

Government Science College

Mandvi-Kachchh

(Document for “Sexual Harassment” in effect from Date:23/06/2014)

FOREWORD

Our Document is a tool towards the promotion of a cooperative healthy atmosphere at the work place; The College. It intends to define the policies and the modalities for administering those pertaining to **sexual harassment**.

We are providing this document based on Visakha Judgment by Hon’able Supreme Court guideline, we feel that if we understand basically what is expected from us, and what we may expect from the Society, we would have an organization which better meets the needs of our society.

Harassment in staff or in students, including sexual, racial, and ethnic harassment, as well as any other harassment forbidden by law, is strictly prohibited by the College. Staff and students who violate this rules and regulations of this document are subject to disciplinary action, including possible termination or suspension.

The rules and Regulation given in this document based on Hon’able Supreme courts guideline and should be strictly followed. The Notification in above matter issued by Minister of woman and Child development on Date: 9th December, 2013 should also be followed.

Here we are also forming the College Women’s Development Cell (CWDC) . This cell is constituted for the protection and progress of women in all levels of education.

Dr. Anilkumar H. Gor
Principal Incharge,
GSC, Mandvi

Document:

The Government Science College, Mandvi-Kachchh is committed to provide an environment to the Teaching and Non-Teaching staff members and the Students which is free from sexual harassment.

The college believes that you should be afforded the opportunity to work in an environment free of sexual harassment. Sexual harassment is a form of misconduct that undermines the relationship between Staff and the Students. No staff or student, either male or female, should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or conduct.

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that debilitates morale and, therefore, interferes with work effectiveness. Behavior that amounts to sexual harassment may result in disciplinary action, up to and including dismissal or suspension.

Any & all complaints or allegations of sexual harassment will be investigated promptly. Appropriate, corrective action will be implemented based upon the results of the investigation in the event harassment is found to have taken place.

In response to the Supreme Court Guidelines in Visakha Judgment has developed Policy and Procedures designed to prevent sexual harassment, and to deal with any complaints which may arise.

Whereas Sexual Harassment infringes the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.

And whereas the right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.

Definition Of Sexual Harassment:

“Sexual Harassment” includes such unwelcome sexually determined behavior as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

There are usually three kinds of sexual harassment and the following examples are not exhaustive. Sexual harassment can be perpetrated upon members of the opposite gender or one's own gender.

Non-Verbal

- Gestures
- Staring / leering
- Invading personal space
- Pin-ups
- Offensive publications
- Offensive letters / memos
- Unsolicited and unwanted gifts

Verbal

- Language of a suggestive or explicit nature
- Unwanted propositions
- Jokes of a sexual or explicit nature

- Use of “affectionate names”
- Questions or comments of a personal nature

Physical

- Deliberate body contact
- Indecent exposure
- Groping / fondling / kissing
- Coerced sexual contact

Sexual Harassment Is Unlawful :

Every staff and student shall have a right to be free from Sexual Harassment and the Right to work in an environment free from any form of Sexual Harassment.

No person who is a part of the college shall, sexually harass an employee or student whether male or female, where he or she is employed or studying; whether the harassment occurs in / at the workplace, or at a place where the said persons have gone in connection with the work or the workplace, or at any place whatsoever.

No person shall sexually harass another person in the course of providing or offering to provide goods or services to that other person.

Preventive Steps :

Consistent with the existing law under Vishaka, the College shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- Circulation of this document and to bring the awareness among staff and students.
- Sexual harassment will be affirmatively discussed at meetings, workshops etc, whenever it is conducted.

- Conduct or cause to carry out training on sexual harassment and addressing complaints to staff and students as well as members of CWDC (College Women's Development Cell).
- Guidelines will be prominently displayed to create awareness of the rights of female employees and female students.
- Widely publicize that the Sexual Harassment is a crime & will not be tolerated.
- The staff or student will be assisted if they are affected in cases of sexual harassment by outsiders
- Names and contact numbers of members of the WDC committee will be prominently displayed in the College.

