



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 – 2016

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 - 2016**

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TITLE AND APPLICABILITY:

SBV POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS - 2016

These Regulations would henceforth be made known as “SBV Policy on Prevention of Sexual Harassment of Women Employees and Students” - ORIGINAL VERSION. They shall apply to all the constituent colleges and centers of Sri Balaji Vidyapeeth at the Main and Off-campuses.

PREAMBLE

Sri Balaji Vidyapeeth (SBV) is a Health Sciences deemed-to-be-University that has been accredited with “A” grade by NAAC. SBV has under its ambit two medical colleges, one dental college, one nursing colleges and faculty of allied health sciences. Besides, five designated centres catering to value additions and capacity building are also in place.

Because of the fact that SBV has got two campuses namely main campus and off campus there is a need to have a uniform policy to prevent sexual harassment at the work place. In the present legal context sexual harassment is a punishable crime. Moreover, it creates an offensive work environment that would mar the progress of the individual concern and the institution as a whole.

PURPOSE AND SCOPE

Sexual Harassment at the work place denotes employment discrimination, in addition to casting aspersions on the safety of the employee. The present definition of sexual harassment originated in the early 1970’s. The purpose and scope of the policy is based on several acts of sexual harassment including physical assault, application of pressure and fright on the aggrieved for seeking sexual favors. It also includes deliberate physical actions and gestures, besides writing obnoxious letters, making telephone calls or even displaying pornographic materials.

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** - denotes relation to work place or college or center of SBV, a woman irrespective of 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** - essentially refers to the location or land on which SBV (Main campus and Off Campus and the Centres) and its related facilities such as Hospital area including wards, OPD clinics, College blocks, Library, Lecture Halls, Auditoria, Residential areas including Student Hostels, Quarters for teaching and non-teaching staff, Central kitchen, playgrounds, recreational areas, canteens, 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 exclusive purpose of commuting to and from the workplace, the locations outside the institution on Student/staff exchange programs, field trips, Community visits internships, study tours, excursions, short term placements, camps, cultural festivals, sports meet, academic events and such of those events in which the person is participating in the capacity of an employee or a student of SBV.

3. **Employees** - refers to those who are on permanent and contractual rolls
4. **Student** - denotes all the Undergraduate, Postgraduate, Research Scholars of all faculties of all the constituent colleges and centres of SBV.
5. **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)
6. **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 2nd May, 2016.
7. **Sexual Harassment** - means
 - a. "An unwanted and undesired 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 implying sexual nature
 - Demand or request for obtaining sexual favors
 - Indulging in sexually contoured remarks
 - Physical contact and advances
 - Showing pornographic materials to the aggrieved
 - b. Any one or more than one or all of the following circumstances if it occurs or when 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 both within and outside the campus.
 - 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.
8. **Third party harassment** - means a scenario wherein 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.

II. INTERNAL COMPLAINTS COMMITTEE ON SEXUAL HARASSMENT

II. a. Composition of ICC

- **Presiding Officer** - a senior woman faculty member at the level 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 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.

II.b. Responsibilities of ICC

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

- Shall provide assistance, if any employee or a student chooses to lodge 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.

III. PROCESS OF REGISTERING A COMPLAINT

An aggrieved person is required to submit a written complaint within a period of three months following the incident. If the aggrieved person is not in a position to submit a written complaint, the Presiding Officer or any member of the ICC can assist the person in a reasonable manner to facilitate submission of the written complaint, within the stipulated time frame.

IV. PROCESS OF CONDUCTING ENQUIRY

- Upon 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 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, in a sealed envelope. 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 of the parties. 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 reasons for the same have to be duly recorded to that effect and dispatched to the ICC and both the parties by the Vice Chancellor's office. If on the other hand the Vice-Chancellor chooses to decide to act as per the findings or the recommendations of the ICC, then a show cause 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 at all 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.

V. INTERIM REDRESSAL

- Transfer the complainant or the respondent to another department/ constituent unit to minimize the inherent risks attributed to contact or interaction, if such a recommendation is made by ICC.

- Grant of 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 that the offenders are sufficiently warned to keep a distance from the aggrieved and wherever necessary if there is a definite threat, restrain their entry into the campus (Main and off).
- Ensure strict measures to provide conducive environment synonymous with safety and protection to the complainant, as a consequence of filing a complaint.

VI. PUNISHMENT & COMPENSATION

- VI. 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 prevalent at that point of time, if he is an employee (Regular/Contract).
- VI. 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, Fellowships, Allowances, and Identity Card.
 - Suspend or restrict entry into campus for a specific period of time.
 - Expel and strike off the name from the rolls of the institution, including denial to readmission, if the offence so warrants.
 - Award reformatory punishments such as 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 inflicted on the aggrieved person.
 - The loss of career opportunity attributed to the incident of sexual harassment.
 - The medical expenses incurred by the victim for physical and psychological treatment.
 - The income and status of the alleged-respondent and victim.
 - The feasibility of such payment in lump sum or in installments.

VII. ACTION AGAINST FRIVOLOUS COMPLAINTS

To ensure that the provisions for the protection of the employees and students from sexual harassment do not get misused or misinterpreted, provisions against false or malicious complaints have to be spelt out clearly. 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.

VIII. 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 court of law or concerned statutory bodies and Regulatory Councils.

| Sl.No | Role | Name | Designation | Signature |
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