



PRESIDENCY UNIVERSITY

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Approved by AICTE, New Delhi

GUIDELINES ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

(This Policy is made in accordance with section 8 (iv) of the Regulation on Directorate of Student Affairs)

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GUIDELINES ON PREVENTION OF SEXUAL HARASSMENT

(Under Section 8 (IV) of the Presidency University Regulation
Directorate of Student Affairs)

1. PREAMBLE

- i. Presidency University is committed to provide a healthy, safe and conducive environment that enables employees, and students to work/study without fear of prejudice, gender bias and any form of Sexual Harassment. Our endeavour is to ensure that every employee and student is treated with dignity and respect and is provided with equal opportunities to professional growth.
- ii. PU will not tolerate any form of Sexual Harassment and is committed to take all necessary steps to ensure that its employees and students are not subjected to any form of harassment.
- iii. Therefore, in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "The Act"). With regard to the Supreme Court Judgment and guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, the University Grants Commission (UGC) guidelines on prevention of sexual harassment in Universities, has issued circulars since 1998, to all the universities, advising them to establish a permanent cell and a committee; to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. Keeping the above guidelines in view the Presidency University has constituted a Committee against Sexual Harassment.

2. SHORT TITLE AND APPLICATION

- i. This document shall be called the "**Presidency University Guidelines on Prevention of Sexual Harassment**"
- ii. This shall come into effect from the date of approval by the Board of Management.

3. EXTENT AND APPLICABILITY

This shall be applicable to all types of complaints made in regard to sexual harassment:

- i. By a member of the University against any other member of the University irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- ii. By a resident against a member of the University or by a member against a resident irrespective of whether the sexual harassment is alleged to have taken place within or outside the campus.
- iii. By an outsider against a member of the University or by a member of the University against an outsider if the sexual harassment is alleged to have taken place within the campus.
- iv. By a member of the University, against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the University/ College authorities initiate action by raising a complaint with the appropriate authority. Further, the Committee will actively assist and provide available resources to the complainant to pursue the complaint.

4. DEFINITION OF SEXUAL HARASSMENT

- i. Sexual harassment is defined as any one or more of the following unwelcome acts, gestures, or behaviour (whether directly committed or by implication) such as:
 - a. Physical contact and inappropriate advances, including but not limited to, touching, brushing against the body, leering, staring, stalking;
 - b. A demand or request for sexual favours;
 - c. Making Sexually-coloured remarks/comments whether oral or written; including but not limited to, comments about an individual's body or appearance or attire which are beyond mere courtesy, sexual epithets, indecent jokes, sexually suggestive or insulting comments, innuendos, whistling;
 - d. Showing/sharing pornography or any other objectionable/offensive material in any form, such as emails, letters, messages, videos, photographs, etc;
 - e. Any other unwelcome physical, verbal or non-verbal conduct or gesture of sexual nature
 - ii. When unwelcome sexual advances and/or verbal, non-verbal, or physical conduct such as lewd comments, remarks or jokes, letters, phone calls or through e-mail or any other communication mediums gestures. Sharing pornographic content, lurid stares, physical contact or molestation, stalking, sounds/actions of derogatory nature, with the purpose/effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment;
 - iii. Unwelcome sexual advances, requests for sexual favours, and/or verbal or physical conduct of a sexual nature made- either explicitly or implicitly- in return for a term/condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any University activity;
 - iv. Forcible physical touch or molestation; eve-teasing, sexual innuendos and taunts, physical confinement against one's will and any other act to impinge upon one's privacy;
 - v. Any act or conduct of a person in authority, who denies or would deny equal opportunity in pursuit of education or career development, or otherwise making the environment at the University hostile or intimidating to a person of the opposite/same sex.
- 4.2 Where any of these acts is committed in circumstances where the victim of such conduct has reasonable apprehension, in relation to the victim's employment or enrolment in the institution whether he/she is drawing a salary, honorarium or otherwise- such conduct can be humiliating and may constitute as a health and safety issue.
- 4.3 It is discriminatory for instance, when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work or studentship including recruitment or promotion or academics, when it creates a hostile work environment. Adverse consequences might follow if the victim does not consent to the conduct in question or raises any objection on the same.

