

GURU NANAK INSTITUTE OF TECHNOLOGY



Zero Tolerance Policy Sexual Harassment (Redressal) Cell Policy

Ref. Number	Compiled & Checked by: Registrar	Approved by: Principal
GNIT/IQAC/PRIN/2016/120	Sig..... Date 14/07/16	Sig..... Date 14/07/16

REGISTRAR (Acting)
GURUNANAK INSTITUTE OF TECHNOLOGY
KOLKATA - 700114

Gurunank Institute of Technology

The **Prevention of Sexual Harassment (PoSH)** at Workplace Act of India mandates every organisation to define their sexual harassment policies, prevention systems, procedures and service rules for its employees. Accordingly, at Guru Nanak Institute of Technology (GNIT), Kolkata, a policy is framed and implemented to prevent Sexual Harassment at the workplace, the detailing of which is provided below.

Short title and Commencement:

- i) These Directions shall be called Guru Nanak Institute of Technology (GNIT), Kolkata Sexual Harassment (Redressal) Cell (for prevention of Sexual Harassment) Directions, 2015. This Cell was established at GNIT under National Commission for Women Act, 1990 (Act No. 20 of 1990 of Govt. of India) in the year 2015.
- ii) These Directions shall come into force from the date of issuance thereof.

Extent and implementation directions (guidelines) :

A. Sexual Harassment (Redressal) Cell is meant to safe guard and promote the well being of all the employees and students of the organization. The cell is responsible for looking into any complaints filed by students & employees about Sexual Harassment at the institute at workplace, if any, and it acts for redressal of such complaints.

B. These directions will apply to all cases and/or complaints or allegations of sexual harassment :

- By a student against a co-student / an employee;
- By an employee against a student / another employee;
- By a member of the management against a student or an employee

C. These Directions will also apply in respect of all cases and/or allegations of sexual harassment:

- i. By a student, employee or member of the management against a third party or an outsider;
- ii. By a third party or an outsider against a student / employee.

In 2013, after a span of 16 years, India finally enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the 'Act') for prevention of sexual harassment against women at the workplaces. The Central Government vide notification SO 3606 (E) appointed 9 December 2013 as the date on which the provisions of the Act came into force and on the same day, the Central Government made the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules").

It is an act to provide protection against sexual harassment at workplace and for the prevention and Redressal of complaints/grievances of sexual harassment and for matters connected therewith or incidental there to.

“Sexual Harassment” includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- (i) Physical contacts and advances;
- (ii) A demand or request for sexual favors;
- (iii) Sexually colored remarks;
- (iv) Showing pornography;
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

“Sexual Harassment” shall include, but will not be confined to the following:

- i. When submission to unwelcome sexual advances, request for sexual favors and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, as a term or condition for instruction, employment, participation or evaluation of a person's engagement in any college activity.
- ii. When unwelcome sexual advances and verbal, non-verbal or physical conduct such as loaded comments, remarks or jokes, letters, phone-calls or e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or the effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive college environment.
- iii. Where any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, and When any such conduct as defined in (i) and (ii) above is committed by a third party or outsider in relation to a member of the college community or vice versa.

Objective of the Sexual Harassment (Redressal) Cell :

- (i) To prevent sexual harassment and to promote the general well-being of students, teaching and non-teaching women staff of the college.
- (ii) To provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards people at work places and that no employee has reasonable grounds to believe that he/she is disadvantaged in connection with his/her employment.
- (iii) To provide guidelines for the redressal of grievances related to sexual harassment of the students, teaching and non-teaching staff of the college.

Grievance Mechanism :

- Any employee or student will have the right to lodge a complaint concerning sexual harassment against a student or the employee of the institute by writing a letter or putting the complaint in the Principal's office.
- The complaint will be afforded full confidentiality at this stage.
- After receiving the complaint, the Convener shall convene the meeting of the cell.
- The principal will appoint investigation committee on recommendations of the cell.

- The investigation committee shall then decide the course of action to proceed.
- The complaint will stand dropped if in accordance to the committee the complainant/(his/her) representative does not able to disclose prima-facie an offence of sexual harassment by the accused.
- In case the investigation committee decides to proceed with the complaint, the wishes of the complainant to be ascertained and if the complainant wishes that a warning will suffice then alleged offender/accused can be called to the meeting of the committee, to be heard and if satisfied that a warning is just and proper, he/she can be warned about his/her behaviour and to obtain non-recurrence of such or similar acts against the accused . In case the complainant requests that the complaint should be proceeded further without just a warning, the same may be proceeded within the manner prescribed hereafter.

