



# **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 ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS– 2018**

**(Revised Edition of 2016)**

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 PILLAIYARKUPPAM, PONDICHERRY 607 402



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Document Number: SBV/PSH/PL/02/2018

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<b>Date:</b> 17.07.2018	<b>Date:</b> 25.07.2018	<b>Date:</b> 06.08.2018
<b>BoM Approval</b>	13.08.2018	
<b>Released by</b>	<b>IQAC</b>	<b>13.08.2018</b>

## Document Revision History

Date	Version (Edition)Number	Brief Description of change	Change Request Number
07-09-2016	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

## TITLE AND APPLICABILITY:

### SBV POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS - 2018

These Regulations would henceforth be made known as “SBV Policy on Prevention of Sexual Harassment of Women Employees and Students”. 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 2016.

#### 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 four constituent colleges (MGMCRI, SSSMCRI, IGIDS and KGNC), four centres (CIDRF, CHPE, CMTER and CYTER). 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 AND SCOPE OF THE POLICY

In its landmark judgment in 1997 (following 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 thus making it mandatory for the employers to provide for sympathetic and non-retributive mechanisms to enforce the right to gender equality for working women. Thus the Vishaka Guidelines essentially constituted a set of procedural guidelines for use in India pertaining to all cases of sexual harassment. The Vishaka guidelines were superseded in 2013 by *the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

The apex commission, namely UGC has brought out a document titled SAKSHAM which elaborates on the *Measures for Ensuring the Safety of Women and Programs for Gender Sensitization on Campuses*.

In compliance with the afore mentioned 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 is aimed at prevention of sexual harassment at the constituent colleges and the centres where the aggrieved may be a student, faculty or non-teaching staff. The Government of India has laid down strict guidelines for prevention of sexual harassment, besides creating a concussive work atmosphere.

The scope of the policy also takes into due consideration acts of sexual harassment that may be verbal, non-verbal, physical or all of the above. The policy includes under its ambit QUID PRO QUO harassment which essential means that when employment decisions for a particular employee are based on that employee's acceptance or rejection of asexual behavior.

## I. 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** - denotes the location or land on which SBV (Main campus and Off Campus and the Centers) 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, Research Scholars of all faculties of all the constituent colleges and centre of SBV.
6. **Constituent Colleges** - includes:  
Mahatma Gandhi Medical College & Research Institute (Main Campus)

Shri Sathya Sai Medical College & Research institute (Off Campus)

Indira Gandhi Institute of Dental Sciences (Main Campus)

Kasturba Gandhi Nursing College, (Main Campus)

7. **Internal Complaints Committee on Sexual Harassment (ICC)** - means 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 2<sup>nd</sup> 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/undesirable acts or behavior (whether committed directly or by implication), namely,

- Any unwelcome physical, verbal or nonverbal conduct of sexual nature
- Demand or request seeking sexual favors
- Indulging in 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.
- Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

9. **Third party harassment** - means essentially a situation, wherein sexual harassment occurs as a consequence 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.

## II. TERMS OF REFERENCE:

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

## III. INTERNAL COMPLAINTS COMMITTEE ON SEXUAL HARASSMENT:

### III.a. Composition of ICC

- **Presiding Officer** - a senior woman faculty member not below the rank of Professor drawn 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, SBV.
  - One external member inducted based on the 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 exclusive Task Force set up by the MHRD; Government of India 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 UGC or Government of India.

### III.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.

#### IV. 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.

#### V. 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 or 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 recommendation 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 reasons for the same have 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.



## **VI. 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, conducive environment of safety and protection to the complainant as a consequence of filing a complaint.

## **VII. PUNISHMENT & COMPENSATION:**

VII. 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).

VII. 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.
  - 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.

#### **VIII. ACTION AGAINST FRIVOLOUS COMPLAINT**

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 (VI. a.) of Regulation VI, if the complainant happens to be an employee and as per sub regulation (VI. b.) of Regulation VI, if the complainant happens to be student.

#### **IX. 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.

#### **X. 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.

#### **XI. 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

#### **XII. EXCEPTIONS, IF ANY: Not applicable**




#### **XIII. ANY OTHER PERTINENT DETAILS: Not applicable**

#### **XIV. ENQUIRIES**

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

#### **XV. 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
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2	Reviewed by	Mr. Ralph Alexander Matthews	Legal Officer & Head, HR, SBV	

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

