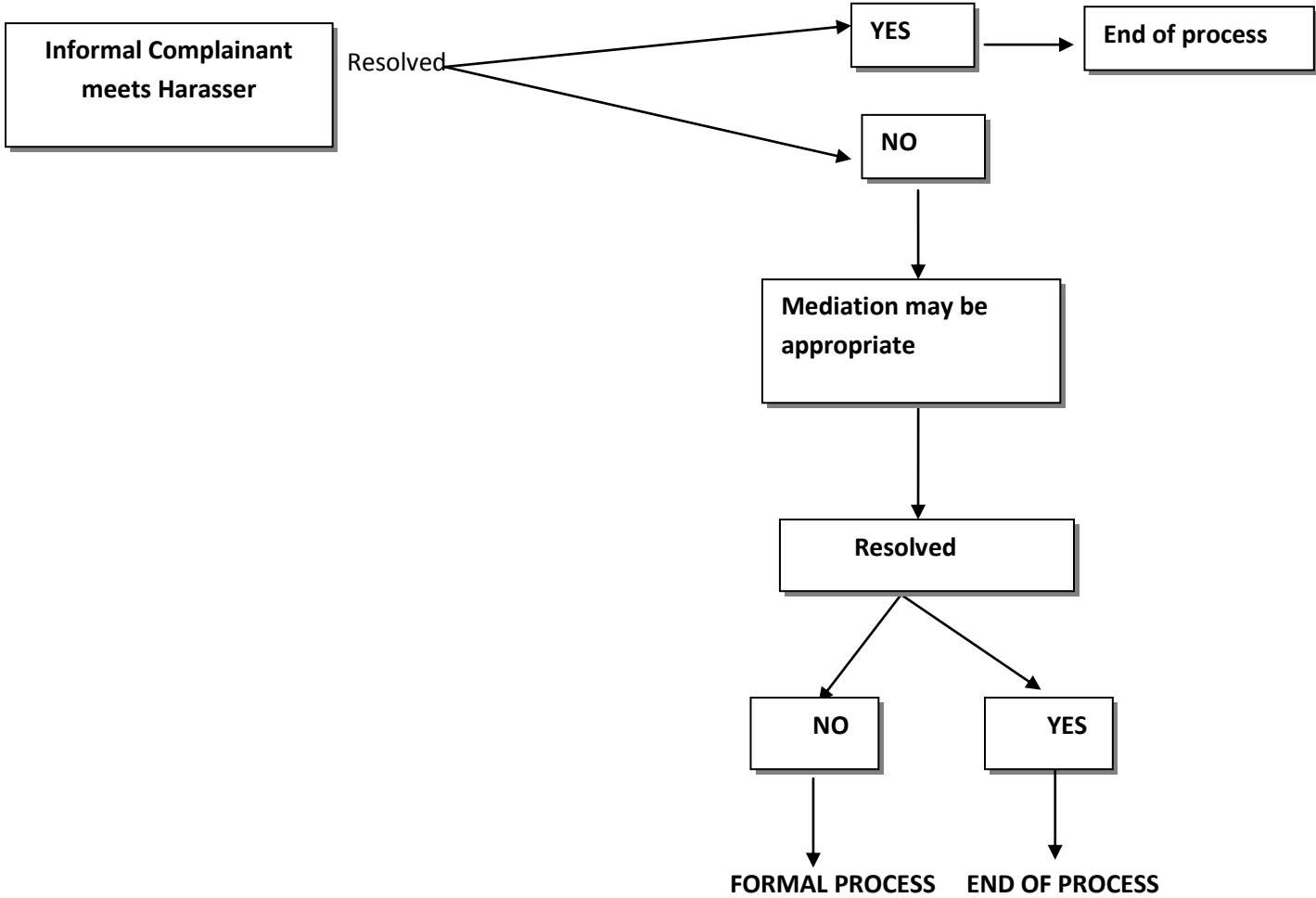
Redressal

Guiding Principles:

- Maintenance of confidentiality.
- Every one who is associated with the redressal of sexual harassment will undergo periodic training and development.
- Filing a complaint of sexual harassment will not reflect upon / adversely affect the complaints status, future evaluation of grades, assignment, promotion, employment etc.
- The chair of IECUCC can request the University to suspend the alleged harasser from his /her post if his/her presence is likely to
 - a) Interfere with the investigation
 - Or
 - b) cause a potential risk danger to a member(s) of the University community.
- The victim of sexual harassment, as per the Supreme Courts judgment, will have the option to seek transfer of the perpetrator or his/her own transfer whatever is applicable.
- The victim of sexual harassment will, as a matter of course, be offered counseling.
- The disciplinary action will be commensurate with the nature of the violation.
- In the case of third party harassment/outsider harassment, the University/College authorities shall initiate action by making a complaint with the appropriate authority.
- 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 behavior etc.

