

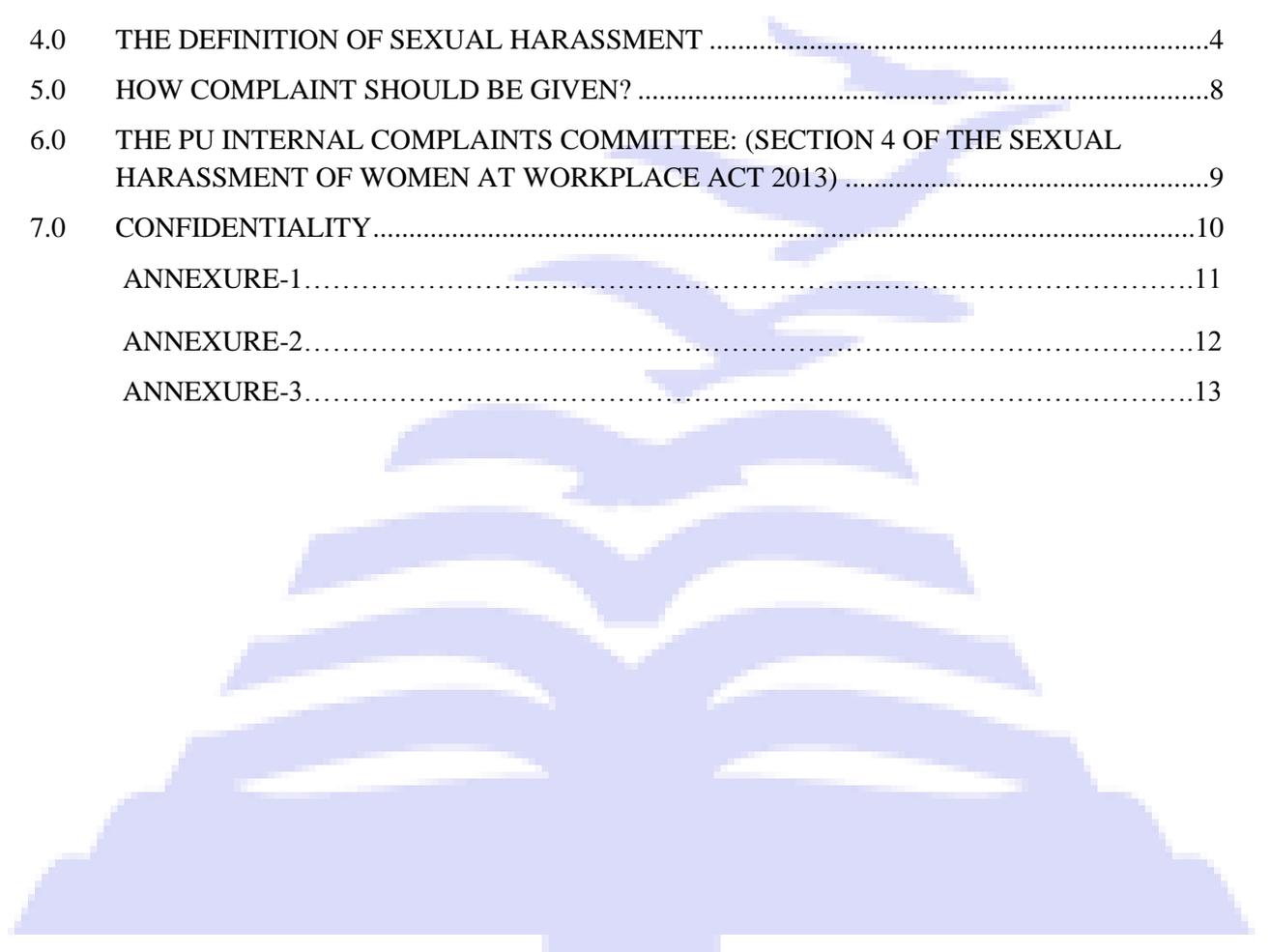


# PRESIDENCY UNIVERSITY

(Established under the Presidency University Act, 2013 of the Karnataka Act 41 of 2013)

## **THE PRESIDENCY UNIVERSITY ANTI-SEXUAL HARASSMENT POLICY- 2017**

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**GAIN MORE KNOWLEDGE  
REACH GREATER HEIGHTS**

## 1.0 PREAMBLE

The Parliament of India passed the “Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act,” (the “Act” for short) in the year 2013. The Act provides protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto.

