



**GOVERNMENT DEGREE COLLEGE DARLAGHAT**  
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## **ANTI SEXUAL HARRASMENT COMMITTEE AND POLICY ON SEXUAL HARASSMENT**

### **PREAMBLE**

With regard to the Supreme Court Judgement and **Vishakha Guidelines** issued in 1997, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (**POSH Act**), 2013 and **UGC Regulations 2015** (Prevention, Prohibition, and Redressal of sexual harassment of women employees and students in higher educational institutions), it is mandatory to form an Anti-Sexual Harassment Committee or Internal Complaints Committee or Internal Committee (IC) in a HEI create safe workplaces for women employees and students in the institution and protect their dignity.

**Keeping the above guidelines in view Govt. Degree College, Darlaghat has constituted a Committee against Sexual Harassment (Internal Committee, IC) and adheres to the following norms:**

1. An anti – sexual harassment cell to be made functional with at least two senior women faculty on the committee. The Presiding Officer of the same shall also be a senior woman faculty member.
2. At least one-half of the total members of the IC shall be women
3. An anti – sexual harassment policy to be adopted and publicized
4. An affidavit to be submitted by the college declaring that such a policy is adopted and the anti – sexual harassment cell is operative.

The Supreme Court judgment of 1997, POSH ACT 2013, AND UGC Regulations 2015, 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. Educational institutions under the ambit of Himachal Pradesh university are bound by the same directive. Following this, Govt. Degree College Darlaghat, being committed to uphold the Constitutional mandate ensuring the above-mentioned human rights, adopted the following policy.

### **DECLARATION OF POLICY**

The Institution commits to a **ZERO-TOLERANCE POLICY** towards sexual harassment, discrimination, harassment, retaliation and sexual assault at all levels.

Govt. Degree College 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 fulfill the directive of the Supreme Court, as per UGC regulations and POSH Act 2013, in respect of implementing a policy against sexual harassment in the institution.
2. To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence in the institution.
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 provide an environment free of gender-based discrimination.
5. To ensure equal access of all facilities and participation in activities of the college
6. To create a secure physical and social environment which will deter acts of sexual harassment
7. To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

### **DEFINITION OF SEXUAL HARASSMENT**

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

1. Physical contact and advances;
2. A demand or request for sexual favours;
3. Sexually coloured remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or enrolment in the institution whether she is drawing salary, or honorarium or otherwise, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work or studentship including recruiting or promotion or academics when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

### **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 as per the provision 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.

### **Rules for the Composition of the Anti – Sexual Harassment Committee.**

1. A Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution;
2. Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
3. Not less than three students (if the matter involves students) who shall be enrolled at the undergraduate, masters, and research scholar levels respectively.
4. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
5. At least one-half of the total Members of IC shall be women.
6. Term of the office of members of IC will be for three years.

### **GRIEVANCE REDRESSAL UNDER POSH ACT 2013**

#### **TIMELINE**

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving the copy of the complaint
Written Response of the Respondent	Within 10 days of receiving the copy of the complaint
Complainant should be given an option between Conciliation and Inquiry. If opted for conciliation, same to be conveyed to the respondent.	Before the Inquiry
Commission of POSH Enquiry including cross -examination and calling	Within 90 days
Submission of Report	Within 10 days of the completion of POSH Enquiry
Implementation of Recommendations	Within 30 days
Appeal	Within 30 days from the date of the recommendations by either party

#### **GUIDELINES FOR IC (INTERNAL COMMITTEE)**

1. **Jurisdiction check:** The IC will check for the jurisdiction of the case upon receiving a written complaint. Following points need to be ensured:

- The identity of the complainant as well as the respondent is mentioned in the complaint.
  - Allegations fall within the definition of ‘sexual harassment’ as per the POSH Act.
  - The complaint was filed within a period of 3 months from the last date of the incident. IC has the discretionary power to give a further extension of 3 months.
  - The Respondent is an employee/student of your organization.
  - The alleged incident took place at the workplace.
2. **Introductory Call with the Complainant:** To understand the allegations better, to explain the procedure laid out under the law and the redressal options available.
  3. **Introductory Call with the Respondent:** To apprise the respondent of the complaint, inform them about the procedure and their rights.
  4. **Forward the complaint copy to the Respondent within 7 days:** To ensure that the IC acts in a fair and an unbiased manner and give the respondent an opportunity to present their side of the story. **Once the respondent receives the complaint copy, they get a 10 working days period to file their written response.**
  5. **Follow up with the Complainant on her choice of redressal option:** The complainant has the right to either opt of conciliation or inquiry. Conciliation is a form of settlement which can be requested **in writing only by the complainant and before the inquiry has been initiated.** If the complainant opts for conciliation, the same **needs to be conveyed to the respondent** who then gets the right to accept, deny or negotiate the conciliation terms. Monetary compensation cannot be made basis of conciliation.
  6. **Inquiry:** If the complainant opts for inquiry, IC must individually meet both the parties and the witnesses, if any, to examine if the allegations can be substantiated or not. Questions should be open-ended; they cannot be leading or personal in nature.
  7. **Cross Examination:** Parties cross-question each other. The IC’s role is to supervise the conversation and disallow any personal or derogatory questions. The parties can also cross-examine the witnesses of their choice.

**In exceptional circumstances, written cross-examination can be allowed.**

8. **Calling:** Optional stage wherein the IC can call any of the parties or witnesses if it requires any further clarification before concluding.

**All the above-mentioned steps need to completed within 90 days.**

9. **Inquiry Report:** IC will prepare an inquiry report with a set of recommendations if the allegations are substantiated or if it’s a false or malicious complaint. **The report needs to be generated and forwarded to the employer within 10 days.** Once this is done, the **employer gets 60 days to execute the recommendations.**

## **ADDITIONAL GUIDELINES**

1.As per the UGC Regulations, the institution shall treat sexual harassment as a misconduct under service rules if the perpetrator is an employee and as a violation of the disciplinary rules if the perpetrator is a student.

2.The identities of the aggrieved party, the victims, the witnesses, or the offender shall not be made public during the inquiry process.

3. **Interim redressal**-The HEI may,

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

(b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months:

(c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant:

(d) 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:

(e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

## **PUNISHMENT & COMPENSATION**

1. Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.

2. Where the respondent is a student, depending upon the severity of the offence, the HEI may-

(a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;

(b) suspend or restrict entry into the campus for a specific period;

(c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants,

(d) award reformatory punishments like mandatory counselling and, or, performance of community services.

3. The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. Compensation shall be determined as per UGC Regulations 2015.

## **ACTION AGAINST FRIVOLOUS COMPLAINTS.**

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 all HEIs.

If the ICC concludes that the allegations made were false, malicious or the complaint 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 the provision regulations (1) of regulations 10 (UGC Regulations 2015) if the complainant happens to be an employee
- and as per sub-regulation 2 of that regulation, if the complainant happens to be a student.

However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed conducted before any action is recommended.