If You Are Being Harassed:

Tell the harasser his/her behavior is unwelcome and ask him/her to stop.

Keep a record of incidents (date, time, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case & help you remember details over time.

Reporting A Complaint :

If an individual believes he or she is the victim of sexual harassment or retaliation, he/she is encouraged to report such complaint immediately. The College has designated the CWDC Committee to receive all complaints, verbal or written, of harassment on behalf of the organization.

The CWDC Committee constituted will be appointed for a period of three years.

A complaint under this Act may be lodged with CWDC Committee at the earliest point of time and in any case within 15 days of occurrence of the alleged incident. The complaint shall contain all the material & relevant details concerning the alleged Sexual Harassment.

If the complainant feels that he or she cannot disclose his/ her identity for any reason, the complainant shall address the complaint to the Chief Executive & hand over the same in person or in a sealed cover.

The Principal of the College, shall retain the original complaint with him & send to the CWDC a gist of the complaint containing all material & relevant details of the complainant.

Within 1 week of receipt of the complaint, the CWDC shall communicate the same to all the members.

CWDC Members :

The College CWDC committee shall consist of atleast Five members, who shall be nominated by the Principal of the college as under, namely;

- (1) The Principal of the College, who shall be the Chief Executive of the Committee;
- (2) Two members from the Teaching staff of the college of whom one shall be a woman; If lady faculty is not available in the college, the lady faculty from near by higher education institute can be co-opted by the Principal.
- (3) One woman member from the Non-Teaching staff of the college;
- (4) Two Girls student of the college nominated by the Principal;
- (5) One woman member from the Society; who is engaged in societal work.

(Note: The woman Teaching faculty mentioned in (2) will be the Member Secretary of the Committee and she has to perform all administrative work.)

The members of the above said committee shall hold office for a period of three years provided that where a person ceases to be an employee or the student, he/she shall cease to be a member of the committee.

The committee will take all reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when the committee knows that unlawful harassment has occurred.

If you have been harassed by a co-worker, co-student, you have a duty to promptly report the facts of the incident or incidents, and names of the individuals involved, to (Option: Principal or CWDC Committee.)

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. After reviewing the evidence, a

determination will be made concerning whether reasonable grounds exist to believe that harassment has occurred. It is the obligation of all employees and students to cooperate fully in the investigation process. The committee considers any harassing conduct to be a major offense which can result in disciplinary action for the offender, up to and including discharge.

GUIDELINES FOR ENQUIRY :

Dispute Resolution Prior To Enquiry :

The CWDC Committee may if, and only if so requested by the aggrieved person/woman, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal enquiry proceedings. The Principal of the college will appoint a person to carry out the Dispute Resolution Process, chosen from the WDC Committee by the aggrieved person/woman. The Person shall carry out the Dispute Resolution Process on a Local Complaints Committee.

Oral Complaints To Be Reduced In Writing :

It shall be the duty of the CWDC before whom an oral complaint is made under this document to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

Confidentiality of Complaints:

It shall be the duty of all the persons and authorities designated under this document to ensure that all complaints lodged under this shall be strictly confidential.

The name of the aggrieved person/woman shall not be referred to in any records of proceedings, or any orders or Judgments given under this document;

The name of neither the aggrieved person/ woman nor her identity shall be revealed by the press / media or any other persons whilst reporting any proceedings, case, order or Judgment under this document.

Improper Complaints :

This document shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complaint to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation.

Prohibition Of Victimization :

(1) No person shall be victimized for anything said or done in relation to any complaints or proceeding under this act.

(2) A person victimizes another person if the person subjects the other person or threatens to subject the other person to any detriment in connection with employment or recruitment or promotion because such person.

(i) Has brought proceedings under this document against any person.

(ii) The other person associates with the complainant.

(iii) Has given evidence or information or produced a document, in connection with any proceedings under this document.

(iv) Has otherwise done anything in accordance with this document in relation to any person.

(v) Has alleged that any person has contravened a provision of this document.