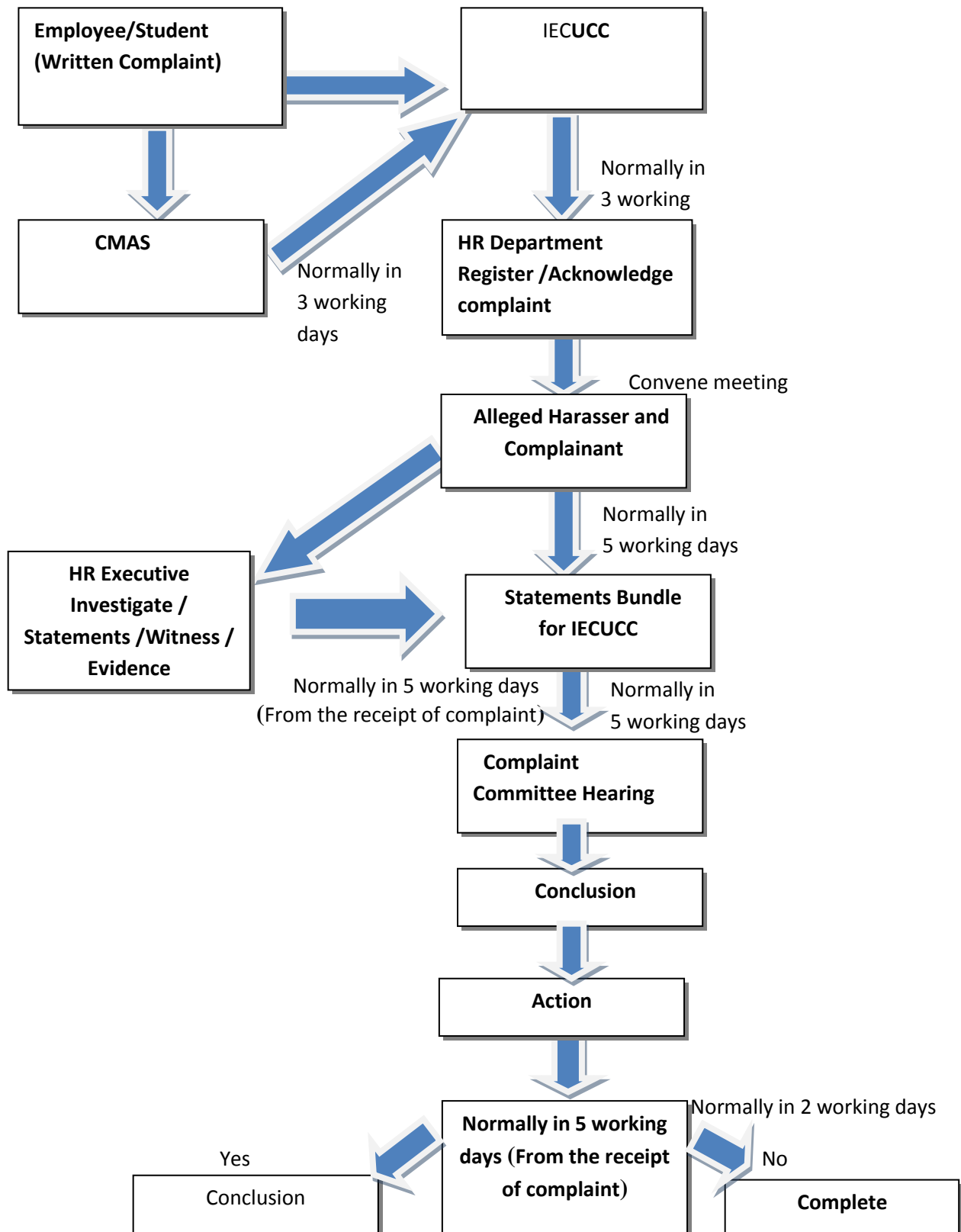


Informal Procedures





Formal Procedure





Any employee or student of IEC University will have the right to lodge a complaint concerning sexual harassment against any other employee or student or resident or outsider.