The Act explicitly states the following:

“It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps require.”

Educational institutions are also bound by the Act. The Presidency University, Bengaluru, is committed to creating and maintaining an environment which is free of all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Presidency University is an equal employment opportunity provider and committed to upholding working women’s fundamental right to equality and dignity at the workplace. The University believes in promoting a work environment that encourages mutual respect and courteous relationships. This will contribute in realization of the right to gender equality and result in economic empowerment and inclusive growth.

Following this, the Presidency University (herein after referred to as “PU” for short) is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction. As directed by the Act, the PU has constituted a committee called “Internal Complaints Committee (‘ICC’ for short) to Prevent Sexual Harassment of Women at the Workplace” to champion the prevention of workplace sexual harassment through orientation, awareness and sensitization sessions;

The following policy has been made keeping in mind the above facts.

## 2.0 OBJECTIVES

The objectives of the ICC to Prevent Sexual Harassment of Women at the Workplace are as follows:

- a) To develop a policy against sexual harassment of women at the University.
- b) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases at the University.

- c) To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- d) To promote a social and psychological environment to raise awareness on sexual harassment in its various forms and
- e) Provide a detailed framework for redress.

### 3.0 BASIC DEFINITIONS FOR REFERENCE

- 3.1 **Complaint:** Information either oral or written made by the victim against sexual harassment attempted or perpetuated.
- 3.2 **Complainant:** The person reporting an incident of Sexual Harassment.
- 3.3 **Victim:** The person subjected to Sexual Harassment.
- 3.4 **Alleged Harasser:** The person who is alleged or reported to have committed an act of Sexual Harassment.
- 3.5 **Employee:** "Employee" means any person on the rolls of the University including those on deputation, contract, temporary, part time or working as consultants.
- 3.6 **Day:** Means normal working days of 7 hours, excluding weekly off and national holidays.
- 3.7 **Victimization:** "Victimization" shall be understood to mean any adverse action by an individual, group of individuals or organization against individuals because they have, in good faith, reported instances of sexual harassment, participated in or been witnesses to proceedings to redress an alleged instance of sexual harassment.

### 4.0 THE DEFINITION OF SEXUAL HARASSMENT

#### 4.1 What is Sexual Harassment?

Sexual Harassment is defined under Section 2 (n) of the Act, as follows;

4.1.1. "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

Physical contact and advances; or

- a. A demand or request for sexual favours; or
- b. Making sexually coloured remarks; or
- c. Showing pornography; or
- d. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

- 4.1.2 Any “**unwelcome**” sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- 4.1.3 Any “**unwelcome**” sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, SMS, gestures, showing pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or nonverbal communication which offends the individual's sensibilities and affects her/his performance.
- 4.1.4 Entry into specific areas earmarked for female employees and students, with the intent to commit mischief and harassment.
- 4.1.5 Eve teasing, innuendos and taunts, physical confinement against one's will and intrusion into one's privacy.
- 4.1.6 Act or conduct by a person in authority which creates a hostile environment at the workplace or intimidates the person belonging to the other sex.

THE FIRST STEP TO PREVENTION IS RECOGNITION.

Workplace Sexual Harassment is behaviour that is;

**UNWELCOME SEXUAL in nature**

**A SUBJECTIVE experience**

**IMPACT not intent is what matters**

**Often occurs in a matrix of POWER**

**4.2 Sexual harassment cases can be classified into two categories:**

- 4.2.1 Quid pro quo (meaning ‘this for that’): Under the quid pro quo form of harassment, a person or authority, usually the superior of the victim, demands sexual favours for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.

4.2.2 Creation of a hostile working environment: A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with a co-worker's job performance or creates a workplace atmosphere which is intimidating, hostile, offensive or humiliating and an attack on personal dignity.