Conducting of Enquiry :

Where no Dispute Resolution process has been requested by the aggrieved woman, or if requested and carried out, has not been successful, the CWDC shall within a period of two weeks from the completion of any mediation process held, or if not held, within three weeks of its receipt of the complaint, proceed to conduct a full enquiry into the allegation of sexual harassment, in accordance with the rules and regulations. Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.

The Committee shall give 7 to 15 days notice by hand delivery duly acknowledged or by regd A, D Post to the complainant and the defendant to appear for the first date of the enquiry which shall be specified. The notice shall state that the complainant and defendant shall be given an opportunity of producing evidence, examining witnesses etc if any.

At the commencement of the enquiry the committee shall explain to both the complainant and defendant the procedure which will be followed in the enquiry.

The enquiry shall be conducted in Hindi, English or the local language, whichever is requested by the defendant;

The Committee shall see that every reasonable opportunity is extended to the complainant and to the defendant, for putting forward and defending their case.

The venue of the enquiry should be as per the convenience of the complainant.

In case, the Inquiry Committee decides to proceed with the complainant, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Cell, heard and if so satisfied that a warning is just and proper, he may be warned about his behavior. The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.

In case the complainant requests that the complaint should be proceeded with beyond a mere warning, the same may be proceeded as mentioned above.

Enquiry To Be Completed Within 90 Days :

Notwithstanding anything contained in any law for the time being in force, an enquiry shall be completed, including the submission of the Enquiry Report, within a period of 90 days from the date on which the enquiry is commenced. Any delay in completion shall be done for reasons given in writing.

Third Party Harassment :

Where sexual harassment occurs as a result of an act or omission by any third party or outsider. The College will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Penalties:

- (1) A person found guilty of any kind of sexual harassment shall be subject to the same penalties for major and minor misconduct as prescribed under the statutes of the University for the teaching staff and non-teaching staff.
- (2) An employee guilty of sexual harassment shall be liable to any of the following penalties:
 - (1) Warning , reprimand or censure.
 - (2) Withholding of increments.
 - (3) Reduction in Rank.

Provided however, that in addition to all these penalties, the offender is also required to give a written apology to the victim and upon his failure to do so, his case shall be considered for major penalty under relevant statutes of the University or the standard Code Rules.

- (3) A student guilty of sexual harassment shall be liable to any of the following penalties:
 - (1) Warning , reprimand or censure.
 - (2) Suspension from the college for a period upto one month.
 - (3) Debarment from appearing for the final examination or a period upto three years.
 - (4) Rustication from the college as the case may be.

Provided however, that in addition to all these penalties, the offender is also required to give a written apology to the victim and upon his failure to do so, his case shall be considered for other action as deemed fit according to prevalent law.

Appeal Against The Decisions Of the Committee:

Any person not agreeing by the decision of the Committee may file an appeal within a period of thirty days from the date of decision to the Appellate Committee appointed by the CWDC.

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 9th December, 2013

G.S.R. 769(E).—In exercise of the powers conferred by section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (b) "complain" means the complaint made under section 9;
- (c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
- (d) "incident" means an incident of sexual harassment as defined in clause (n) of section 2;
- (e) "section" means a section of the Act;
- (f) "special educator" means a person trained in communication with people with special needs in a way that addresses the individual differences and needs;
- (g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Fees or allowances for Member of Internal Committee.—(1) The Member appointed from amongst non-government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto ricks how or taxi, or the actual amount spent by him on travel, whichever is less.

The employer shall be responsible for the payment of allowances referred to in sub-rule (1).

4. Person familiar with issues relating to sexual harassment.—Person familiar with the issues relating to sexual harassment for the purpose of clause (c) of sub-section (1) of section 7 shall be a person who has expertise on issues relating to sexual harassment and may include any of the following—

- (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
- (b) a person who is familiar with labour, service, civil or criminal law.

5. Fees or allowances for Chairperson and Members of Local Committee.—(1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee.

(2) The Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The District Officer shall be responsible for the payment of allowances referred to in sub-rules (1) and (2).

