

RANE POLYTECHNIC TECHNICAL CAMPUS

Policy on Prevention, Prohibition and Redressal of Sexual Harassment



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Policy on Prevention, Prohibition and Redressal of Sexual Harassment

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Policy on Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace

1. INTRODUCTION AND OBJECTIVE

Rane Polytechnic Technical Campus(RPTC) strives to create and maintain a healthy, safe and productive work environment, free from discrimination and harassment. RPTC strives to provide equal opportunity and a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.

This Policy has been framed with the intention of preventing Sexual Harassment at workplace that includes prohibition and redressal of sexual harassment, should it occur.

2. SCOPE AND COVERAGE

This policy shall be applicable to all employees of RPTC including any employee engaged on fixed term contract, short-term engagement, temporary, trainees, interns, contract persons and visitors on the organisation's premises. It shall also include any unwelcome behaviour of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor to any of our employees on the Organisation's premises.

This policy takes complete cognizance of the latest legislation by the Government of India "The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 ("the Act") and its rules notification published on 9th December 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

3. DEFINITIONS

a. Sexual Harassment

Sexual Harassment may include any of the following but not limited to:

- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit, explicit or both.
- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks, including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
- Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Physical contact and advances such as touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
- Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work related areas
- Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature
- Teasing, innuendos and taunts, physical confinement and /or touching against one's will and likely to intrude upon one's privacy
- Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.

- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess in an attempt to humiliate or make another person uncomfortable.
- Behaviour, which creates an environment that, is intimidating, hostile, offensive, humiliating for women employee.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment

- Implied or explicit promise of preferential treatment in the employment
- Implied or explicit threat or detrimental treatment in the employment
- Implied or explicit threat about the present or future employment status
- Interference with the work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.

b. Aggrieved Individual

An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

c. Complainant

A Complainant is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

d. Employee

An Employee means a person employed with RPTC for any work on permanent, temporary, part time, whether for remuneration or not, or working on a voluntary basis or otherwise.

e. Respondent

A Respondent means the person against whom the Complainant has made a complaint.

f. Workplace

Workplace includes:

- Premises, locations, owned and controlled by the Organisation.
- Places visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- All work related activities performed at any other site away from the Organisation's premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations

g. PSH

Prevention of Sexual Harassment

4. INTERNAL COMPLAINTS COMMITTEE

a. PSH Committee Composition

i) The Organisation shall constitute an Internal Complaints Committee also known as the PSH Committee ("PSH Committee"). The PSH Committee shall comprise the following:

- Equal representation of men and women on the PSH Committee.
- A senior level woman Employee shall be appointed as the presiding officer of the PSH Committee ("**Presiding Officer**"). The Presiding Officer shall automatically vacate her office upon ceasing to be Employee of the Company.
- Minimum two members of the PSH Committee will be appointed, as far as possible, from amongst employees who are preferably committed to the cause of women or who have had experience in social work or have legal knowledge in this field or other senior employees. Such members of the PSH Committee shall automatically vacate their office upon ceasing to be Employees of the Company.

ii) The Presiding Officer and every member of the PSH Committee shall hold office for a period not exceeding three years, from the date of their nomination.

iii) A member of the PSH Committee may resign at any time by tendering his/her resignation in writing to the Founder of RPTC.

RPTC has constituted PSH Committee at its Registered Office.

3. RPTC shall, from time to time, based on the increase/decrease in the number of employees or change in requirements, make necessary changes to the PSH Committees/the number of PSH Committees/the

location/the members etc. Accordingly, Employees are requested, as a matter of policy, to approach the respective PSH Committee for any matter relating to sexual harassment or related.

b. Removal or Replacement of PSH Committee member or Presiding Officer

In the event that the Presiding Officer and / or any member of the PSH Committee:

- contravenes any provisions of the Policy; or
- has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him / her; or
- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her; or
- has so abused his / her position as to render his / her continuance in office prejudicial to public interest, such Presiding Officer or member as the case may be, shall be removed from the PSH Committee/. Any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the Company in accordance with the appropriate guidelines.

Such removal shall be done by the Office bearers in consultation with the Founder after conducting an inquiry following the due process and principles of natural justice. In case the member whose removal is under consideration is also an office bearer, such member shall not be entitled to participate in the deliberations and proceedings for such removal.

