

# **INDIRA GANDHI TECHNOLOGICAL AND MEDICAL SCIENCES UNIVERSITY**

## **POLICY OF PROHIBITING SEXUAL HARASSMENT**

### **Introduction**

One of the core objectives of Indira Gandhi Technological And Medical Sciences University (hereinafter referred to as “University”) is to ensure gender equality and gender justice through the University interventions and practices. In keeping with this principle, it is important to ensure a climate, free from discrimination and harassment, with a particular focus on prevention of sexual harassment.

### **Policy of prohibiting Sexual Harassment**

Sexual harassment of individuals occurring in the place of work or study or in other settings in which they may find themselves in connection with their association with the University is unlawful and shall not be tolerated by the University. Further, any retaliation against an individual who has complained about sexual harassment complaint is similarly unacceptable. To achieve this goal, conduct that is described as “Sexual Harassment” in this policy shall not be tolerated and a procedure is provided by which inappropriate conduct shall be dealt with, if encountered among employees/students.

The university will also take all the appropriate steps necessary to protect individuals from retaliation. Such steps include:

- Action to stop retaliatory behaviour
- Providing required security measures
- Counseling help to Complainant and Accused.

The University takes allegations of sexual harassment seriously, and shall respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, prompt and appropriate corrective action as is necessary, including disciplinary action, will be taken.

While this policy sets forth the goal of the University of promoting a study or workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of the University to discipline or take remedial action for conduct which the University deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **II. Definitions**

For the purposes of this Policy

1. "University" shall mean the Indira Gandhi Technological And Medical Sciences University,Ziro
2. "Academic staff" includes any person or the staff of the University including its constituent units 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.
3. "Supporting Staff" includes any person on the staff of the University or its constituents units who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
4. "Student" includes any person who is enrolled for any course, whether full time or part time, with University, and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with the University or short-term courses at the University.
5. "Sexual harassment" includes any unwelcome sexually determined behaviour (whether direct or by implication) such as
  - i. Physical contact and advances either physical and non -physical
  - ii. Unsolicited telephone calls / e-mails with the intention of sexual harassment
  - iii. A demand or request for sexual favors;
  - iv. Sexually colored remarks
  - v. Showing pornography
  - vi. Creating a hostile work environment
  - vii. Any other unwelcome "sexually determined behavior" be it physical, verbal or non-verbal conduct of a sexual nature

**Explanation 1:**

Unwelcome "sexually determined behavior" shall include but not be limited to the following instances:

- i. Where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of

employment, instruction or evaluation or as a basis for decisions, involving participation in campus or academic activity.

- ii. Such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

### **Explanation 2:**

Creating a "hostile environment" means

- i. Creating a study or workplace where Sexual Harassment may go unheeded, where despite complaints no action is taken, where there is nexus between accused/ aggressor & higher management, and where complainant is placed under fear, disadvantage or threat of victimization.
- ii. It will also mean Retaliation which includes:
  - a. marginalizing someone in the study or workplace with regard to his / her roles and responsibilities
  - b. socially ostracizing
  - c. intimidating someone physically, psychologically, emotionally or someone close to or related to the victim
  - d. spreading canard
- iii. And any other behavior that may commonly be construed as retaliatory

Note: All should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unacceptable and will be actionable.

### **Explanation 3:**

"Sexual Harassment" shall also mean:

- i. Direct or implied requests by any individual for sexual favors in exchange for actual or promised benefits such as favorable reviews, evaluation or instruction, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.
- ii. Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a environment that is hostile,

offensive, intimidating, or humiliating to staff may also constitute sexual harassment.

#### **Explanation 4:**

In addition the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, displaying body parts;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.
- Abuse of authority (Quid Pro Quo) - demand by a person in authority, for sexual favors in exchange for related benefits (e.g. a wage increase, a promotion, training opportunity, a transfer, instruction or evaluation).
- The behavior that creates an environment that is intimidating, hostile, or offensive for members of one sex, and thus interferes with a person's ability to function normally.

### **III. Preventive Action**

Consistent with the existing law, the University shall take all reasonable steps to ensure prevention of sexual harassment. Such steps shall include (but not limited to):

1. Circulation of the University's policy on sexual harassment to all persons employed by or in any way acting in connection with the work and/or functioning of the University;
2. Ensuring that sexual harassment as an issue is raised and discussed at the University meetings from time to time;
3. Conduct or cause to carry out in-house gender training on sexual harassment.
4. Widely publicize that the sexual harassment is a crime and will not be tolerated.

5. Include statement of policy against sexual harassment in Admission Prospectus or Brochure
6. Prepare and circulate the Annual report of Complaints Committee – Sexual Harassment at Work Place.

#### **IV Complaints Committee – Sexual Harassment at Work Place**

The Complaint Committee – Sexual Harassment at Work Place has been constituted as per the Supreme Court judgment on Vishaka case by the authorities of the Indira Gandhi Technological And Medical Sciences University. The objective of the Committee is “to maintain congenial working environment for women employees and students of Annamalai University in accordance with the guidelines provided by the Supreme Court of India”.