6. Complaint of sexual harassment.—For the purpose of sub-section (2) of Section 9,—

- (i) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—

- (a) her relative or friend, or
 (b) her co-worker, or
 (c) an officer of the National Commission for Women or State Women's Commission, or
 (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- (ii) where the aggrieved woman is unable to make a complaint or account of her mental incapacity, a complaint may be filed by-
- (a) her relative or friend, or
 (b) a special educator, or
 (c) a qualified psychiatrist or psychologist, or
 (d) the guardian or authority under whose care she is receiving treatment or care, or
 (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
7. **Manner of inquiry into complaint.**-(1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- (2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- (3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).
- (4) The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- (5) The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be.
- Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- (6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- (7) In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.
8. **Other relief to complainant during pendency of inquiry.**-The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-
- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (b) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.
9. **Manner of taking action for sexual harassment.**- Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

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10. **Action for false or malicious complaint or false evidence.**— Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

11. **Appeal.**— Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (29 of 1946).

12. **Penalty for contravention of provisions of section 16.**— Subject to the provisions of section 19, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

13. **Manner to organise workshops, etc.**— Subject to the provisions of section 19, every employer shall—

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- (b) carry out orientation programmes and seminars for the Members of the Internal Committee;
- (c) carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (d) conduct capacity building and skill building programmes for the Members of the Internal Committee;
- (e) declare the names and contact details of all the Members of the Internal Committee;
- (f) use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

14. **Preparation of annual report.**— The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details—

- (a) number of complaints of sexual harassment received in the year;
- (b) number of complaints disposed off during the year;
- (c) number of cases pending for more than ninety days;
- (d) number of workshops or awareness programme against sexual harassment carried out;
- (e) nature of action taken by the employer or District Officer.

[F. No. 195/2013-WW]

Dr. SHREERAMAN, J. Secy.

Complaint Form
College Women's Development Cell
Government Science College, Mandvi

કેસ નં :-

1.કેસ નોંધ્યા તારીખ.....

2.સ્થાનિક/બહારગામ.....

સ્થાનિક/બહારગામ.....

3.બહેનનું નામ.....

પ્રસ્તુત વ્યક્તિ/સંસ્થાનું નામ.....

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જ્ઞાતિ.....

જ્ઞાતિ.....

પ્રસ્તુત વ્યક્તિ સાથે સંબંધ.....

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4.સંસ્થા અંગે માહિતી કેવી રીતે મળી?.....

5.સાથે આવેલ વ્યક્તિ સાથેનો સંબંધ..... 6.બહેનના વાલી સાથેનો સંબંધ.....

સરનામું.....

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7.અગાઉ કોઈ સંસ્થાની મદદ લીધી છે? હા- ના

પરિણામ શું?.....

8.અગાઉ ક્યારેય પોલીસની મદદ લીધી છે? હા- ના

પરિણામ શું?.....

9.કોઈ કાનૂની કાર્યવાહી કોર્ટમાં કરી છે? હા- ના કઈ કાર્યવાહી?

પરિણામ શું?.....

10.અન્ય કોઈ રીતે મદદ મેળવી છે? હા- ના

પરિણામ શું?.....

11.સમસ્યાનું સ્વરુપ: વિગતો લખવી.

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12.સમસ્યાની ટૂંકી વિગત:.....

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13.બહેનના વિચાર પ્રમાણે તેમની મૂંઝવણના શક્ય ઉકેલો

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14.વચગાળાના સમય માટે કયા ઉકેલો શક્ય છે?.....

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15.CWDC પાસેથી તમારી શું અપેક્ષા છે?

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બહેનની સહી..... કાઉન્સેલર/કિસ લેનારની સહી.....

તારીખ..... તારીખ.....

વિશેષ નોંધ:-

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Government Science College, Mandvi

Proforma for Report of CWDC:

Report of CWDC:

1. Principals Name:
Phone/Mobile No.
Email Id:
2. CWDC Conveners Name:
Phone/Mobile No.
Email Id:
3. Report of CWDC: Date / Year:
Activities of CWDC:
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4. Comments/Suggestions/observations of CWDC:
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Sign of the Convener

seal of the College

Sign of the Principal