5. GUIDELINES

- The contents of the complaint made the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the PSH Committee and the action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner.
- However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.
- The Presiding Officer or any member of the PSH Committee shall render all reasonable assistance to the Complainant for making the complaint in writing.
- In case a witness has given false evidence or produced any forged, fabricated or misleading document during the inquiry, action may be taken against the said witness in accordance with the provisions of the service rules applicable.
- The PSH Committee shall ensure that the principles of natural justice are adhered to in relation to the conduct of hearings upon a Complaint and both the Complainant and the Respondent are provided with a fair opportunity to make their submissions.

- The contents of the report of PSH Committee shall be kept confidential by PSH Committee and RPTC.
- Any refusal by any Employee to attend any hearing before the PSH Committee when summoned or to provide to the PSH Committee, any documents and / or information within his / her power or possession shall constitute a rendering such Employee for adverse action.

Non-Retaliation

RPTC will not accept, support or tolerate retaliation in any form against any employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns.

Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.

- Retaliation will be treated as a major misconduct.
- Retaliation against those reporting sexual harassment is prohibited by this policy.
- Retaliation means and includes any hurtful employment action against an individual/s.
- Anyone suspecting or experiencing retaliation should report to the Committee
- Retaliation cases are treated as seriously as an alleged case of sexual harassment even if the original harassment complaint is not proven.

6. PROCESS

a. Complaint of Sexual Harassment

i) A Complainant can make, in writing, a complaint of Sexual Harassment to the PSH Committee, within a period of a month from the date of incident and in case of a series of incidents, within a period of a month from the date of last incident. The PSH Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such, which prevented the Complainant from filing a complaint within the said period.

ii) If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:

- his/her relative or friend; or
- his/her co-worker; or
- an officer of the National Commission for Women or State Women's Commission; or
- any person who has knowledge of the incident, with the written consent of the Aggrieved Individual

iii) If the Aggrieved Individual 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 his/her written consent.

iv) The form in which the complaint is required to be made is annexed as **Annexure 1** to the Policy. This form will be available with the PSH Committee members. However, any written complaint received in any form other than the form prescribed in **Annexure 1** shall also be accepted. .

v) The Complainant shall submit the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses to any PSH Committee member.

vi) The PSH Committee may, depending on the facts of the case, also accept oral complaints under this Policy which may be reduced in writing by a member of the PSH Committee and signature of the Complainant shall be obtained thereon.

b. Inquiry

PSH Committee shall conduct an inquiry regarding the complaint. The PSH Committee may conduct an inquiry into any matter brought before it by an employee or which it takes up suo moto or any other matter of which it is otherwise seized.

ii) On receipt of the complaint, the PSH Committee shall send one of the copies received from the Complainant to the Respondent within a period of seven working days.

iii) The Respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents.

iv) The PSH Committee shall make an inquiry into the complaint in accordance with the principles of natural justice. The PSH Committee must notify in writing, the time and dates of its meetings to the Office bearers, the Complainant and the Respondent, not less than 5 days in advance of any such meeting.

v) While conducting the inquiry, a minimum of three members of the PSH Committee including the Presiding Officer or Chairperson, as the case may be, shall be present.

vi) The PSH Committee shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter, which may be prescribed and deemed necessary for the inquiry process.

vii) The PSH Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Chairperson or Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

viii) The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the PSH Committee.

ix) During the course of inquiry, the Complainant and the Respondent shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the PSH Committee.

x) The inquiry shall be completed within a period of ninety days from the date of receipt of the complaint, unless the time is extended by the PSH Committee depending upon the facts of the case.

c. Action during Pendency of Inquiry

i) During the pendency of an inquiry, on a written request made by the Complainant, the PSH Committee may recommend the following:

- grant leave to the Aggrieved Individual up to a period of three months
- grant such other relief to the Aggrieved Individual as may be prescribed under applicable law.

ii) The leave granted to the Aggrieved Individual shall be in addition to the leave he/she is otherwise entitled to.

iii) On receiving a recommendation from the PSH Committee, RANE VIDYALAYA shall implement the recommendations and send a report of such implementation to the PSH Committee.

d. Inquiry Report and Actions

i) On the completion of an inquiry the PSH Committee shall provide a written report of its findings to the Office bearers, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

ii) In the event that the PSH Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Office bearers that no action is required to be taken in the matter.

iii) Where the PSH Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend in writing to the Office bearers, to take action against the Respondent, which may include:

- a written apology from the Respondent
- reprimand or censure
- immediate transfer or suspension without pay
- termination from service
- withholding of pay rise or increments
- undergoing a counselling session
- register an FIR against the Respondent in case the act alleged, prima facie constitutes an offense under the Indian Penal Code
- Any such other action, as the PSH Committee may deem appropriate in the circumstances of the case.

iv) RPTC shall act upon the recommendation given by PSH Committee within sixty days of receipt of the recommendation.

e. Malicious Complaint

In case the PSH Committee arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or has produced any forged, fabricated or misleading document, it may recommend to RPTC to take suitable action against the Complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law.

f. Appeal

In the event that any person is aggrieved from the recommendations made by the PSH Committee or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by the law, within a period of ninety days of the recommendations.

7. ROLES & RESPONSIBILITIES

a. Employees

As a custodian of RPTC Values, employees have following responsibilities.

- To read, understand, appreciate and adhere to the terms of this policy.
- To avail of the mechanism provided by this policy for any complaints or matters of or pertaining to sexual harassment or similar issues.
- To forward or submit to the PSH Committee, any written complaint from any aggrieved individual and to support/ co-operate during any investigation as part of the inquiry process.
- Be aware of, and do not participate in any prohibited or inappropriate behaviours or activities while representing RPTC.
- Participate in the procedure of investigation if a complaint is brought forward for review.
- Provide a full and truthful disclosure of relevant information and assist with investigations of alleged policy violations.
- Handle information related to known or suspected violations of this policy in a discreet and confidential manner.
- Not attempt to investigate the information or suspected violations of this policy on their own i.e. without involving the PSH Committee.

b. Coordinator

Coordinator is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the complainant in RPTC.

Coordinator has the same responsibilities as the employee. If an employee and/or stakeholder has conveyed about sexual harassment to the Coordinator, it is the responsibility of the Coordinator to encourage the complainant to give it in writing to him/her and the PSH Committee.

- Bring the written complaint immediately to the PSH Committee, and provide all kinds of support for the further investigations as a part of inquiry process
- Have adequate knowledge about applicable laws, and answer questions regarding relevant policies and procedures.
- Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a “need-to-know” basis only.
- Not attempt to investigate or verify the information unless instructed by the PSH Committee.
- Fully cooperate, facilitate and aid the prompt handling of an investigation by PSH Committee.
- Allow the complainant, respondent, witnesses and allied parties to attend the inquiry proceedings at the stipulated time and place.
- Carry out all corrective measures and remediation established in the final decision.

- Ensure that employees are adequately communicated the PSH policy
- Ensure no retaliation and zero tolerance to sexual harassment or inappropriate conduct

b. PSH Committee

PSH Committee members have the same responsibilities as the employees and additional responsibilities as a custodian of the RPTC Values and Code of Conduct.

- To be fair while making the assessment of the situation, investigation and giving the verdict.
- Conduct the inquiry process and recommend appropriate actions as per the process outlined in section 6 of this document in line with the statutory requirements applicable.
- Inform the parties involved in the inquiry proceedings well in time and in writing.
- Follow the principles of natural justice and treat the complainant, respondent, witnesses and related persons to the inquiry with dignity and respect.
- Submit to the Board an annual report comprising details of all cases and actions taken.
- Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a “need-to-know” basis only.
- If an employee faces sexual harassment outside of RPTC work and work premises, assist them in filing a complaint in the police station as appropriate.

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and the Management, for making a Police Complaint as may be appropriate, shall initiate appropriate action.

8. AMENDMENTS

RPTC reserves the right to amend the Policy from time to time in order to comply with any laws / rules / regulations that come into effect from time to time, related to Sexual Harassment.

ANNEXURE 1

COMPLAINT FORM

1. Details of Aggrieved Individual

Name	Designation	Team	Contact Numbers (Landline & Mobile)	Address

2. Details of Complainant (in case the Complainant is not the Aggrieved Individual)

Name	Relationship with Aggrieved Individual	Contact Numbers (Landline and Mobile)	Address

3. Details of individual alleged to have engaged in sexual harassment

Name	Designation	Team	Contact Numbers (Landline & Mobile)	Address

4. Details of the incident(s)

Sr. No.	Nature/Description of incident	Date of incident	Time of incident	Place of incident	Name and contact details of witnesses if any

5. Has a report regarding these incidents been filed with any other agency?

Yes () No ()

If yes, with whom?

6. Additional information and comments if any:

Signature of Aggrieved Individual:	Date:
Signature of Complainant:	Date:

ANNEXURE 2

Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

(1) A man committing any of the following acts:

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours, or
- (iii) showing pornography against the will of a woman, or
- (iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.