

NORTH BENGAL ST. XAVIER'S COLLEGE

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**Policy for the *Prevention, Prohibition* and
Redressal of Sexual Harassment of Women at
the Workplace**

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I PREAMBLE

- i. North Bengal St.Xavier's College believes in maintaining a learning and working environment for all students, faculty and staff, that is safe, fair, humane, and responsible - an environment that supports learning and all round development of students, career and professional advancement of faculty and staff on the basis of job and academic performance.
- ii. With the objective of providing a safe and friendly environment to all on campus, the college has framed the Prevention, Prohibition and Redressal of Sexual Harassment of Women at the Workplace Policy.
- iii. This Policy shall apply to all instances of sexual harassment occurring on the College Campus, between or among members of the College Community, irrespective of their location; and where the complaint is made against a third party or by third party against a member of College Community and where such member is/was involved in an activity pertaining to the college, irrespective of their location.
- iv. The college has drafted its Sexual Harassment Policy described below based on the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under. This Policy will be altered to be in line with the Act and such alterations shall be intimated to all the College Community members.
- v. College has zero tolerance towards sexual harassment. The college values each and every member of the College Community and wishes to protect their self-esteem and self-respect and will take action against any member found guilty of violating this Policy, after following the due process, based on the provisions of the Act and principles of natural justice.

II SCOPE OF THE POLICY

The Policy applies to all North Bengal St.Xavier's College personnel as under:

1. All employees
 - (a) Principal
 - (b) Teaching staff
 - (c) Non-teaching staff

2. Contract Staff

3. Any third person who commits any act of sexual harassment on the College campus, or off-site sports facilities, or is a victim of the same by any member of the College Community.

From the above mentioned list of persons, only cases where women are victims of sexual harassment and men are accused of sexual harassment are covered under this Policy

III SEXUAL HARASSMENT

“Sexual harassment against women can take place anywhere – at home or in public. When such conduct takes place in the workplace, it is termed ‘sexual harassment of women at the workplace’ (SHWAWP). It includes any sexually oriented practice or behaviour that endangers a woman’s continued employment, negatively affects her work performance or undermines her sense of personal dignity. It results in considerable losses to individuals and institutions, in terms of work performance as well as professional and personal growth.”

“Sexual harassment can be physical and psychological (verbal and non-verbal conduct). In its milder forms, it can involve verbal suggestions and inappropriate gestures. However, it can, in cases, escalate to extreme behaviour such as attempted rape and rape” (IPC/Criminal Law)

The college firmly believes that any act of sexual harassment violates the fundamental right to live with dignity. In lieu of this it recognizes the following:

i Acts amounting to Sexual Harassment whether directly or indirectly include but are not limited to:

(a) Physical contact and advances: unwanted touching, grabbing, holding, pinching, stroking private parts etc.

(b) A demand or request for sexual favours: whether by words or actions, is made a condition for an individual’s employment, career progress, promotion, etc. thereby creating a hostile environment.

(c) Making sexually coloured remarks: derogatory statements, slurs, jokes of an inappropriate nature.

(d) Showing pornography: sexual visuals, sexual audios, or obscene material.

(e) Any other unwelcome physical, verbal/non-verbal conduct of a sexual nature.

(f) Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature.

ii Also, if the following circumstances, among other circumstances, occurs or is present in relation to or connected with any act or behaviour of sexual harassment, then that act or behaviour would also amount to sexual harassment:

(a) Implied or explicit promise of preferential treatment in employment.

- (b) Implied or explicit threat about her present or future employment status.
- (c) Interference with work or creating an intimidating/ hostile/offensive work environment.

These are an indicative and not an exhaustive list of possible forms of sexual harassment.

IV INTERNAL COMPLAINTS COMMITTEE (ICC)

The College Management has established an Internal Complaints Committee to address the grievances of any woman subjected to sexual harassment

i. Composition of the Internal Complaints Committee

- (a) The Committee consists of six members, nominated by the Principal and approved by the Management;
- (b) Two members shall be representatives of the teaching staff, at least one of whom shall be a woman;
- (c) Two members shall be representatives of the nonteaching staff at least one of whom shall be a woman;
- (d) One woman member as a representative of Non-governmental Organisation or Association (NGO) committed to the cause of women or a person familiar with the issues related to sexual harassment.
- (e) One woman member as a representative of the Management

ii. Working of the Internal Complaints Committee

- (a) The Principal shall appoint a Chairperson and a Secretary from amongst the members. The Chairperson shall be a woman employed at a senior level in College. In the absence of the Chairperson, the representative of the Management shall act as Chairperson for a particular meeting.
- (b) The name of the members of the Committee, along with their contact details shall be displayed at all times at a conspicuous place in the college and/or on the main notice board of the college.
- (c) The Committee shall have at least one meeting in every semester
- (d) The quorum for any meeting shall be not be less than three members at least two of whom shall be women.
- (e) Any member of the Committee can request the Chairperson to conduct an emergency meeting by giving 48 hours' notice.