#### **V. Procedure of Dealing with Complaints of Sexual Harassment**

1. If any individual believes that he or she has been subjected to sexual harassment, such person shall have the option to file a complaint with Complaints Committee –Sexual Harassment at work place. This may be done in writing or orally. Even if it is done verbally initially, it is always preferable to have the complaint in writing.
2. A complaint may be filed by contacting any one of the members of the Complaints Committee - Sexual Harassment at Work Place. The Complaints Committee - Sexual Harassment at Work Place will also be available to discuss any concerns staff may have and to provide information about Department/Units policy on sexual harassment and the complaint process.
3. Informal Way of dealing with complaints of Sexual Harassment:
  - i. An informal approach to resolve a complaint of sexual harassment can be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis. The procedures though less stringent than formal procedures will be conducted in the full spirit of this policy document.
  - ii. The case will be taken up for investigation at an informal level by the member of the Enquiry Committee in a confidential manner. The matter will be reviewed and the alleged offender will be approached with the intention of resolving the matter in a confidential manner.
  - iii. If the incident or the case reported does constitute sexual harassment of a higher degree, the member will suggest taking it up for disciplinary action or with the agreement of the complainant, the case can be taken as a formal complaint.

- iv. The choice, whether to deal with the complaint in the informal way or through the formal mechanism (whether the case constitutes sexual harassment of a higher or lower degree), should depend entirely on the complainant.
4. The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Enquiry Committee (EC) has to be set up within 2 weeks of receiving the complaint. The Complaints Committee - Sexual Harassment at Work Place is responsible for setting up the EC.
5. The EC has to investigate and submit report to Complaints Committee - Sexual Harassment at Work Place within 4 weeks. The Complaints Committee - Sexual Harassment at Work Place will have to decide on recommendations and forward it to the Vice Chancellor within 2 weeks of receiving report from EC.
6. In case of exceptional circumstances, the time limit for investigation may be extended by the Complaints Committee - Sexual Harassment at Work Place. The Complaints Committee - Sexual Harassment at Work Place has to inform Registrar, who will then inform both the complainant and accused.

#### **VI. Process of Inquiry:**

1. Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of incidents if written complaint is sketchy. A statement of allegations will be drawn up by the Committee and sent to the accused.
2. The accused will be asked to prepare a response to the statement of allegations and submit to the Committee within the given time.
3. The statements and other evidence obtained in the inquiry process will be considered confidential materials.
4. An officer in the University could be designated to provide advice and assistance to each party if requested by either of them. Similarly, the complainant and the accused will have the right to be represented or accompanied by a member of staff, a friend or a colleague.
5. The Committee will organize verbal hearings with the complainant and the accused.
6. Statement of Complainant will be recorded first in the presence of the accused. The accused may cross question the complaint if there is a need to do so in the presence of the Enquiry Committee.

7. The Committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving necessary protection.
8. The Committee will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
9. If the accused, being provided fair opportunity to participate in the inquiry and defend him/her fails to participate in the inquiry, the Committee may conduct the inquiry exparte.
10. The Committee will ensure confidentiality during the inquiry process.
11. In the course of investigating any complaint of sexual harassment, the Complaints Committee - Sexual Harassment at work place shall ensure that the principles of natural justice are adhered to namely:
  - a. Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the Complaints Committee – Sexual Harassment at Work Place.
  - b. Upon completion of the investigation, both parties, will be informed of the results of that investigation.
  - c. Documents which form part of the official record shall also be given to the complainant if need be.
  - d. The Complaints Committee – Sexual Harassment at Work Place shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized or discriminated against while dealing with a complaint of sexual harassment. In this regard the Complaints Committee – Sexual Harassment at Work Place shall also have discretion to make appropriate interim recommendations vis-à-vis an accused person pending the outcome of a complaint including suspension, transfer, leave, change of office/ hostel, etc.
  - e. In the event the Complaints Committee – Sexual Harassment at Work Place determines that sexual harassment has occurred, it will make appropriate recommendations for necessary action to be initiated to remove the offensive conduct and, where appropriate, to institute disciplinary action. The complainant's views may be taken into consideration for this purpose.
12. The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

### **13.1. Penalties in Case of Academic Staff**

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments for a period not exceeding one year.
- c. Removal from an administrative position at the Study / Information Centre, and/or University levels.
- d. Disbarment from holding an administrative position at the Study / Information Centre, and/or University levels.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.
- h. Further, the penalty awarded shall be recorded in his/her Confidential Record.

### **13.2. Penalties in Case of Supporting Staff**

- a. Warning, reprimand, or censure.
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service.
- g. Further, the penalty awarded shall be recorded in his/her Confidential Record.

### **13.3. Penalties in Case of University Students**

- a. Warning or reprimand.
- b. Transfer to another hostel.
- c. Withdrawal of the right to an official character certificate from University.
- d. Rustication from the University for a period up to two semesters. e) Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by University.
- e. Withholding of a degree awarded by University.
- f. Further, the penalty awarded shall be recorded in his/her personal File.

14. Any individual who feels aggrieved with the disciplinary action taken may appeal to the Appellate authority as defined in University laws for a review of the decision. The decision of the Appellate authority shall however be final and binding.

## **VII. Conclusion**

1. Each constituent/center shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy.
2. In the event the conduct complained of amounts to a specific offence under the Indian Penal Code or under any other law in existence, the Complaints Committee – Sexual Harassment at Work Place, subject to the wishes of the complainant, shall take appropriate action in making a complaint with the appropriate authority
3. Each constituent/center will ensure that the Complaints Committee – Sexual Harassment at Work Place and Enquiry Committee retain their autonomy and may work unhindered from any pressure from any quarter.
4. The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
5. The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.