- * The complaint may be resolved informally in between the concerned individuals.
- * If not resolved, mediation may be appropriate.

Mediation: - Mediation is a process in which a professionally trained, neutral third party works with disputing parties to negotiate a conflict or agreement. If resolved the process ends. In case no agreement is achieved, a formal process is initiated.

1. Written complaints may be lodged with.
 - a) Crisis mediation advisors C.M.A.S
 - Or
 - b) The Chair of IECUCC
2. The C.M.A.S will report all complaints to the chair of IECUCC, normally within the three working days of the receipt of the complaint being raised.
 - 2.1 The Chair will on receipt of a complaint, inform the same to H.R Dept, normally, within three working days.
 - 2.2 The nominated trained HR Executive will register and acknowledge the receipt of the complaint and convene a meeting with the complainant and the alleged harasser.
 - 2.3 The nominated HR Executives will commence an investigation, take statements including witness statements and collect any other evidence. The HR Executive(s) will then prepare a bundle for the IECUCC, normally, within 5 working days from the receipt of the complaint.
3. The Chair of IECUCC will convene a full meeting of the complaints committee to carry out a “hearing”, normally, within 5 working days from the receipt of the bundle.
 - 3.1 Both parties - the complainants and the alleged harasser - have the right to be accompanied by a IEC University employee.
 - 3.2 The right to call witness (only of the persons whose statements have been collected) is at the discretion of the committee.
4. On the conclusion of the hearing, the IECUCC will meet in ‘camera’ “to decide upon action(s) to be taken on the basis of the evidence presented.



- 4.1 The Chair will, normally, within 2 working days, inform in writing and the complainant and alleged harasser of the out come – including any penalties.
5. Any resulting disciplinary action may only be appealed against if it satisfies one or more of the following criteria.
- a) Severity of penalty.
 - b) Maladministration of the process.
 - c) New evidence coming to light.
- 5.1 Appeals may be made to the Vice Chancellor in the case of Academic Staff. His decision is full and final.
- 5.2 Appeals may be made to the University Registrar in the case of non-academic staff. His decision is full and final.
- 5.3 Appeal may be made to the Vice Chancellor or his nominee in the case of students. His/her decision is full and final.
- 5.4 All appeals are paper based.
- 5.5 The full and final decision will be communicated normally within 10 working days from receipt of the appeal.

Disciplinary Penalties

A. In the case of University employees, disciplinary action could be in the Form of:

- I. Warning
- II. Written apology
- III. Bond of good behavior
- IV. Adverse remarks in the Confidential Report
- V. Debarring from supervisory duties
- VI. Denial of membership of statutory bodies
- VII. Denial of re-employment
- VIII. Stopping of increments/promotion
- IX. Reverting, Demotion
- X. Suspension
- XI. Dismissal
- XII. Any other action, as deemed fit by the committee setting



B. In case of students, disciplinary action could be in the form of:

- I. Warning
- II. Written apology
- III. Bond of good behavior
- IV. Debarring entry into a hostel/ campus
- V. Suspension for a specific period of time
- VI. Withholding results
- VII. Debarring from exams
- VIII. Debarring from contesting elections
- IX. Expulsion
- X. Denial of admission
- XI. Declaring the harasser as "persona non grata" for a stipulated Period of time



ANNEXURE-1

Existing Indian Laws on Sexual Harassment

Other legal provisions include filing a **criminal case** under sections of the Indian Penal Code (IPC), the Indecent Representation of Women (Prohibition) Act and/or filing a civil suit.

The sections of the **Indian Penal Code** that can be applicable to sexual harassment (which makes it a criminal case):

Vishaka Guidelines against Sexual Harassment in the Workplace Guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka and Others vs. State of Rajasthan and Others (JT 1997 (7) SC 384)

1. Section 294

'Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both.' This provision is included in Chapter XVI entitled 'Of Offences Affecting Public Health, Safety, Convenience and Morals' and is cognizable, bailable and triable by any magistrate.

