

**ACHARYA BANGALORE B SCHOOL**

**SEXUAL HARASSMENT REDRESSAL COMMITTEE**

**(All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Education) Regulations, 2016**



## DEFINITION

- (a) “Aggrieved Woman” means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent
- (b) “Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (c) “Campus” means the location on which the Institution and its related institution facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centers, hostels, dining halls, stadium parking areas and other amenities like health centers, canteens etc., and also includes extended campus and covers within its scope places visited as a student of the institution including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution to take part in extra/co-curricular events where a person is participating in the capacity of an employee or a student
- (d) “Employee” means a person duly employed by the institution
- (e) “Student” means a person duly admitted and pursuing a programme of study in the institution
- (f) “Workplace” means the campus of institution including department, office, library and such other places as well as any place visited by the employee arising out of or during the course of employment including transportation provided by the employer
- (g) “Sexual Harassment” means
  1. Any unwelcome physical, verbal or non verbal conduct of sexual nature
  2. Demand or request for sexual favors;
  3. Making sexually colored remarks;
  4. Showing pornography;
  5. Implied or explicit promise of preferential treatment as quid pro quo for sexual favours or threat of detrimental treatment in the conduct of work
  6. Implied or explicit threat about the present or future status of the person concerned
  7. Creating an intimidating offensive or hostile learning environment
  8. Humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned

- (h) “Victimisation” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour

## **RESPONSIBILITIES OF THE INSTITUTION**

- (a) Publicly notify the provisions against sexual harassment and ensure their wide-dissemination
- (b) Act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing that primarily women employee and students
- (c) Organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, to sensitize them and ensure knowledge and awareness of rights, entitlements and responsibilities enshrined in the Act and under these regulations :
- (d) Inform employees and students of the recourse available to them if they are victims of sexual harassment
- (e) Proactively move to curb all forms of harassment of employees and students
- (f) Treat sexual harassment as misconduct under service rules and initiate action for misconduct if the perpetrator is an employee
- (g) Prepare an annual status report with details on the number of cases filed and their disposal and submit the same to Council
- (h) Gender Sensitization - involves creating awareness about issues of gender and sexuality and working towards and creating an enabling environment of gender justice where all can work together with a sense of personal security and dignity.

## **COMPOSITION OF SEXUAL HARASSMENT REDRESSAL COMMITTEE**

- (a) A presiding officer who shall be a woman faculty member employed at a senior level
- (b) Two faculty members and two non-teaching employees, preferably committed to the cause of women
- (c) Three students (comprising of atleast one girl student) of final year
- (d) One member from amongst non-government organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

## **RESPONSIBILITIES OF SEXUAL HARASSMENT REDRESSAL COMMITTEE**

- (a) Provide mechanism of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence
- (b) Protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender
- (c) Ensure the victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment
- (d) Ensure probation of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity
- (e) Provide assistance if an employee or a student to file a complaint

## **PROCESS OF MAKING COMPLAINT AND CONDUCTING INQUIRY**

- (a) An aggrieved person is required to submit a written complaint along with supporting documents and names and address of the witnesses if any to the SHRC within three months from the date of the incident and in case of series of incidents within a period of three months from the date of the last incident
- (b) Friends, relatives, colleagues, co-students or any other associate of the victim may file the complaint in situation where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death
- (c) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with list of documents and names and address of witnesses within a period of ten days
- (d) The enquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report has to be submitted within ten days from the completion of inquiry to the Executive Authority of the institution. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (e) The Executive Authority of the institution shall act on the recommendations of the committee within a period of thirty days from the receipt of inquiry report, unless an appeal against the findings is filed within that time by either party



- (f) If the Executive Authority decides not to act as per recommendation of the SHRC, then it shall record written reasons for the same and conveyed to the committee and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the committee, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority shall proceed only after considering the reply or hearing the aggrieved person.
- (g) If the offender is an employee, then punishment will be made effective as per the service rules of the institution. If the respondent is a student, depending on severity of the offence, institution may suspend or restrict entry into the campus for a specific period or expel and strike off name from the rolls of the institution or award reformatory punishments like mandatory counseling and or performance of community service.
- (h) The aggrieved party may seek conciliation in order to settle matter. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- (i) 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 inquiry.
- (j) The aggrieved person is entitled to the payment of compensation. The institution shall issue direction for payment of the compensation recommended by the committee and accepted by Executive Authority, which shall be recovered from the offender.