

2018

POLICY DOCUMENT

ANTI SEXUAL HARASSMENT CELL



MAHARAJA INSTITUTE OF TECHNOLOGY MYSORE

BELAWADI, NAGUVANAHALLI POST, SRIRANGAPATNA TALUK, MANDYA-571438, KARNATAKA

PREFACE

Maharaja Institute of Technology Mysore has been upholding and uplifting the stakeholders in realizing their potential in all spectrum of professional life. Ever since the inception of the Institute by proven academicians, the institute is strategizing, devising and establishing various schemes in all practices of the institute, those are intended towards advocating right morality and positive attitude in all walks of life.

The Institute is committed to protect Women Employee and Students from sexual harassment at workplace by creating and maintaining the educational, working, and living environment free from sexual harassment. In order to ascertain that such of disruptive roots are not nourished and to address all elements which otherwise would not allow an individual to realize full potential, the institute has established **Anti Sexual Harassment Cell**.

The Institute takes the obligation to inhibit sexual harassment and to cultivate a philosophy of self-esteem and reverence in the day-to-day conduct of its work. The Institute will respond promptly to all complains of sexual harassment and will take relevant steps to resolve the matter.

DR. VIJAYLAKSHMI DAYAL
CHAIRMAN

DR. B G NARESH KUMAR
PRINCIPAL

DECLARATION

Uplifting the quality of life and as well to uphold the human values, dignity and ethics in work place is essential in all regards for the development of any organization let alone Maharaja Institute of Technology Mysore. In particular; the matters pertaining to Women Employee and students safety is a very core part necessary to maintain the integrity of the institute. In this regard, I am happy that the committee established for the same has come up with this Policy document.

I hereby declare that all information in this document is valid, true and complete in all aspects and as well bears complete accordance with the recommendations of Government of India as well the All India Council of Technical Education. The document shall bear the complete spectrum with which all stakeholders are to abide by until further proceedings.

DR. B G NARESH KUMAR
PRINCIPAL

DATE: __/__/2018

TABLE OF CONTENTS

INDEX NUMBER	DESCRIPTION	PAGE NUMBER
1	SEXUAL HARASSMENT	5
2	OPTIONS FOR ADDRESSING SEXUAL HARASSMENT	5-6
3	PROCEDURE FOR REGISTERING THE COMPLAINTS AND THE PROCESSES	6-8
3.1	CONFIDENTIALITY	7
3.2	COOPERATION	7
3.3	DEALING WITH NON-MITM OFFENDER	7-8
4	PROCEDURE FOR COMPLAINT INQUIRY AND THE PROCESSES	8
5	INTERIM REDRESSAL	9
6	PUNISHMENT AND COMPENSATION	9-10
7	GOVERNMENT CLAUSES	10-11

1. SEXUAL HARASSMENT

The following shall constitute sexual harassment of Women Employees and Students:

- A.** An unwanted conduct with sexual undertones which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened with adverse consequences and includes any one or more or all of the following unwelcome acts or behavior (whether directly or by implication), namely:—
- a. Any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - b. Demand or request for sexual favours;
 - c. Making sexually colored remarks;
 - d. Physical contact and advances; or
 - e. Showing pornography; and
- 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-
- a. Implied or explicit promise of preferential treatment as quid pro quo for sexual favors;
 - b. Implied or explicit threat of detrimental treatment in the conduct of work;
 - c. Implied or explicit threat about the present or future status of the person concerned;
 - d. Creating an intimidating offensive or hostile learning environment;
 - e. Humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

2. OPTIONS FOR ADDRESSING SEXUAL HARASSMENT

MITM, in its effort to maintain the working environment for women and students free of harassment, requests everyone to report incidents of sexual harassment promptly to the appropriate authority. The victim, depending on the severity of the case, can:

- i. Tell the person who is harassing to stop, in writing or in person.
- ii. Talk to someone about the incident and ask for help.

- iii. Talk to immediate higher authority (Supervisor, Departmental Head, Dean of studies, Administrative Officer, as may be appropriate)
- iv. If the matter cannot be resolved through one of the above approaches or the complainant chooses not to pursue one of the above methods, he/she may file a written complaint promptly to the **Anti Sexual Harassment cell (ASHC)** of the Institute.

3. PROCEDURE FOR REGISTERING THE COMPLAINTS AND THE PROCESSES

- i. Complaints can be made by the aggrieved person (Complainant) in writing along with supporting documents and names and addresses of the witnesses **if any** to the **ASHC** within **three months** from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.
- ii. Friends, relatives, colleagues, co-students, psychologist or any other associate of the victim may file the written complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- iii. Written complaints should be treated as confidential and should be provided directly and only to the appropriate designated individuals of **ASHC**.
- iv. All complaints made to any member of ASHC must be revealed and recorded by the members, who shall then immediately inform the chairperson about the complaint, who shall in turn hold the meeting of the committee, within **three days**.
- v. All meetings of the committee will be called by the chairperson and the notice of at least **two working days** must be given for the meeting.
- vi. The ASHC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of **seven days** of such receipt.
- vii. Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of **Ten days**.

- viii. Within **Ten days** of the receipt of a complaint, the ASHC must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the respondent and/or any other person to determine whether an inquiry by the Committee is to be instituted. If the committee considers it necessary to hear the respondent at this preliminary stage it shall issue a notice to this effect.
- ix. No person who is complainant, witness, or respondent in the complaint of the sexual harassment shall be a member of ASHC.
- x. Any committee member charged with sexual harassment in as written complaint must step down as member of ASHC /Inquiry committee during the enquiry into that complaint.
- xi. If the ASHC decides not to conduct an enquiry into complaint, it shall record the reason for the same in the minutes of the Committee meeting. The committee shall make the same available to the complainant in writing.

Each complaint must be dealt with in accordance with the following:

3.1. CONFIDENTIALITY

Any allegation of discrimination or harassment brought to the attention of the Committee will be discreetly addressed. Investigations will be conducted in a confidential manner to the greatest extent possible. However, the investigation of complaints may also require disclosure to the accused individual and to other witnesses for the purpose of gathering pertinent information. In such case, disclosures will be limited to the extent possible. All participants in the process, including the person who filed the complaint, the individual accused and witnesses, will be advised to keep the matter confidential.

3.2. COOPERATION

MITM expects faculty, staff, Students and other members of MITM to cooperate fully in the investigation process. Any faculty or staff member or student who is the subject of, or potential witness regarding, a harassment complaint and refuses to cooperate in an investigation is subject to disciplinary action.

3.3. DEALING WITH NON-MITM OFFENDER

MITM's ability to discipline an individual who is not an employee or student (such as a vendor or contractor) is limited by the degree of control, if any, MITM has over such individual. Nonetheless, MITM will seek to take appropriate action in response to violations of this Policy to the extent possible.

4. PROCEDURE FOR COMPLAINT INQUIRY AND THE PROCESSES

- i. The inquiry has to be completed within a period of **ninety days** from the receipt of the complaint.
- ii. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority (Principal). Copy of the findings or recommendations shall also be served on both parties to the complaint.
- iii. The Executive Authority of the Institute shall act on the recommendations of the committee within a period of **thirty days** from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- iv. An appeal against the findings or /recommendations of the ASHC may be filed by either party before the Executive Authority of the Institute within a period of **thirty days** from the date of the recommendations.
- v. If the Executive Authority of the Institute decides not to act as per the recommendations of the ASHC, then it shall record written reasons for the same to be conveyed to ASHC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ASHC, then a cause notice, answerable within **ten days**, shall be served on the party against whom action is decided to be taken. The Executive Authority of the ASHC shall proceed only after considering the reply or hearing the aggrieved person.
- vi. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlements should be made as a basis of conciliation. The Institute shall facilitate a conciliation process through ASHC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- vii. The identities of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

5. INTERIM REDRESSAL

The MITM may:

- i. Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- ii. Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if
- iii. There is a definite threat, restrain their entry into the campus; take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

6. PUNISHMENT AND COMPENSATION

- i. Sexual harassment will be treated as misconduct. If anyone is found guilty the institute will take a disciplinary action as per the recommendation of the ASHC. (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the MITM, if the offender is an employee. Depending upon the severity of the offence, the punishments may include any one or more such as a written apology, warning, reprimand, censure, undergoing counselling or carrying out community service, withholding of promotion, withholding of pay rise or increments and terminating the respondent from service.
- ii. Where the respondent is a student, depending upon the severity of the offence, the TI may,-
 - a. withhold privileges of the student such as access to the library, auditoria, transportation, scholarships, allowances, and identity card;
 - b. suspend or restrict entry into the campus for a specific period;
 - c. expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
 - d. Award reformatory punishments like mandatory counseling and, or, performance of community services.

- iii. The aggrieved person is entitled to the payment of compensation. The i shall issue direction for payment of the compensation recommended by the ASHC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-
- (a) Mental trauma, pain, suffering and distress caused to the aggrieved person;
 - (b) The loss of career opportunity due to the incident of sexual harassment;
 - (c) The medical expenses incurred by the victim for physical, psychiatric treatment;
 - (d) The income and status of the alleged perpetrator and victim; and
 - (e) The feasibility of such payment in lump sum or in installments.

7. GOVERNMENT CLAUSES

The Sexual Harassment Policy has been formed in accordance with: “The Gazette of India, Part III-Section 4, Published by Authority (No.251), New Delhi, Friday June 10, 2016, JYAISTHA 20, 1938 bearing REGD No. D. L. -33004/99. Notification: MINISTRY OF HUMAN RESOURCE DEVELOPMENT (All India Council of Technical Education) New Delhi, the 10th June, 2016. Via. No. F. AICTE/WH/2016/01: All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of women Employee and students and Redressal of Grievances in Technical Education) Regulations 2016”, to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.