5. OBJECTIVES

- a. To comply with the directives of the Honorable Supreme Court of India.
- b. To establish an effective mechanism for the Prevention and Redressal of Sexual Harassment cases and other acts of gender-based violence at the University.
- c. To create and foster an environment at the University that is completely free of sexual harassment in its various forms and to generate public opinion against all forms of gender-based violence.
- d. This is applicable to all allegations of Sexual Harassment made by a student, against a student, employee or third party, irrespective of whether Sexual Harassment is alleged to have taken place within or outside the University premises.
- e. The University has constituted a Committee for Prevention of Sexual Harassment to take cognizance of complaints about sexual harassment, conduct enquiries, aid and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- f. The disciplinary action shall commensurate with the nature of the violation and could be in the form of a warning, suspension or even expulsion from the University.
- g. To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

6. GUIDELINES

6.1 Responsibility of the Employees

- a) All employees of PU have a personal responsibility to ensure that their behaviour is not contrary to this policy
- b) Employees are encouraged to reinforce maintenance of a safe and healthy work environment, free from Sexual Harassment of any kind
- c) Employees must be aware and conscious of not engaging in potential sexual behaviours or incidents at work
- d) Employees should watch for and discourage sexual behaviour or any such behaviour, which may have a sexual connotation or is demanding to another person
- e) If possible, the sexual harasser should be confronted immediately telling him/her that such type of attention is offensive and should file a complaint against such person
- f) If an employee knows someone who is being harassed, s/he should give her/him support and encourage her/him to talk about it and to take immediate action to stop it
- g) Employees shall extend fullest co-operation to the ICC. In case of non-cooperation or providing wrong or misleading information, or withholding information, appropriate disciplinary action shall be taken as per the policies of PU

6.2 Responsibilities of the University

- a) University shall provide a safe working environment at the workplace, which will include safety from the persons coming into contact at the workplace.
- b) University shall display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the Internal Complaint Committee.

- c) University may organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Complaint Committee in the manner as may be prescribed.
- d) University shall provide necessary facilities to the Internal Complaint Committee, as the case may be, for dealing with the complaint and conducting an inquiry.
- e) University will assist in securing the attendance of respondent and witnesses before the Internal Complaint Committee.
- f) University shall extend complete support to ICC in ensuring effective and timely implementation of this policy across the University. The University shall also support the ICC in effective closure of all cases received, as prescribed in this policy or as per applicable laws.
- g) University shall provide assistance to the person if s/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.

7. ANTI - SEXUAL HARASSMENT COMMITTEE/INTERNAL COMPLAINTS COMMITTEE

Selection of the Anti-Sexual Harassment Committee / Internal Complaint Committee members is extremely important as in most cases the committee members- if in sub-ordinate position of power at workplace to that of the accused- find it very difficult to diligently carry out the responsibilities bestowed on them as heads or members of the Committee, as opposed to their superiors.

The Composition of the Anti – Sexual Harassment Committee/ICC shall be as follows:

- i. A Presiding Officer – who shall be a woman in a leadership position or women faculty employed at a senior level at the University;
- ii. Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who are experienced in social work or have legal knowledge.
- iii. No less than three students, who shall be enrolled at the Undergraduate, Master’s, and research scholar level respectively (only to be part of the Committee if the matter involves students)
- iv. One External Member from amongst Non-Governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment

Provided that at least One-Half of the total Members so nominated shall be women.

Persons in administrative positions in PU such as Vice Chancellor, Registrar, Deans, HOD, shall not be members of ICCs in order to increase autonomy of functioning of ICC

3 members (including the Chairperson) shall constitute a quorum for the proceedings to take place.

The list of ICC Members and their contact numbers shall be circulated to all employees and prominently displayed at identified locations and on University Website.

