



KONGU ARTS AND SCIENCE COLLEGE

(An Autonomous Institution Affiliated to Bharathiar University, Coimbatore)

ERODE - 638 107.

Office : 0424 - 2242888, 2339933



INTERNAL COMPLAINTS COMMITTEE

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PREVENTION OF SEXUAL HARASSMENT OF WOMEN COMMITTEE

The UGC (Prevention, Prohibition and Redress of Sexual Harassment of Women Workers and Students in Higher Education Institutions) Regulation, 2015 is a federal law that prohibits sexual harassment of women employees and students in higher education institutions. It should be noted that according to the Supreme Court guideline Sexual harassment can be defined as "unwelcome" sexually determined behavior (whether directly or by implication) as:

- Physical contact and advances
- Demand or request for sexual favors
- Sexually colored remarks
- Showing pornography and
- Other unwelcome physical, verbal or non-verbal conduct of a sexual nature (Vishaka judgment by Supreme Court).

Objectives

The purpose of this committee is to provide protection against sexual harassment of female employees and students inside the campus and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Responsibilities

1. The Internal Complaints Committee will examine all matters relating to women in the Campus and will make suggestions and proposals to the institute administration regarding such matters.
2. a) The Committee will admit complaints from
 - Female employees on harassment and discrimination in the workplace by other employees.
 - Female students on harassment and discrimination in the classroom and in relation to academic activities by faculty and staff.
 - Female residents on harassment, assault and other forms of misbehaviour by employees.
- b) The committee will follow relevant Acts Rules, OM of Government of India and Court Orders etc as applicable from time to time.
- c) The committee will institute Enquiry Committee as it deems fit to examine particular complaints.
- d) The committee will make recommendations on action to be taken on specific complaints.





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3. The Committee will report to the Principal/Management of the institution.
4. Links for the guidelines:
 - a) Sexual Harassment Act 2013
 - b) Vishaka Guidelines

Functioning of the Committee

The Committee deals with issues relating to Sexual Harassment. It is applicable to all Students and Staff members of the Institution. If any issues of discrimination or sexual harassment arises that may be notified to the Internal Complaints Committee either by the victim or third party. The following is also sexual harassment and is covered by the committee:

- Eve-teasing, Unsavory remarks to curb.
- Jokes causing or likely to cause awkwardness or embarrassment.
- Gender based insults or sexist remarks.
- Unwelcome sexual overtone in any manner such as over telephone (unbearable telephone calls) and the like.
- Touching or brushing against any part of the body and the like.
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
- Forcible physical touch or molestation and Physical confinement against one's will and any other act likely to violate one's privacy.

Who can Approach

Any female student, Teaching and Non-Teaching member of Kongu Arts and Science College.


Lodging Complaints

- Nature of the complaint should be clearly stated in detail with dates and locations.
- As per stipulation of The Act the aggrieved person can make the complaint of sexual harassment at workplace within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
- The complaint must not be anonymous and the aggrieved person's name and address should be legible.
- Complaints regarding Sexual Harassment must be made in written (legible handwriting), typed on paper or through email iccposh@kasc.ac.in (or) iccposhkongu@gmail.com

Your complaint will be kept **CONFIDENTIAL**



E-mail : konguarts@kasc.ac.in Website : www.kasc.ac.in


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KONGU
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Inquiry Process

- Inquiry shall be completed within a period of 90 days from the date of complaint.
- On completion of the inquiry, the ICC shall provide a report of its finding to the employer within period of 10 days from the date of completion of the inquiry and such report be made available to the concerned parties.
- If allegations against the respondent have been proved, it shall recommend punishment actions to be taken against the respondent to the employer.
- The employer shall act upon the recommendation within 60 days of receiving it.

Punishments

- Warning (or) Written apology
- Bond of good behaviour
- Adverse remarks in the confidential report
- Debarring from supervisory duties
- Denial of membership of statutory bodies
- Denial of re-employment / re-admission
- Stopping of increments / promotion / denying admission ticket
- Reverting, Demotion
- Suspension (or) Dismissal

PRESIDING OFFICER
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Vishaka Guidelines against Sexual Harassment at Workplace

Guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

Duty of the Employer or other responsible persons in work places and other institutions

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.

Definition

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances;
- A demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.





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Preventive Steps

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- A. Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- B. The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- C. As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act,1946.
- D. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Criminal Proceedings

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

Disciplinary Action

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.





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Complaints Committee

The complaint mechanism, referred to above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

Worker's Initiative

Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

Awareness

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

Third Party Harassment

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

The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.



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