



SRI BALAJI VIDYAPEETH

Deemed-to-be University

U/S 3 of UGC Act 1956

Accredited with 'A' grade in the First Cycle by NAAC

SBV POLICY 2019

PREVENTION OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS

(Revised Edition of 2018)

SRI BALAJI VIDYAPEETH (SBV)
 (DEEMED-TO-BE-UNIVERSITY)
 ACCREDITED WITH “A” GRADE BY NAAC IN THE FIRST CYCLE
 PILLAIYARKUPPAM, PONDICHERRY 607 402



**SBV POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN
 EMPLOYEES AND STUDENTS- 2019**

(Revised Edition of 2018)

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Date	Version (Edition) Number	Brief Description of change	Change Request Number
12-12-2016	ORIGINAL	Not applicable	-
13.08.2018	FIRST REVISION	Preamble, Purpose of the Policy, Terms of Reference, Information on Internal Complaints Committee	SBV - PSH - PL-2016 Pages 4,5,6,7
17-12-2019	SECOND REVISION	Preamble, Scope and objectives of the Policy, Terms of Reference, Information on Internal Complaints Committee	SBV - PSH -PL-2018 Pages 4,5,9

TITLE AND APPLICABILITY:

SBV POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS - 2019

These Regulations would henceforth be made known as “**SBV Policy on Prevention of Sexual Harassment of Women Employees and Students - 2019**”. They shall apply to all the constituent colleges and centers of Sri Balaji Vidyapeeth at the Main and Off-campuses. This document supersedes the earlier edition published in 2018.

PREAMBLE

Sri Balaji Vidyapeeth (SBV) is a Health Sciences Deemed-to-be-University accredited by NAAC with “A” Grade. SBV is one among the top 100 Universities in India, as per India Rankings 2018 published by NIRF (Ministry of Human Resources, Government of India). At any given timeline, SBV would have nearly four thousand students including a huge number of girl students, pursuing various courses and programs in the seven constituent Colleges (MGMCRI, SSSMCRI, IGIDS, KGNC, SSSCON, SoP, Faculty of AHS), seven centres (CIDRF, CHPE, CMTER, CYTER, MSC, ASTRA, and CARETS). Besides, the non-teaching staff including clerical, technical and auxiliary services workforce comprise of a sizeable percentage of women.

Taking SBV as a whole, it is imperative that a safe, serene and salubrious environment is created. In this context, the greatest care has to be necessitated for protecting the rights of women in the campus, be it student or faculty or non-teaching staff. As a general rule, any harassment inflicted on women would be viewed seriously. **SBV has zero tolerance for sexual harassment of women** and would come down heavily on the offenders.

The policy on prevention of sexual harassment essentially also elaborates the role of a specifically designated committee, namely, Internal Complaints Committee.

PURPOSE OF THE POLICY

Sri Balaji Vidyapeeth (SBV) is a Health Sciences Deemed-to-be-University accredited by NAAC with “A” Grade. SBV is one among the top 100 Universities in India, as per India Rankings 2019 published by NIRF (Ministry of Human Resources, Government of India). At any given timeline, SBV would have nearly four thousand students including a huge number of female students, pursuing various courses and programs in the five constituent colleges (MGMCRI, SSSMCRI,

IGIDS, KGNC, SSSCON), seven centres (CIDRF, CHPE, MSC, CMTER, CYTER, ASTRA, CARETS), AHS, School of Pharmacy which includes five Faculties (Medicine, Dentistry, Nursing, Allied Health Sciences and Pharmacy). In addition to teaching staff, there are non-teaching staff including clerical, technical and auxiliary services workforce comprising of a sizeable percentage of women.

Taking SBV as a whole, it is imperative that a safe, serene and salubrious environment is created. In this context, the greatest care has to be necessitated for protecting the rights of women in the campus, be it student or faculty or non-teaching staff. As a corollary, any harassment inflicted on women would be viewed seriously. **SBV has zero tolerance for sexual harassment of women** and would come down heavily on the offenders.

In its landmark Judgment in 1997 (Vishaka vs. State of Rajasthan), the Supreme Court had unequivocally acknowledged sexual harassment against women as a gross violation of human rights and elaborated guidelines making it mandatory for employers to provide for sympathetic and non-retributive mechanisms to enforce the right to gender equality for working women. Thus, the Vishaka Guidelines constituted a set of procedural guidelines for use in India pertaining to cases of sexual harassment. The apex commission, namely, UGC has brought out a document titled SAKSHAM which elaborates the Measures for Ensuring the Safety of Women and Programs for Gender Sensitization “On Campuses”.