8. ROLES & RESPONSIBILITIES OF ANTI-SEXUAL HARASSMENT COMMITTEE/ICC

- i. To ensure the provision of a work and educational environment that is free from sexual harassment
- ii. To take all reasonable steps (active and preventive) to prevent harassment from occurring. To address any oral/written complaint about unwelcome sexual advances, unsolicited acts of physical intimacy, unwelcome requests for sexual favours or other unwelcome conduct of sexual nature; unwelcome conduct that is sexual in nature including oral/written statements of sexual nature to a person, or in a person's presence.
- iii. To obtain high-level support from the Chancellor/Vice Chancellor for implementing a comprehensive strategy of safety:
 - Providing information to all staff and students about what constitutes 'sexual harassment' and about their responsibility to refrain from sexually harassing other staff and/or students.
 - Providing information and training to managers, supervisors, teaching and non-teaching staff conducting teaching and learning activities on fulfilling their responsibilities about maintaining a work and study environment, free from sexual harassment.
- iv. Regularly promote & disseminate awareness on the guidelines for the prevention of sexual harassment at all levels of the Institution;
- v. Ensure that managers and supervisors discuss and reinforce the guidelines at staff meetings; periodically review the guidelines to ensure it is operating effectively & contains up-to-date information.
- vi. Display anti-sexual harassment posters on notice boards, in common work areas and distribute relevant brochures; conduct regular awareness sessions for all staff and students on sexual harassment issues.
- vii. Ensure that complaints processed:
 - a. are clearly documented;
 - b. offer both informal and formal options for resolution;
 - c. address complaints in a manner which is fair, timely and confidential;
 - d. are based on the principles of natural justice;
 - e. provide clear guidance on internal investigation procedures and record keeping;
 - f. ensure that no student will be victimized or judged or disadvantaged for raising a complaint.

8.1 POWERS OF THE ICC

- i. The Committee shall have the power to summon witnesses and call for documents or any other information from any employee/student.
- ii. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, they may request such a person to produce documents or information by serving a written notice about the person, summoning them, or seeking relevant documents or information at such place and within such time as may be specified in the written notice.

- iii. Where any relevant document or information is recorded/stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that it be produced, or that a clear replica of the same is produced, in writing.
- iv. When all the documents / information is procured, the Committee shall have the power to (a) make copies of these documents / information or extracts there of; or (b) retain such documents / information for such period as deemed necessary for purposes of the proceedings before it.
- v. The Committee shall have the power to issue provisional directions to / with regard to any person participating in the proceedings before it.
- vi. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

8.2 FUNCTIONS OF THE ICC

i. PREVENTIVE STEPS.

It will be the endeavor of the committee:

- a. To facilitate a safe environment that is free of sexual harassment;
- b. To promote behaviors that create an atmosphere that ensures gender equality and equal opportunities.

ii. REMEDIAL STEPS.

- a. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
- b. To take cognizance of complaints about sexual harassment, conduct enquiries, and redressal for the victims, recommend penalties and take action against the harasser, if necessary.
- c. To advise the competent authority to issue warnings or seek guidance from the law to stop the harasser, if the complainant consents.
- d. To seek medical, police and legal intervention with the consent of the complainant.
- e. To opt for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) if the victim so desires.

8.3 REPORTING CONCERNS

- a) The aggrieved person shall submit a written complaint through mail at puicc@presidencyuniversity.in preferably within 3 months from the date of incident or, in case of a series of incidents, the date of last occurrence of incident
- b) The complaint can be in the form of a letter in a sealed envelope addressed to Chairperson of ICC, along with proofs (photographs, emails, etc.) and names of the witnesses (if any), or an email addressed to the email id of the ICC
- c) If the aggrieved files a complaint after a period of three months, ICC may condone the delay provided it is satisfied as to the reasons for the delay in filing