Mechanism for investigation:

- If the complainant wishes to proceed beyond a mere warning to the accused, the accused shall be given in writing by the investigation committee an opportunity to explain within one week in writing as to why action should not be taken against him/her, for good and sufficient reasons, against act of sexual harassment on his/her part.
- If the written explanation of the accused is not found to be satisfactory or if he/she does not provide any written explanation, the investigation committee can decide whether the offence deserves a minor penalty/punishment or a major penalty/punishment.
- In the event that the investigation committee decides that the accused be imposed a minor penalty/punishment, the said penalty/punishment to be recommended by the investigation committee to the convener of the cell for his/her decision.
- If the investigation committee comes to a conclusion that the guilt of the accused is proved, a major penalty/punishment can be recommended. If the accused is an employee, he/she may be placed under suspension under the provisions of act/rules and regulations of the institution.
- If a person is charged with physical molestation or rape in the college / society's premises, he/she shall be immediately placed under suspension pending investigation and enquiry. Appropriate actions can be initiated for handing over to law enforcement authorities for taking suitable action as per Indian penal code. Depending upon the gravity of offence, committee can recommend action to the college authorities to initiate action as per prevalent college rules and regulations.

Punishment for sexual harassment:

Any member of the institute fraternity (student/employee/outsider related to institute) found guilty of sexual harassment shall be liable to be punished. This shall be subjected to the same penalties for major or minor misconduct as prescribed under government / college rules and regulations.

A student guilty of sexual harassment shall be liable for any of the following penalties:

- a) Warning or reprimand.
- b) Suspension from college for a period of one month.
- c) Debarment from appearing for the examination for a period up to three years.
- d) Rustication from the college as the case may be.
- e) Any other punishment as defined by the government/college rules and regulations in force

Penalties and Punishments for Sexual Harassment

An employee found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties:

- i. Warning, Reprimand or Censure
- ii. Fine
- iii. Withholding of increments or promotion
- iv. Demotion to a post in the lower pay-scale or to a lower stage of increment in his own pay-scale.

Major Penalties:

- v. Compulsory retirement
- vi. Termination of service
- vii. Discharge/dismissal from service

Protection against Victimization:

The committee noted and approved the policy on Victimization of the Women's Grievance Redressal Cell and Protection against the following :

- In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry, if the teacher is found to be guilty, the accused does not act as an examiner for any examination in which the student appears.
- In the event the complainant and the accused both being employees, during the pendency of the investigation and enquiry even after such an enquiry, if the accused is found to be guilty, the accused does not write the condition reports of the complainant, if he/she is otherwise so authorized.

Composition of the Sexual harassment (Redressal) Cell :

This cell at GNIT, Kolkata is convened by an woman, where more than 50 % members are women representing all departments. Here under this cell there are two committees, one for the faculty & staff members and another for the students. There are external members from outside the institute.

- i) **Chairperson** - Principal, GNIT
- ii) **Convener** – Senior Faculty member & Associate Professor
- iii) **Members** - Senior faculty/staff members from different Departments and Registrar of GNIT.
- iv) **External Members :**
Representative from local Police Station,
Representative from local Municipal body,
One prominent lady advocate from Calcutta High court.
- v) **Students Members :** Students from different departments and years of stud

The Term of the office of the Cell :

- (i) Three years.
- (ii) Frequency of the meeting:

At least twice in an Academic Year, special meeting can be convened as per the demand of the situation

Qualifications of the Members of the Cell :

- (i) A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Cell if there is any complaint or serious criminal charges involving moral turpitude pending against him/her or if he is found guilty of sexual harassment.
- (ii) If a member of the Cell remains absent without permission of the Chairperson for three consecutive meetings, his/her office shall there upon become vacant and it shall be filled up by the Chairperson .

Powers and Duties of Cell:

- (i) To ensure implementation of these Directions as laid down by the college to whomsoever it is applicable.
- (ii) To process individual grievances concerning sexual harassment in the departments /Administration /Authorities and to recommend suitable action in the manner and mode particularly provided hereafter.
- (iii) To exercise such other powers and perform such other duties as may be conferred or imposed on it by or under these Directions.
- (iv) To do all such acts and things as may be necessary to carry out the objects of these Directions.

Meetings of the Cell:

- (i) The Cell shall meet at least twice in every academic year and the intervening period between two meetings shall not exceed six months.
 - (ii) The convener of the Cell can call a Special Meeting at any time upon the written request of not less than one third of the total number of members of the Cell, on a date not later than fifteen days after the receipt of such requisition.
 - (iii) The quorum for any meeting of the Cell shall be one third of its members. If the quorum is not present at any meeting, it shall be adjourned for half an hour and proceed with those who are present and the proceedings of such a meeting shall not be challenged on the ground of absence of quorum.
-