2. Section 354

whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

3. Section 509

(Word, gesture or act intended to insult the modesty of a woman) this is included in Chapter 22 entitled 'Of Criminal Intimidation, Insult and Annoyance', and is cognisable, bailable and triable by any magistrate. It holds: 'Whoever, intending to insult the modesty of a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.'

Under the **Indecent Representation of Women (Prohibition) Act (1987)** if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years. Section 7 (Offences by Companies) further holds companies where there has been "indecent



representation of women” (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.

Civil case: A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

4. Preventive Steps: All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender
- (c) As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the University Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

5. Criminal Proceedings: Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Disciplinary Action: Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

7. Complaint Mechanism: Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer’s organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.



8. Complaints Committee: The complaint mechanism should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

9. Worker's Initiative: Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

10. Awareness: Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

11. Third Party Harassment: Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

12. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

Examples of Sexual Harassment

- Unnecessary and unwelcome physical contact
- Unwelcome advances, attention, compliments, invitations or propositions
- Unwelcome or lewd references to a person's physical features, figure or dress



- Suggestive and unwelcome comments, looks, attitudes or jokes
- Sexist graffiti or the display of offensive pin ups, suggestive or pornographic material
- Electronic transmission of pornographic/degrading/indecent material
- Threats of academic failure or promises of promotion/training in exchange for sexual favors
- Indecent assault, sexual assault or rape
- Constantly chipping away at a person's morale and their standing within a working team
- Verbal or physical intimidation
- Sexual innuendo and expletives



SEXUAL HARASSMENT COMPLAINT FORM
(To Be Completed by Employee)

Annexure-II

Employee's Name: _____ Date _____

Incident Reported to: _____

Who do you believe has harassed you? _____

(If more than one person, please list all)

What happened? (Please be as specific as possible. If you need more space, feel free to continue on the back of this page). _____

Did anyone else see what happened? If yes, who? _____

In addition to the above people, is there anyone else you think would be able to help us determine whether the incident occurred? _____

Have you reported this/these incident(s) before? ___ Yes ___ No If yes, to whom?

When? _____ What did they say/do about it? _____

If our investigation verifies that the grievance is justified, what do you think should be done about it?

Have the harassment procedure and investigative process been explained to you? _____

By whom? _____ Date: _____

Employee Signature

Human Resource Director (or designee)

Date



Page 2 – Harassment Complaint Form
(To be completed by employee at end of investigation)

The investigation and resolution of my harassment complaint has been explained to me, and I understand it.

I am satisfied with the way my complaint was handled.....

I am not satisfied with the way my complaint was handled.....

(If you were satisfied, please sign and date the bottom of this form).

If you were dissatisfied, please tell us why you are dissatisfied and let us know what you would like for us to do. _____

I understand that if I disagree with the way my complaint was handled, or have any general complaints about the way S-RCSC, Inc. handles harassment complaints, I can appeal this decision by completing a Request for Internal Dispute Resolution Form.

I want to appeal.....

I do not want to appeal.....

Employee’s Signature

Date

Human Resource Director’s Signature (or designee)

Date



SEXUAL HARASSMENT CHECKLIST

ACTION

DATE COMPLETED/INITIALS

- 1. Have employee complete Harassment Complaint Form _____/_____
- 2. Review personnel file of complaining employee _____/_____
- 3. Review personnel file(s) of alleged harasser(s) _____/_____
- 4. Interview complainant employee _____/_____
- 5. Interview alleged harasser(s) _____/_____

Interview witness(es): (names)

_____/_____

_____/_____

_____/_____

_____/_____

_____/_____

_____/_____

Findings:

- Harassment occurred
 - Harassment did not occur
 - Investigation was inconclusive
- _____/_____

(All supporting documentation must be attached.)

Corrective Action:

- Level 1 Disciplinary Action, with warning issued
- Level 2 Disciplinary Action, with employment Termination
- No corrective action taken, reminder of Policy given (applies only in cases where no Harassment occurred or investigation was Inconclusive)

Meet with complaining employee to discuss results of investigation and resolution _____/_____

- 6. Have employee complete page 2 of Harassment Complaint Form _____/_____

- 7. If applicable, have employee complete a Request For Internal Dispute Form _____/_____

Meet with alleged harasser(s) regarding findings, Corrective action (if applicable), no-retaliation policy And no-harassment policy

_____/_____

Additional Comments:

_____/_____

_____/_____

_____/_____