

BGS INSTITUTE OF TECHNOLOGY

BG Nagara – 571448, Nagamangala Taluk, Mandya District, Karnataka, INDIA.

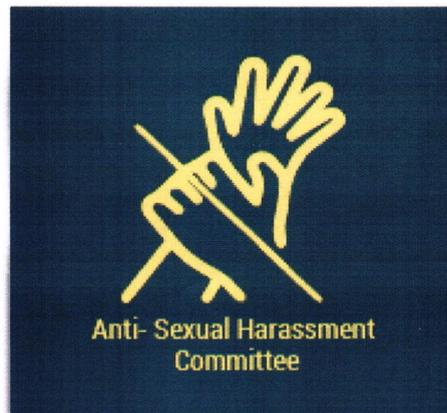
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POLICY DOCUMENT

ANTI SEXUAL HARASSMENT

COMMITTEE/CICC



Anti Sexual Harassment Committee / CICC

Preface

BGS Institute of Technology, BG Nagara 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 Committee**. 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.

Prof. S V Shashikala
Chairperson


Dr. B K Narendra

Principal

Principal
B.G.S. Institute of Technology
B.G. Nagara - 571 448
Nagamangala Tq, Mandya Dist.

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 BGS Institute of Technology BG Nagara. 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 K Narendra

Principal

Principal

B.G.S. Institute of Technology
B.G. Nagara - 571 448
Naganangala Tq, Mandya Dist.

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1. Sexual harassment

Sexual harassment constitutes a gross violation of women's right to equality and dignity. It has its roots in patriarchy and its attendant perception that men are superior to women and that some forms of violence against women are acceptable. One of these is workplace sexual harassment, which views various forms of such harassment, as harmless and trivial. Often, it is excused as 'natural' male behavior or 'harmless flirtation' which women enjoy. Contrary to these perceptions, it causes serious harm and is also a strong manifestation of sex discrimination at the workplace.

"Sexual Harassment" includes anyone or more of the following unwelcome acts or behavior (whether directly or by implication), namely:

1. Physical contact or advances;
2. A demand or request for sexual favors
3. Making sexually colored remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

2. Options For Addressing Sexual Harassment

BGSIT, 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 Committee (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.

4. Redress

4.1 Rights of the complainant

- An empathetic attitude from the Complaints Committee so that she can state her grievance in a fearless environment.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the Respondent.
- Keeping her identity confidential throughout the process.
- Support, in lodging FIR in case she chooses to lodge criminal proceedings.
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent.
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee.

4.2 Rights of the respondent

- A patient hearing to present his case in a non-biased manner
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

4.3 Key responsibilities

To effectively address workplace sexual harassment complaints, a Complaints Committee must first be aware of their key responsibilities, some of which are highlighted below:

1. Be thoroughly prepared
2. Know the Act, Policy and/or relevant Service Rules
3. Gather and record all relevant information
4. Determine the main issues in the complaint
5. Prepare relevant interview questions
6. Conduct necessary interviews
7. Ensure parties are made aware of the process and their rights/responsibilities within it
8. Analyse information gathered
9. Prepare the report with findings/recommendations

4.4 Do's and Don'ts for complaints committee

Do's

1. Create an enabling meeting environment.
2. Use body language that communicates complete attention to the parties.
3. Treat the complainant with respect.
4. Discard pre-determined ideas.
5. Determine the harm.

Don'ts

1. Get aggressive.
2. Insist on a graphic description of the sexual harassment.
3. Interrupt.
4. Discuss the complaint in the presence of the complainant or the respondent.

5. 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 settlement 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.

6. Interim Redressal

The BGSIT 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.

6.1 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. Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the BGSIT, if the offender is an employee. Depending upon the severity of the offence, the punishments may include anyone or more such as a written apology, warning, reprimand, censure, undergoing counseling 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. They 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;
- (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.