In compliance with the aforementioned details, this Policy has been promulgated with a view to providing a safe and pleasant environment for the women students, faculty, non-teaching and support staff, besides laying down stringent guidelines for curbing the menace on denigrating and harassing women at SBV.

The policy on prevention of sexual harassment essentially also elaborates on the role of a specifically designated committee, namely Internal Complaints Committee.

SBV has also promulgated Policies on “Women Empowerment” and “Gender Sensitization”, so that the mindset of the employees can be tuned in this direction.

The sexual harassment of women at work place (prevention, prohibition and redressal), 2013 is a firm step initiated by the government of India through an act of legislation, as per this act, women at work place are to be protected from sexual harassment. The act came into existence on the 3rd September 2013.

Furthermore, the Criminal Law (amendment) Act of 2013 has a well-defined section which has now been added to the Indian Penal Code. According to this act, what essentially constitutes of a sexual harassment offence is clearly delineated, besides the penalties levied on the person (man) committing such an offence.

SCOPE AND OBJECTIVES OF THE POLICY

The Policy is applicable to all the students and employees (Teaching, Non-Teaching and support staff) of the Constituent Colleges, AHS, School of Pharmacy and Centers of Sri Balaji Vidyapeeth (SBV). The jurisdiction of the policy would extend to all parts of the campus (Main and off), including public places outside the physical precincts of the University, where the students and employees of the University essentially depict themselves as representatives of SBV and as given under **Definitions**.

This policy defines the act(s) of sexual harassment and the mechanisms in place to facilitate redressal. To enable this, the well-defined structure in place, as well as the needs of SBV that may change from time to time is regarded as templates. The policy is mainly guided by the inherent judgment accorded by the apex court of India, namely Vishaka vs. State of Rajasthan in the year 1997 and 'UGC (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015 (vide MHRD- UGC- Notification dated 02.05.2016)' with subsequent amendments. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is in vogue.

Following are the main objectives that are within the scope of the policy:

- i. To comply with UGC guidelines directing the higher education institutions to develop and implement a viable policy against sexual harassment at the work place.
- ii. To put in place an objectivized mechanism for the prevention and redressal of sexual harassment cases.

- iii. To curb acts of gender based violence at SBV and measures adopted in this direction.
- iv. To implement the policy *into* with respect to reporting, redressal and effective follow up of the gender based violence.
- v. To create and sustain a safe physical, social and healthy environment which will come down heavily on acts of sexual harassment and gender based violence.
- vi. To deal sternly with cases of sexual harassment within the stipulated time, as deemed appropriate and ensure support services to the victim, besides putting an end to the harassment in a legally viable manner.
- vii. To serve as a policy document for enforcing punitive measures to the offender(s). This policy essentially would apply to all the stakeholders of Sri Balaji Vidyapeeth including students, faculty, statutory officers, administrative heads, non-teaching staff and auxiliary personnel.

3. DEFINITIONS:

1. **Aggrieved Woman** - means in relation to work place or college or center, a woman of any age, who alleges to have been subjected to any act of sexual harassment or innuendo by others at the work place or college or centre. This includes students, teaching and non-teaching staff.
2. **Campus** - means the location or land on which SBV (Main campus and Off Campus, AHS, School of Pharmacy and the Centres) and its related facilities such as Hospital area including wards, OPDs, College blocks, Library, Lecture Halls, Auditoria, Residential areas including Student Hostels, Quarters for teaching and non-teaching staff, Central Kitchen, playgrounds, recreational areas, canteen, cafeteria, parking areas, patient waiting areas, maintenance areas, EB substations, laundry, Water treatment plants, stores and include extended campus and covers within SBV scope the places visited by students and staff, including transportation provided for the purpose of commuting to and from the workplace, the locations outside the institution on Student/staff exchange programs, field trips, internships, study tours, excursions, short term placements, camps, cultural festivals, sports meet, academic events and all other events in which the person is participating in the capacity of an employee or a student of SBV.
3. **Employees** - means all the regular and contract staff of SBV on roll.
4. **SAKSHAM**- Denotes Measures for Ensuring the Safety of Women and Programs for Gender Sensitization On Campuses.
5. **Student** - denotes all the Undergraduate, Postgraduate, and Research Scholars of all faculties of all the constituent Colleges, AHS, School of Pharmacy and Centres of SBV.
6. **Constituent Colleges** include:
 - Mahatma Gandhi Medical College & Research Institute (MGMCRI), (Main Campus).
 - Shri Sathya Sai Medical College & Research Institute (SSSMCRI), (Off Campus).
 - Indira Gandhi Institute of Dental Sciences (IGIDS), (Main Campus)
 - Kasturba Gandhi Nursing College (KGNC), (Main Campus)
 - Shri Sathya Sai College of Nursing (SSSCON), (Off campus)