#### 4.3 What is not Sexual Harassment?

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

#### 4.4 Who Is Covered Under The Anti- Sexual Harassment Policy?

- 4.4.1 Every employee across the University - permanent, temporary, on training and on contract;
- 4.4.2 An alleged act of sexual harassment that has occurred during or beyond office hours;
- 4.4.3 An alleged act of sexual harassment, which has taken place within or outside the University premises, All the employees, workers and trainees (whether in the office premises or outside while on assignment), Where sexual harassment occurs to PU employee as a result of an act by a third party or outsider *while on official duty*.
- 4.4.4 Student: Student means anyone pursuing any academic programme in the University and also includes part time, sponsored or resident student (temporary or permanent resident of any accommodation/premises/hostel allotted by the University).
- 4.4.5 PU will take all necessary and reasonable steps to assist the affected person in terms of support, redress and preventive action. This policy is only applicable when either or both the alleged harasser and the victim are employees/agents of the company. It is not applicable when both the alleged harasser and the victim are third parties. The definition of sexual harassment shall include any harassment caused to female or male employees. It would also include harassment caused to or by either gender..

## 4.5 If you are being harassed.

- 4.5.1 Know your rights: Sexual harassment is illegal; both the law of the land and the Code Of Conduct for its employees prohibits Sexual Harassment.
- 4.5.2 Talk to the Harasser: - Tell the accused that his / her behaviour is unwelcome and ask him/her to stop. State clearly and firmly that you want a particular behaviour to cease. If employees communicate by letter or memo, they must keep a copy. Name the behaviour. Whatever he's just done, say it, and be specific. Hold the harasser accountable for his actions. Don't make excuses for him; don't pretend it didn't really happen. Take charge of the encounter and let people know what he did. Privacy protects harassers, but visibility undermines them. If, after asking the accused to stop his / her behaviour, the harassment continues, report the abuse to the Internal Complaints Committee formed for this purpose.
- 4.5.3 Set your own boundaries: - Say "NO" emphatically and clearly when you are asked to go places, do things, and respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting his or her ego. Take care of yourself first. Trust your own instincts about possible danger: - In an uncomfortable situation, be direct and honest, and remove yourself from the situation immediately. Make honest, direct statements. Speak the truth (no threats, no insults, no obscenities, no appeasing verbal fluff and padding). Be serious, straightforward, and blunt.
- 4.5.4 Speaking out : - Speaking about sexual harassment is an effective tool in combating it. While speaking about it, the problem becomes visible, it is acknowledged that it exists, and this in turn leads one to take effective measures against it. Speaking about sexual harassment also gives an opportunity to clarify about it. It helps in changing attitudes of people towards this issue. It mobilizes public opinion against it. It makes it difficult for a potential harasser to commit the crime.
- 4.5.5 Talk to immediate HOD :- All Heads of the departments have an obligation to provide a work environment free from sexual harassment and to take corrective action

## 5.0 HOW COMPLAINT SHOULD BE GIVEN?

### 5.1 How complaint should be given?

- 5.1.1 The employee must send an email only to the ICC - on [puicc@presidencyuniversity.in](mailto:puicc@presidencyuniversity.in).
- 5.1.2 Or meet the Presiding Officer or Member Secretary, in person, for the purpose of maintaining confidentiality in complaints.

### 5.2 Format of the Complaint

- 5.2.1 The complaint should include-contact details of the complainant / victim such as name, address, contact number, department, name of reporting boss,name of departmental head, written complaint/email must provide the details of the incident together with the name/s of, the alleged harasser/s and the victim/s, as available.
- 5.2.2 All complains of sexual harassment shall be lodged at the earliest point of time from the occurrence of the alleged incident.
- 5.2.3 Employees who feel they have been harassed must maintain records of incidents, including dates, times, places, witnesses, responses of the alleged harassed and harasser, and any other relevant information.

### 5.3 What should be avoided:-

- 5.3.1 Do not blame yourself.
- 5.3.2 Do not ignore the incident.
- 5.3.3 The harasser may misinterpret a lack of response as approval of the behaviour.
- 5.3.4 Do not delay. Delay in action increases the probability that unwanted behaviour will continue or escalate.
- 5.3.5 Do not hesitate to ask for help.
- 5.3.6 Speaking up may prevent others from being harmed as well.

## 6.0 THE PU INTERNAL COMPLAINTS COMMITTEE: (SECTION 4 OF THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT 2013)

In accordance with Section 4 of the Sexual Harassment of Women at Workplace Act 2013, PU has formed an Internal Complaints Committee to deal with the process of enquiry and appropriate resolution of sexual harassment complaints. PU Internal Complaints Committee will respond promptly to all reports of sexual harassment and if necessary, will also facilitate legal action. The name, designation and contact details of the members of the committee have been furnished in **Annexure 1**.