iii. Term of Office of the Internal Complaints Committee

- (a) The term of office of the Internal Complaints Committee (ICC) is three years
- (b) The vacancy if any in the ICC shall be filled by a fresh nomination by the Principal, for the remainder period of time.
- (c) Any member can tender her/his resignation in writing to the Chairperson. On acceptance of the resignation, the office stands vacated
- (d) The Chairperson can resign by submitting her/his resignation to the Principal.

iv. Disqualification of the Members of the Internal Complaints Committee

A person shall be disqualified for being appointed, elected, nominated or designated and or continuing as a member of the Committee in the following circumstances:

- (a) has been convicted of an offence or has an inquiry into an offence, under any law for the time being in force pending against him/her; or
- (b) has been found guilty in any disciplinary proceedings or has a disciplinary proceeding pending against him/ her; or
- (c) has so abused his/her position as to render his/her continuance in office prejudicial to the public interest. Such Chairperson or Member, as the case may be, shall be removed from the Internal Complaints Committee and the vacancy so created shall be filled by a fresh nomination in accordance with the provisions of this Policy.

v. Functions of the Internal Complaints Committee

To implement the Policy framed by the college, the Internal Complaints Committee shall have the following powers and functions;

- (a) To prevent discrimination and sexual harassment of women and women employees and to create a safe environment that is free of sexual harassment;
- (b) To assist women students/ teachers in college to take proper course of action on any act/s of sexual harassment committed against them by any male member of the college;
- (c) To take notice of complaints of sexual harassment, conduct enquiries and provide assistance to the aggrieved person/victim;
- (d) To redress complaints of sexual harassment and recommend appropriate punitive action against the guilty party to the Principal;
- (e) To publicize the Policy with the names and phone numbers of members of the ICC;

(f) To recommend to the concerned authorities follow-up action and to monitor the same.

vi. Preparation of the Annual Report:

The Annual Report shall contain the following information-

- (a) Number of complaints of sexual harassment received during the year;
- (b) Number of complaints disposed of during the year;
- (c) Number of cases pending for more than 90 days;
- (d) Number of workshops or awareness programs against sexual harassment carried out during the year;
- (e) Nature of action taken by the College Management in case if any complaint.

V WHO, WHEN AND HOW TO APPROACH THE INTERNAL COMPLAINTS COMMITTEE

i. Who can approach the ICC

- (a) Any Aggrieved Woman may make, in writing, a complaint of sexual harassment at her workplace to the ICC.
- (b) Where the Aggrieved Woman is unable to make a complaint on account of her physical and mental incapacity, a complaint may be filed by a relative or friend, or a co-worker with the written consent of the Aggrieved Woman.
- (c) Where the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

ii. How to Approach the ICC

- (a) The complaint can be lodged with any member of the ICC.
- (b) The written complaint can be either hand written, typed or sent through an email on the designated email address
- (c) A hand written/typed complaint shall be signed/thumb impression by the Aggrieved Woman/Complainant
- (d) In case of an oral complaint, the Chairperson or any member of the ICC shall render all reasonable assistance to the Aggrieved Woman/Complainant to make her complaint in writing and shall document it and shall get it authenticated by the Aggrieved Woman/Complainant under her dated signature or thumb impression as the case may be.
- (e) A complaint can be given in any language

iii. When to Approach the ICC

Any Aggrieved Woman as the Complainant or a person on her behalf as the Complainant, may make in writing, a complaint of sexual harassment at her workplace, to the ICC, immediately or within a period of one week from the date of the incident and in the case of a series of incidents, within a period of one months from the date of the last incident. The ICC may for reasons to be recorded in writing, extend the time limit for a further period of one months, if in the opinion of the ICC, circumstances existed which prevented the Aggrieved Woman/ Complainant from filing her complaint.

VI PROCEDURE FOR INVESTIGATION, DURING AN INQUIRY AGAINST THE ACCUSED AND CONCILIATION OF COMPLAINTS BY THE ICC

i. Procedure for investigation

- (a) On receipt of complaint, the ICC shall forward the same to the Chairperson within 24 hours;
- (b) The ICC shall maintain a complaints register in the prescribed format where the details of every complaint received and action taken thereof shall be recorded therein;
- (c) At the time of filing the complaint, the Aggrieved Woman or a Complainant (for and on behalf of the Aggrieved Woman) shall submit to the ICC six copies of the complaint, along with supporting documents and names and addresses of witnesses, if any.
- (d) On receipt of such complaint, the ICC shall provide one copy of such complaint to the Respondent within 7 working days.
- (e) The ICC shall intimate the date, time and place of the hearing of the complaint to the Aggrieved Woman/ Complainant and the Respondent within ten days from the date of communication of complaint;
- (f) The Respondent shall file his reply along with a list of documents, names and addresses of witnesses, within 10 working days of receipt of the complaint.
- (g) The Aggrieved Woman/Complainant (her representative) will be heard at the first meeting;
- (h) The ICC shall investigate in detail into the complaint using procedures in conformity with the principles of natural justice.
- (i) The ICC shall provide reasonable opportunity to the Aggrieved Woman/Complainant and the Respondent to present and defend her/his case.

(j) The ICC shall have the right to summon as many times the Aggrieved Woman/Complainant, or the Respondent against whom the complaint is made, or any other witnesses for the purpose of supplementary testimony or any clarification.

(k) The ICC shall have the right to terminate the enquiry or to give an ex-parte decision on the complaint, if the Respondent or the Aggrieved Woman/Complainant fails to be present for 3 consecutive hearings, without sufficient cause. Such termination or ex-parte order may not be passed without giving a notice in writing 15 days in advance to the concerned party.

(l) A quorum of 3 members at least 2 of whom are women is required to be present for a proceeding to take place.

(m) The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

(n) The ICC must complete its investigation within a period of 60 days.

(o) Proceedings shall preferably be conducted in camera

(p) Confidentiality of the matter in terms of identity and contact details of the Complainant, accused and witness shall be maintained

ii. Procedure to be followed during pendency of Inquiry

On receipt of a complaint if the Committee is of the opinion that the accused shall be placed under suspension or prohibited from entering the campus pending the inquiry, keeping in mind the nature and gravity of the misdemeanor, the ICC shall recommend the same to the college Management accordingly. During the pendency of the inquiry, on a written request made by the Aggrieved Woman/Complainant, the ICC as the case may be, may recommend to the College Management to:

- Grant leave to the Aggrieved Woman, or.
- Grant such other relief to the Aggrieved Woman as may be prescribed. The leave granted to the Aggrieved Woman under this section shall be in addition to entitled leave. On the recommendation of the ICC the College Management shall implement the recommendations made regarding granting leave to the Aggrieved Woman.

VII – PROCEDURE FOR CONCILIATION OF COMPLAINTS BY THE ICC

(a) At the request of the Aggrieved Woman/Complainant, the ICC, before initiating an enquiry, shall take steps to assist the parties settle the matter through conciliation, provided that no monetary settlement shall be made a basis of such conciliation.

(b) Where the parties have arrived at a settlement, the ICC shall record the settlement so arrived and forward the same to the College Management.

(c) The ICC shall also provide a copy of the same to the Aggrieved Woman/Complainant and to the Respondent and no further enquiry shall be conducted by the ICC.

VIII – DISCIPLINARY ACTION

i. In Case of an Employee Being Guilty of Sexual Harassment

On arriving at the conclusion that the allegation against the Respondent is true, the ICC shall make recommendations to the College Management to take either one or combined action as given below, based on the impact of the harassment on the Victim:

- (a) Obtain a written apology from the Respondent
- (b) Warn, reprimand the Respondent
- (c) Withhold promotion of the Respondent
- (d) Withhold increments of pay of the Respondent
- (e) Demotion to a post in the lower pay scale
- (f) Terminate the services of the Respondent
- (g) Compulsory Retirement
- (h) Compel the Respondent to pay a reasonable amount of compensation to the Victim, and in case the Respondent fails to pay the amount, the same may be deducted from his salary every month

ii. In case of contractual employees, the Committee may recommend:

- (a) Termination of contractual services with the Respondent or that the agency replace the employee
- (b) Warning and taking a written bond of good conduct from the Respondent employee and the agency
- (c) Compel the Respondent to pay a reasonable amount of compensation to the Victim
- (d) Where an outsider or visitor is the perpetrator, in addition to assisting the Victim to initiate action under the Indian Penal Code of 1860, or any other law for the time being in force, the College Management may pass and implement necessary orders restricting the perpetrator's entry into the campus and forewarn him of criminal/legal action in case any trauma is caused to the Victim, then or thereafter.

IX DETERMINATION OF COMPENSATION

For the purpose of determining the compensation to be paid to the Victim, the Internal Complaints Committee shall give consideration to –

- (a) The mental trauma, pain, suffering and emotional distress caused to the Victim;
- (b) Loss in the career opportunity due to the incident of sexual harassment;
- (c) Medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) The income and financial status of the respondent;
- (e) Feasibility of such payment in lump sum or in instalments.
- (f) The College Management shall act upon the final recommendations of the ICC within 60 days of her/his receipt of the recommendation

X ASSISTANCE PROVIDED BY THE COLLEGE MANAGEMENT

In order to foster an environment without fear and favour, the College Management shall assist in taking proactive steps for preventing, prohibiting and redressing acts of sexual harassment. The college will assist through the following means:

- (a) Counseling services to the Aggrieved Woman/ Complainant/Victim;
- (b) Undertaking workshops and training programmes;
- (c) Conducting gender sensitizing programmes for the faculty members and employees;
- (d) Maintaining and assuring confidentiality of the complaint;
- (e) Establishing the Internal Complaints Committee to deal with the cases relating to sexual harassment;
- (f) Providing necessary assistance and make available such information to the ICC as it may require for dealing with the complaint and conduct of the inquiry;
- (g) Conduct orientation programmes for the members of the ICC specifically on the processes of inquiry, conciliation, penalty/punishments to be prescribed;
- (h) Assisting in securing the attendance of the respondent and witnesses before the ICC;
- (i) Initiate action under the Indian Penal Code or any other law for the time being in force, against the perpetrator if the Aggrieved Woman/Complainant so desires.

XI PROTECTION AGAINST VICTIMISATION

- (a) In the event of the Aggrieved Woman and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the

accused is found guilty, the accused shall not write the confidential reports of the Aggrieved Woman, if he otherwise was so authorized.

(b) Appropriate steps will be taken to ensure that retaliation will not be done against any complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Management.

XII FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or is false or the Complainant has produced any forged or misleading document, it may recommend to the College Management to take appropriate action to prevent recurrence and so others are dissuaded from raising such false complaints.

(a) The malicious intent on part of the Aggrieved Woman/ Complainant shall be established only after an inquiry is conducted in accordance with the prescribed procedure.

(b) The same Policy is applicable to any witness who has given false evidence or produced any forged or misleading evidence.

(c) The penalty for the false or malicious complaint and false evidence will be decided by the ICC .

XIII CONFIDENTIALITY

a) The contents of the complaint made, the identity and address of the Aggrieved Woman/Complainant/Victim as the case may be, the Respondent and any witnesses, any information relating to the conciliation and inquiry proceedings, recommendations of the ICC, and the action taken by the College Management shall not be published, communicated or made known to the public, press or media in any manner, provided that information may be disseminated regarding the justice secured by any victim of sexual harassment.

(b) The College shall recover a sum of Rs. 5000/- (five thousand rupees) as penalty from any person who violates the confidentiality obligation under this Policy, apart from other disciplinary action.

XIV APPLICABILITY OF OTHER LAWS

This Policy for protection, prevention and redressal of sexual harassment of women at the workplace is in addition to and not in derogation to the existing law of the country relating to sexual harassment

Principal



STATEMENT OF AGREEMENT

I promise to strictly follow the rules and norms in the “Prevention, Prohibition and Redressal of Sexual Harassment of Women at the Workplace Policy, 2019” of North Bengal St.Xavier’s College hereinafter referred to as “the Policy”, as a condition of my employment in North Bengal St.Xavier’s College

I will not engage in sexual harassment as defined by the Policy.

I will

- ♣ Treat everyone with respect;
- ♣ Comply with the regulations of the Policy;
- ♣ Ensure that the work environment is professional and free from sexual
- ♣ Cooperate fully in any investigation of sexual abuse conducted by the Internal Complaints Committee of College.

My signature confirms that I have read the Policy and I agree to abide by it.

I understand that any action inconsistent with the abovementioned Policy or failure to take action mandated by it may result in the discontinuation of my services / employment.

Name

Signature/ Date

COMPLAINT OF SEXUAL HARASSMENT

Date of complaint:

Name of accused:

Date of occurrence of sexual harassment:

Nature of complaint:

- Unwanted touching/ grabbing/ holding/ pinching/rubbing up against
- Blocking your path or cornering you
- Assault
- Staring or targeting you with unreasonable attention
- Whistling or winking at you
- Indecent exposure/ stroking private parts/smacking lips
- Demanding or requesting for sexual favours as a condition for your employment/career progress/promotion
- Making sexually coloured remarks/derogatory statements/slurs/jokes of an inappropriate nature
- Showing pornography or obscene material
- Unwanted calls/messages
- Discussing your appearance/body
- Singing obscene songs.
- Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature.
- Other Give details

Is this a repeat offence? Yes/ No. If yes, give details:

Name of complainant:

Signature of complainant: