

**POLICY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE –  
PROHIBITION AND REDRESSAL**

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## **1. PREAMBLE**

Govt. Degree College (herein after referred to as GDC) Beerwah (affiliate college of Kashmir University), is committed to creating and maintaining a community in which students, faculty and non-teaching staff can work together in an environment free of violence, harassment, exploitation, intimidation and stress including all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender.

Every member of the GDC Beerwah should be conscious that while the GDC Beerwah is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

## **2. GUIDING PRINCIPLES FOR DEFINITION OF SEXUAL HARASSMENT & REDRESSAL MECHANISM:**

This policy defines sexual harassment and the mechanisms of redressal by looking at the specific structures, needs and imperatives in the GDC, Beerwah. It is guided by the definition of sexual harassment given by the Supreme Court in 1997 in Vishaka vs. State of Rajasthan, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; and 'UGC (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015 (**vide MHRD- UGC- Notification dated 02.05.2016**).

## **3. SCOPE**

The principles and procedures set out herein (herein after Code to Combat Sexual Harassment) shall apply to all instances of sexual harassment as provided herein:

- 1) Occurring on the GDC Beerwah Campus, irrespective of the parties.
- 2) Between or among members of the GDC Beerwah community, irrespective of their location (i.e. field trips, sports tournaments, conferences, college festivals and all other activities undertaken by any person as a member of GDC Beerwah).
- 3) Where the complaint is made by a third party against a member of the GDC, Beerwah community and where such member is/was involved in an activity pertaining to the college, irrespective of their location (i.e. field trips, sports tournaments, conferences, college festivals and all other activities undertaken by any person as a member of GDC, Beerwah).

## **4. OBJECTIVES OF THE POLICY**

- 1) To fulfil the directive of the Supreme Court & respective UGC guidelines enjoining all employers to develop and implement a policy against sexual harassment at the work place.
- 2) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at the GDC Beerwah.
- 3) To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.

- 4) To uphold the commitment of the GDC Beerwah to provide an environment free of gender-based discrimination.
- 5) To create a secure physical and social environment which will deter acts of sexual harassment.
- 6) To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
- 7) To generate public opinion against sexual harassment and all forms of gender-based violence.
- 8) To make recommendations to the Principal GDC Beerwah for changes/elaborations in the Rules, Standing Orders, Bye-Laws etc., to make them gender just, and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of sexual harassment.
- 9) To deal with cases of sexual harassment, in a time bound manner, aiming at ensuring support services to the victimized.
- 10) To recommend appropriate punitive action against the guilty person to the Principal and Higher Education Department (HED) J&K.

## **5. DEFINITIONS:**

- 1) 'Members of the GDC Beerwah' includes students, teachers and non-teaching staff of the GDC Beerwah.
- 2) 'Students' means a person admitted and perusing a programme of study, including short term training programs under GDC Beerwah.
- 3) Provided that a student who is within the process of taking admission in the college although not yet admitted, shall be treated for the purpose of these regulations as a student, where any incident of sexual harassment takes place against such student.
- 4) "Aggrieved person(s)" shall mean a person(s) who alleges that sexual harassment under the code has taken place, and wishes to access the mechanism under this Code.
- 5) "Respondent" means a person against whom the aggrieved person has made a complaint under Rule.
- 6) 'Faculty' includes any person from the staff of the GDC Beerwah, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.
- 7) 'Non-Teaching Staff' includes any person from the staff of the GDC Beerwah who is not included in the category of teacher. It shall also include contract workers and daily wagers.
- 8) 'Resident' includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to a student or an employee by the GDC Beerwah.
- 9) 'Outsider' includes any person who is not a member of the GDC Beerwah or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of GDC Beerwah.
- 10) 'Campus' means the location or the land on which GDC Beerwah and its related institutional facilities like libraries, laboratories, lecture halls, residence, washrooms, student center like health centers, canteen etc. are situated.

- 11) 'Official visits' places visited as a student of institute, including transportation provided for the purpose of commuting to and from the institution, locations outside the institution on field trips, internships, study tours, excursion, places used for camps, cultural festivals, sports meet and such other activities where a person is participating in the capacity of an employee or a student of GDC Beerwah, with visit being authorized by the GDC Beerwah.
- 12) The 'academic year' for the purpose of this policy shall mean period starting from 1st April of every year to 31st March of subsequent year.

## **6. WHAT COUNTS AS SEXUAL HARASSMENT**

It includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. Physical contact and advances.
- ii. A demand or request for sexual favors.
- iii. Making sexually colored remarks.
- iv. Showing pornographic material, including oral, textual, graphic representations of a sexual nature.
- v. Any other unwelcome physical, verbal or nonverbal conduct of a sexual nature, stalking, including cyber stalking.
- vi. Any one or more than one or all of the following circumstances, if it occurs or is present in relation or connected with any behaviour 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 as *quid pro quo* for sexual favors.
  - c. Implied or explicit threat of detrimental treatment in conduct of work.
  - 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.

## **7. NOMINATION OF THE COMMITTEE**

An Internal Complaint Committee (ICC), as provisioned by the UGC Regulations has been framed by the GDC Beerwah, as detailed in Annexure – I. The ICC is empowered to carry out the mandate of planning, implementation and reporting on this policy.

The authority to constitute ICC lies within the hands of Principal GDC Beerwah, in consideration with the regulations of the UGC, using following parameters:

- 1) Convener: Shall be a woman faculty member of senior level- Associate/Assistant Professor. However, if senior level- Associate/Assistant Professor are all male Principal shall act as Convener provided that Principal is a woman.
- 2) Members: Not more than ten members to be nominated among following sections:
  - a. Teaching staff.
  - b. Non-teaching staff.
  - c. Students (to a maximum of three including male and female).

- d. External members (preferably a Senior female staff member from any other Institution of J&K Higher Education Department).
  - e. In view of 1997 Supreme Court Judgment, the ICC shall have least 50 per cent women members.
- 3) One among the above members except for student members may be nominated as a Member Secretary by the Convener.

## **8. POWER AND DUTIES OF THE COMMITTEE**

This committee shall be a regulatory body for GDC Beerwah in matters related to:

- 1) Redressal of complaints related to any form of sexual harassment stated above in Section – 6.
- 2) Taking preventive measures through awareness program, seminars, debates and workshops related to different provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for students, and staff.

## **9. TERM OF THE COMMITTEE**

The tenure of ICC shall be three academic year. But for student members it shall be one academic year. After the tenure the committee shall be re-constituted by the Principal GDC Beerwah.

## **10. REMOVAL OF MEMBERS**

- 1) Notwithstanding Clause-9, the Principal may at any point of time remove any member or convener on the ground of negligence of duties or being absent for continuous three meeting without any justifiable grounds or found involved in any act which is subversive to discipline or any offence involving moral turpitude or if any members are removed, discharged, suspended or rusticated from the GDC Beerwah.
- 2) The Principal shall nominate fresh members in their place without much of delay so as to ensure the smooth functioning of the committee functions.
- 3) No faculty or students have any right to challenge the ICC constituted by the Principal.

## **11. PREVENTIVE STEPS**

- 1) To create and ensure a safe environment that is free of sexual harassment.
- 2) To create an atmosphere promoting equality and gender justice.
- 3) To publicize the policy in Urdu, Kashmiri, and English widely, especially through college website, and prospectuses.
- 4) To publicize in English and in Urdu the names and phone numbers of members of the committee.
- 5) To plan and carry out programmes for gender sensitization

## **12. REMEDIAL STEPS**

- 1) The mechanism for registering complaints should be safe, accessible and sensitive.

- 2) To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- 3) To recommend to the concerned authorities follow-up action and monitor the same.
- 4) To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- 5) To seek medical, police and legal intervention with the consent of the complainant.
- 6) To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) for the victim, with proper consent.

### **13. PROCEDURE FOR REGISTERING A COMPLAINT**

- 1) An Aggrieved person is required to file a written complaint within 3 months from the date of incident, and in case of series of incidents within a period of three months from the date of last incident. Provided that where such complaint cannot be made in writing presiding member or any member of internal complaint committee shall render all reasonable assistance to person for making complaint. Provided further that ICC may, for reasons to be accorded in writing, extend the time limit beyond three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.
- 2) Friends, relatives, colleagues, co-students or any other associate of the victim may file complaint where aggrieved person is unable to make complaint on account of physical or mental incapacity.

### **15. ENQUIRY PROCEDURE**

- 1) Any complaint made to any committee member must be received and recorded by the member, who shall then inform the Convener about the complaint, who in turn shall call a meeting of the ICC.
- 2) All meetings of the Committee will be called by the Member Secretary in consultation with the Convener and a notice of at least 3 to 5 working days must be given.
- 3) ICC shall upon receipt of the complaint send one copy of the complaint to the respondent within a period of seven days of such receipt.
- 4) Upon receipt of the copy of the complaint, the respondent shall file his or reply to the complainant along with the list of documents and names and addresses of witnesses within a period of ten days.
- 5) The inquiry has to be completed within a period of 90 days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the enquiry to the Principal. Copy of the findings and recommendations shall be served on both parties to the complainant.
- 6) The Principal shall act on recommendations of the committee with in a period of 30 days from the receipt of the inquiry report unless an appeal against the findings is filed within that time by either party.

- 7) An appeal against the findings or recommendations of the ICC may be filed by either party before the Principal GDC Beerwah within a period of 30 days from the date of recommendations.
- 8) If the Principal decides not to act as per the recommendations of the ICC, then s/he shall record written reasons for the same to be conveyed to the ICC and both the parties to the proceeding. If on the other hand it is decided to act as per the recommendations of ICC, then a show cause notice answerable within ten days, shall be served on the party, against whom action is decided to be taken. The Principal shall proceed only after considering the reply or hearing the aggrieved person.
- 9) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Principal shall facilitate a conciliation process through ICC 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.
- 10) 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 enquiry.
- 11) The Committee is bound to maintain confidentiality during the time of the enquiry in order not to prejudice the proceedings.

#### **16. INTERIM REDRESSAL**

- 1) Transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such recommendation is made by the ICC.
- 2) Grant leave to the aggrieved with full protection of status and benefits for a period up to 3 months.
- 3) Restrain the respondent from reporting on or evaluating the work or performance or tests or examination of the complainant.
- 4) Ensure that offenders are warned to keep distance from aggrieved, and wherever necessary if there is a definite threat, restrain their entry into the campus or official visit.
- 5) 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 complainant of sexual harassment.

#### **17. PENALTY**

- 1) Where the respondent is employees of GDC Beerwah and found guilty of sexual harassment, he/she shall be punished in accordance with the service rules of GDC Beerwah, which include warning, censure, public written apology by the perpetrator to be displayed on all notice boards of the college. The college Principal can even recommend perpetrators suspension, withholding increments, and promotions.
- 2) Where the respondent is a student, depending upon the severity of the offence, GDC Beerwah may,



- a) Withhold privileges of the student such as access to the library, auditorium halls of residence, 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 re-admission, if the offence so warrants.
  - d) Award reformatory punishments like mandatory counselling and/or performance of community services.
- 3) The aggrieved person is entitled to payment of compensation. The GDC Beerwah shall issue direction for the payment of compensation as recommended by the ICC and as accepted by the Principal, which shall be recovered from the offender. The compensation payable shall be determined on the basis of:
- 1) Mental trauma, pain, suffering and distress caused to the aggrieved person.
  - 2) The loss of career opportunity due to the incident of sexual harassment.
  - 3) The medical expenses incurred by the victim for physical and psychiatric treatment
  - 4) The income and status of the alleged perpetrator and victim; and
  - 5) Feasibility of such payment in lump sum or in instalments.
- 4) In the case of third-party harassment/outsider harassment, the GDC Beerwah shall initiate action by making a complaint with the appropriate authority.
- 5) Enhancement of disciplinary action, by the committee, could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institution as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.
- 6) Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour etc.

## **18. ACTIONS AGAINST FRIVOLOUS COMPLAINTS**

- 1) To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within the institute.
- 2) If the ICC concludes that the allegations made were false malicious or the complainant was made knowing it to be untrue or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per clause 17 (1) of this policy and as per clause 17 (2) of this policy if the complainant happens to be student.
- 3) However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry in accordance with the procedures prescribed, conducted before any action is recommended.

## **19. RECUSAL**

Any person conducting any proceedings under this rule shall recuse herself/himself if she/he feels that her/his objectivity may be compromised due to any reason or conflict of interest, and an adhoc member of the same rank shall be appointed as a replacement within a period of ten working days.

## **20. IN CAMERA PROCEEDINGS**

All proceedings under this Code shall be strictly in camera and the privacy of all parties shall be maintained.

## **21. CONFIDENTIALITY**

All proceedings, documents and records maintained under this Code shall be confidential.

## **22. SUPPORT STRUCTURE**

The college shall endeavor to provide support structures in the form of:

- 1) A well published list of phone numbers and addresses which may be contacted in emergencies.
- 2) An orientation program for new students in order to familiarize them with the Code.
- 3) Apprising new students to the Code.
- 4) Counseling the members of the GDC Beerwah on ways of preventing and coping with sexual harassment.

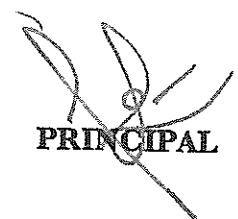
## **23. AMENDMENTS TO THE POLICY**

ICC has the power to make recommendations to the Principal GDC Beerwah, for bringing changes in the policy. The Principal after adequate consultation with College Advisory Committee shall make necessary changes in the policy, in harmony with the preamble and objectives of the policy, and regulations of the UGC.

**Committee Responsible:** Anti-Sexual Harassment Committee

**Contact Details:** 01951275276

**Email id:** gdcbeerwah@gmail.com



**PRINCIPAL**

**ANNEXURE - I: COMPOSITION OF THE ICC**

Principal GDC Beerwah	Convener
Dr. Aftab Ahmad Bhat	Co-Convener
Dr. Shubeena Kuttay, GDC Magam	External Member
Prof. Zahoor Ahmad Shah	Member Secretary
Dr. Mudasir Rashid Banday	Member
Prof. Muhammad Ashraf Dar	Member
Prof. Mohd Hanief Sofi	Member
Mohammad Arif Bhat (6th Sem.)	Student Representative
Qurat ul Ain (3rd Sem.)	Student Representative
Mubeena Bano (6th Sem.)	Student Representative