### 6.1 Rights and Powers of the ICC: (Sections 10 and 11 of the Sexual Harassment of Women at Workplace Act, 2013.)

- 6.1.1 **Conciliation:** In accordance with Section 10 of the Sexual Harassment of Women at Workplace Act, 2013, the ICC, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- 6.1.2 **Receipt and Acknowledgement of the Complaint by ICC:** The complainant should submit a sexual harassment complaint in writing within three months of the last alleged incident to the ICC or any other person designated by the organization to receive and manage complaints of sexual harassment.
- 6.1.3 **Inquiry:** In accordance with Section 11 of the Sexual Harassment of Women at Workplace Act, 2013 and *subject to the provisions of section 10*, the ICC shall, where the respondent is an employee, proceed to make inquiry into the complaint
- 6.1.4 The ICC shall have the power to summon witnesses and call for documents or any information from any employee.
- 6.1.5 If the ICC has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- 6.1.6 Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the ICC shall have the power to

direct that the same be produced, or that a clear reproduction in writing of the same be produced.

- 6.1.7 Upon production of documents / information called for by it, the ICC shall have the power to make copies of such documents / information or extracts there from; or retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
- 6.1.8 The ICC shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
- 6.1.9 The ICC shall have the power to recommend the action to be taken against any person found guilty of sexually harassing the complainant; retaliating against / victimizing the complainant or any other person before it; and making false charges of sexual harassment against the accused person.
- 6.1.10 The ICC shall have powers to take evidence on oath from parties involved in matters/charges presented before it for adjudication.
- 6.1.11 The ICC shall have powers to order interim relief including powers to suspend the accused till conclusion of proceedings or till such time it deems fit.
- 6.1.12 The ICC shall have powers to form an investigation team and also have powers to dissolve the investigation team so created for investigation into an accusation of sexual harassment.