Centres include:

- Central Inter-disciplinary Research Facility (**CIDRF**) (Main campus)
- Medical Simulation Centre (**MSC**) (Main campus)
- Centre for Health Professions Education (**CHPE**) (Main campus)
- Centre for Yoga Therapy Education and Research (**CYTER**) (Main campus)
- Centre for Music Therapy Education and Research (**CMTER**) (Main campus)
- Advanced Surgical Training and Research Academy (Cadaver Lab at the Off Campus)
- Centre for Animal Research and Training Services
- Allied Health Sciences
- School of Pharmacy

7. **Internal Complaints Committee on Sexual Harassment (ICC)** - essentially refers to the committee duly constituted by Sri Balaji Vidyapeeth, Pondicherry as per UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in Higher Educational Institutions) Regulations 2015, published in the Gazette of India, dated 2nd May 2016.

8. **Sexual Harassment** - means

a. "An unwanted conduct with sexual undertones, if it occurs or which is persistent and which demeans, humiliates or essentially creates an intimidating environment or induces submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome/unruly acts or behavior (whether directly or by implication), namely,

- Any unwelcome physical, verbal or nonverbal conduct of sexual nature
- Demand or request seeking sexual favors
- Making sexually contoured remarks
- Physical contact and advances
- Showing pornographic material

b. Any one or more than one or all of the following circumstances if it occurs or is present in relation or connected with any behavior that has explicit or implicit sexual undertones,

- Implied or explicit promise of preferential treatment as quid pro quo for sexual favors.
- Implied or explicit threat of detrimental treatment in the conduct of work or study.
- Implied or explicit threat about the present or future status of the person concerned.
- Creating an intimidating, hostile and offensive learning/working environment with ulterior motives.
- Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

9. **Third Party Harassment** - means a situation where in sexual harassment occurs as a result of an act by any third party or an outsider, who is not an employee or a student of SBV, but a visitor to SBV in some other capacity or for some other purpose or reason.

4. INTERNAL COMPLAINTS COMMITTEE ON SEXUAL HARASSMENT:

a. Composition of ICC

- **Presiding Officer** - a senior woman faculty member at the level of Professor from any one of the constituent colleges of SBV, as nominated by the Vice Chancellor.
- **Members** -
 - Two Faculty members from the constituent colleges, as Nominated by the Vice Chancellor.
 - Two non- teaching staff from the constituent colleges, as nominated by the Vice Chancellor.
 - Legal Officer of SBV.
 - One external member inducted for expertise in women welfare nominated by the Vice Chancellor.
 - Three students (UG, PG and Research Scholar) as nominated by the Dean or Principal/Head of the institute for student based issues.

The 2013 Act accords a maximum term of **three years** for the ICC. The task Force set up by the MHRD recommends that in an educational institution, a term of **two years** is adequate. SBV has taken cognizance of these facts, while promulgating ICC. Furthermore, these rules would be amended from time to time, based on the directives of the apex court or Government of India.

Notwithstanding the constitution of the ICC, the Registrar of SBV is empowered to remove any member or the functionary of the ICC upon proving dereliction of duty or turning hostile.

In such cases, the Registrar of SBV shall nominate fresh members to fill up the void and without much delay.

It is not the prerogative of the faculty or staff or students to question the constitution of the ICC

b. Responsibilities of ICC

The Internal Complaints Committee on Sexual harassment shall have the following roles and responsibilities,

- Shall provide assistance, if any employee or a student chooses to file a complaint with the police.
- Protect the safety of the complainant by not divulging the identity and assist the individual for obtaining mandatory relief by sanctioned leave or relaxation of the required attendance.
- Ensure that the victims or the witnesses are not victimized or discriminated against, while dealing with the complaints of sexual harassments.
- Conducting an enquiry into the alleged complaint and submitting a report for necessary action.

5. PROCESS OF REGISTERING A COMPLAINT

An aggrieved person is required to submit a written complaint within a period of Three months of the incident. If the aggrieved person is unable to submit a written complaint, the Presiding Officer or any member of the ICC can assist the person in a reasonable manner to submit the written complaint within the stipulated time frame.

6. PROCESS OF CONDUCTING ENQUIRY

- On receipt of the written complaint, the ICC shall send a copy of the complaint to the respondent within Seven days.
- On receipt of the complaint, the respondent shall file his reply to the complaint with the list of documents, names of the witness within a period of Ten days.
- The enquiry by the duly constituted Internal Complaints Committee on Sexual Harassment has to be completed within a period of Ninety days from the receipt of the complaint. The Enquiry report with the recommendations if any

should be submitted to the Vice-Chancellor. The copy of the same has to be served to both the parties to the complaint.