- d) If the aggrieved is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir, relative or friend, or person having knowledge of the incident may take such a complaint
- e) Upon receiving any complain, ICC will register the complaint. The Chairperson will then determine whether the complaint fall under the purview of ICC, within 7 days from the date of receipt of complaint
- f) If the complaint doesn't fall under the purview of ICC, ICC shall record this finding along with reasons. The same shall be communicated to the aggrieved/complainant. Additionally, and to the extent possible and as required, ICC may support the aggrieved/complainant in channelizing this complaint to relevant authority
- g) In cases where the allegation falls under the purview of ICC, the ICC shall initiate appropriate action as outlined in the following section
- h) In the event the complaint is against any member of the ICC or any relative of any member of the ICC, then such member shall cease to be a part of the ICC and a new member may be nominated by the other members of the ICC for dealing with that particular complaint.

8.4 PROCEDURE TO BE FOLLOWED BY THE COMMITTEE

- i. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue *ex parte*.
- ii. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as an original / true copy.
- iii. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
- iv. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- v. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
- vi. The Committee shall make all attempts to complete its proceedings within a period of fifteen (15) days from the date of receipt of the complaint.
- vii. The Committee shall record its findings in writing, with supporting evidence and shall forward the same with its recommendations to the Vice Chancellor, within a period of five (5) days after completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
- viii. If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or

otherwise, disciplinary action could be initiated in the form of:

- a. Verbal Warning
 - b. Writing warning
 - c. Counselling Session
 - d. Written apology
 - e. Bond of good behavior
 - f. Adverse remarks in the confidential report
 - g. Debarring from supervisory duties
 - h. Denial of membership of statutory bodies
 - i. Denial of re-employment
 - j. Discontinuation of increments / promotion/
 - k. Suspension
 - l. Dismissal/Termination from service
 - m. Any other relevant measure
- ix. Where the respondent is a student depending on the severity:
- i. Withhold privileges like access to library, hostel, transportation, scholarships, ID, etc;
 - ii. Suspend or restrict entry into the campus for specific period;
 - iii. Expel and strike off the name from the rolls of the University, including denial of readmission
 - iv. Award reformative punishments like mandatory counselling and/or performance of community services.
- x. If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting the complainant as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Vice Chancellor, with reasons and with recommendations of the action to be taken against such person.
- xi. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Vice-chancellor, with reasons and with recommendations of the action to be taken against such person.

9. APPEAL

The aggrieved or the respondent, if not satisfied with the recommendation of ICC may appeal to the University within 90 days from the date of recommendation.

10. GENDER SENSITIZATION CELL

The Gender Sensitization cell under direct administrative supervision has been constituted with the vision of creating safe spaces in the University where people of all Genders can come together and discuss issues and problems they face openly without any fear and in the long run leading to a gender just society. The Gender Sensitization Cell aims at breaking gender stereotypes and making the campus a safe space for people with different gender and sexual identities.

The constitution of Gender Sensitization Cell is as under:

- One Associate Professor (Chairperson)
- Two Associate Professor (Members)
- One Student Member (Member Secretary)

Functions and Responsibilities:

- To conduct orientation programs for new students and employees
- To sensitize the students and staff regarding Gender Discrimination and Gender Based Violence
- To spread the awareness regarding measures to combat Gender Based Violence
- To sensitize the community at large towards gender related issues and to take such measures as would be necessary to create gender sensitivity on the campus
- To suggest measures for providing a safe working environment for women on the campus and the action taken from time to time in order to deter any acts of gender discrimination in any form
- To organize workshops and awareness programmes at regular intervals for sensitizing students and staff members with the provisions of the Sexual Harassment of Women at Workplace (Prevention prohibition and Redressal) act 2013
- To offer advice on available courses of action to an aggrieved women on campus if she approaches the Gender Sensitization Cell.

11. AMENDMENTS

These guidelines will be reviewed periodically to rectify anomalies, (if any), and to incorporate feedback received from the stakeholders through impact analysis and deliberations of the Focus Group, constituted by the Vice Chancellor.