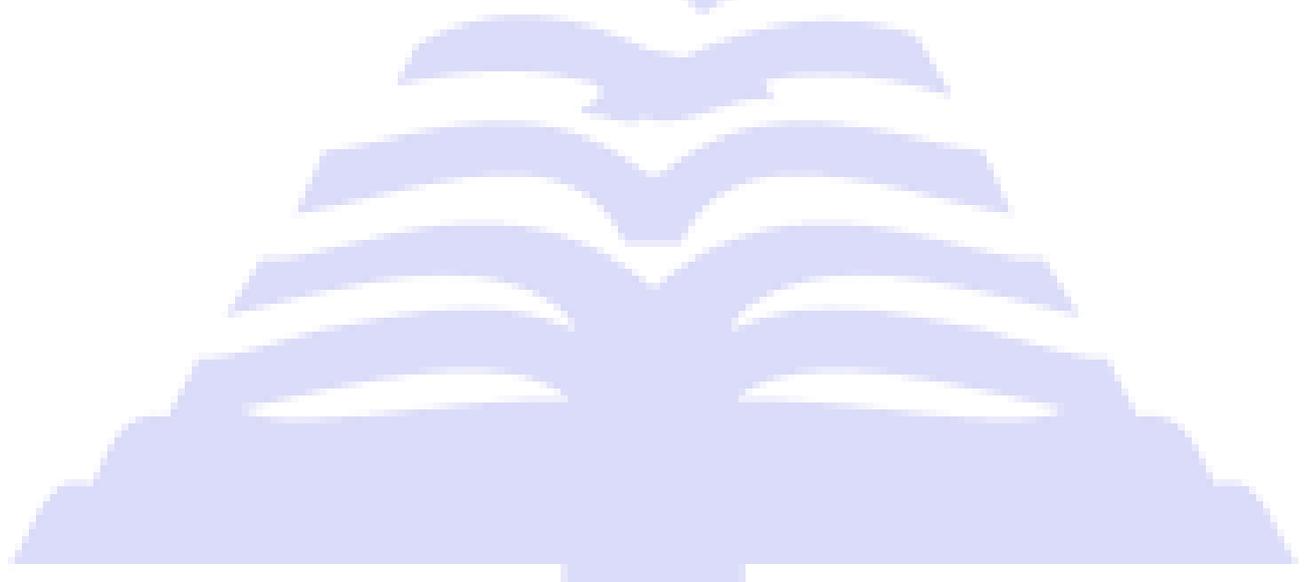
## 7.0 CONFIDENTIALITY

- 7.1 The Act prohibits the publication or making known the contents of a complaint and the inquiry proceedings. Any breach of confidentiality will result in specific consequences.
- 7.2 The Act prohibits the disclosure of:
  - Contents of the complaint;
  - Identity and address of complainant, respondent and witnesses;
  - Information pertaining to conciliatory/inquiry proceedings or recommendations of the ICC;
  - Action taken by the employer.
- 7.3 **Exception:** Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses.

**ANNEXURE – 1**  
**PENAL CONSEQUENCES**

The penal consequences for Sexual Harassment include;

1. Sexual Harassment will be treated as serious misconduct under Employment Rules. [Section 13 (3) (i) of the Act, 2013.]
2. Sexual Harassment will entail Deduction from salary. [Section 13 (3) (ii) of the Act, 2013.]
3. The employer may lodge a Complaint under the Indian Penal Code against the perpetrator in cases of sexual harassment. [Section 19 (g and h) of Act, 2013.]
4. Sexual harassment is a Criminal Offence under Section 354A of Indian Penal Code.



**GAIN MORE KNOWLEDGE**  
**REACH GREATER HEIGHTS**

## ANNEXURE - 2

### MEMBERS OF THE PU ICC.

1. Dr. Sapna S, Dean, School of Law - Presiding Officer- [sapnas@presidencyuniversity.in](mailto:sapnas@presidencyuniversity.in)  
PH: 9916491576
2. Dr. Snehaprabha T.V, Professor & HOD, EEE, School of Engineering – Member
3. Dr. Deepthi P. R, Assistant Professor, School of Engineering- Member
4. Ms. Pavithra B.N, Lab Assistant, School of Engineering -Member
5. Dr. Anupama Sanjeev, Assistant Dean, Student Affairs and Counselling-  
Member Secretary [anupamasanjeev@presidencyuniversity.in](mailto:anupamasanjeev@presidencyuniversity.in) PH: 9164931234
6. Ms. Vrinda V Nair, Assistant Professor, School of Management-Member
7. Ms. Roopasri Tussar, Labour Lawyer is the External Member- who has expertise in dealing with gender issues and workplace sexual harassment cases.

#### **By email:**

Any complaint of sexual harassment must be send by an email only to the ICC - on [puicc@presidencyuniversity.in](mailto:puicc@presidencyuniversity.in) for the purpose of confidentiality.

#### **Direct contact:**

Presiding Officer, ICC.

Member Secretary, ICC

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## ANNEXURE-3

### GLOBAL NORMS AND GOOD PRACTICES

Increasing awareness and compliance with international standards is a reminder that we must not lose sight of the goal. Over the years, the international community has developed benchmarks that provide guidance on what the laws around workplace sexual harassment should look like in practice. The key benchmarks are listed below:

- a) Recognition that workplace sexual harassment is a form of human rights violation.
- b) Recognition that sexual harassment is a form of gender-specific violence.
- c) Equality, dignity and worth of a human person must be emphasized.
- d) Gender-based violence includes sexual harassment and impairs the enjoyment by women of several basic human rights and fundamental freedoms.
- e) Eliminating violence against women and advancing women's equality includes the right to be free from workplace sexual harassment

Converting these concepts into practice involves constant monitoring and adapting to changing circumstances. As a start, six simple steps to keep in mind and practice in any workplace should involve the following:

- a) Make sure there is a policy that has been "effectively" communicated to all workers, irrespective of whether they are paid or volunteers.
- b) Display details of both informal and formal ways available to a worker to address/complain about workplace sexual harassment.
- c) Undertake orientation on workplace sexual harassment for all workers in respective organizations, establishments or institutions.
- d) An Internal Complaints Committee which is trained in terms of skill and capacity is critical for building trust.
- e) Encourage senior persons/leaders/supervisors or any person who can influence employment related decisions, to become role models.

Men and women should be included in building a culture which no longer tolerates workplace sexual harassment.