- The Vice Chancellor shall act upon the findings of the ICC within a period of Thirty days from the receipt of the report from the ICC, unless an appeal is made by either party. The appeal against the findings or recommendations of ICC if any shall be filled within Thirty days from the date of the enquiry report.
- If the Vice Chancellor decides not to act as per the recommendations of ICC, then the reason for the same has to be recorded and sent to the ICC and both the parties by the Vice Chancellor. If on the other hand if the Vice-chancellor decides to act as per the findings or the recommendations of the ICC, then a showcase notice has to be served within Ten days to the party against whom action is intended to be taken. The Vice-chancellor shall proceed only after considering the reply or hearing from the person against whom the action is to be taken.
- The **aggrieved person** may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Vice Chancellor shall facilitate a conciliation process through ICC as case may be if it is sought.
- The identity of the **aggrieved party** or the victim or the witness should not be made public or kept in the public domain.

7. INTERIM REDRESSAL

- Transfer the complainant or the respondent to another department/ constituent unit to minimize the risks involved in contact or interaction, if such a recommendation is made by ICC.
- Grant leave to the aggrieved person with full protection of status and benefits for a period up to a maximum of Three months, if recommended by the ICC.
- Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- Ensure the 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.
- Ensure strict measures to provide a conducive environment of safety and protection to the complainant as a consequence of filing a complaint.

8. PUNITIVE MEASURES & COMPENSATION

8.a. Anyone found guilty of indulging in sexual harassment by the ICC shall be punished, in accordance with the Service Rules of Sri Balaji Vidyapeeth, if he is an employee (Regular/Contract).

8 .b. Where the respondent is a student, depending on the severity of the offence,

- Withhold the privileges of the student such as access to the Library, Auditorium, Residential areas, Hostel, transportation, Scholarships, Stipends, allowances, identity card.
- Suspend or restrict entry into campus for a specific period.
- Expel and strike off the name from the rolls of the institution, including denial to readmission, if the offence so warrants.
- Levy fine as may be deemed appropriate.
- Award reformatory punishments like mandatory counseling and or performance of Community services.
- The aggrieved person is entitled for payment of compensation. The Vice-Chancellor shall issue the direction for compensation if recommended by the ICC and accepted by him. The compensation shall be recovered from the offender.
- The compensation payable shall be determined on the basis of:

- Mental trauma, pain, suffering and distress caused to the aggrieved person.
- The loss of career opportunity due to the incident of sexual harassment.
- The medical expenses incurred by the victim for physical and psychological treatment.
- The income and status of the alleges-respondent and victim.
- The feasibility of such payment in lump sum or in installments.

9. ACTION AGAINST FRIVOLOUS COMPLAINTS

To ensure that the provisions for the protection of the employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be spelt. 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 enquiry, the complainant shall be liable to be punished as per the sub regulation (8. a.), if the complainant happens to be an employee and as per sub regulation (8. b.), if the complainant happens to be student.

10. TENURE OF ICC

The Internal Complaints Committee on sexual harassment duly constituted, as per the regulation clause II. a. of these Regulation will serve for a period of Three years from the date of constitution.

SBV will amend the Regulation as and when directed by the concerned statutory bodies, including UGC.

5.0. RESPONSIBILITY

The Registrar of SBV with suitable inputs and advice from the Legal Officer would be deemed responsible for the policy in letter and spirit.

6.0. INVOLVEMENT OF MEDIA, IF ANY

The aggrieved or the Offender will not be eligible to contact the print and visual media on any issue related to the interim redressal or complete verdict.

7.0. INVOLVEMENT, IF ANY OF MAJOR FINANCIAL IMPLICATIONS CONCERNING EXTERNAL AGENCIES

The financial implications would denote compensation to the aggrieved and external agencies would not figure either in the redressal or the punitive measures inflicted.

8.0. EXCEPTIONS, IF ANY

Not applicable

9.0. ANY OTHER PERTINENT DETAILS

Not applicable

10. ENQUIRIES

All enquiries, in confidence, should be addressed to the legal officer with a copy marked to the Registrar.

11. APPELLATE AUTHORITY

For all difficulties pertaining to this policy, the power to remove difficulties rests with the Vice Chancellor.

Sl.No	Role	Name	Designation	Signature
1	Prepared by	Mr. Joseph Naresh	Dy. Registrar (Academics)	
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2	Reviewed by	Mr. Ralph Alexander Mathews	Legal Officer & Head, HR, SBV	

Approved by: Prof. A.R. Srinivasan, Registrar, SBV:

