

# POLICY ON SEXUAL HARASSMENT

## PREAMBLE

Loyola Academy is committed in creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, intimidation and stress. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender or amongst the same ex members. Every member of the college should be aware that college strongly support gender equality and opposes any form of gender discrimination and violence.

## SCOPE OF REFERENCE FOR LOYOLA ACADEMY

In formulating a policy for preventing and redressing sexual harassment, the fact that Loyola Academy consists of a number of academic departments and administrative offices in the campus. The college has almost 3000 students and 200 employees. A majority of these people commute to their “workplace” (i.e. place of work/study) from various parts of the city. The jurisdiction will include fieldtrips, sports tournaments, conferences, college festivals and all other activities under taken by any person as a member of LA.

## OBJECTIVES OF THE POLICY

**Following are the objectives of the Policy :**

- To fulfill the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the workplace.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- To uphold the commitment of the LA to provide an environment free of gender-based discrimination.
- To create a secure physical and social environment which will deter acts of sexual harassment.
- To promote a social and psychological environment this will raise awareness about sexual harassment in its various forms.
- To generate public opinion against sexual harassment and all forms of gender-based violence.
- To deal with cases of sexual harassment, in a time bound manner, aiming at ensuring support services to the victim and termination of the harasser;
- To recommend appropriate punitive action against the guilty by the head of institution.

## DEFINITION OF SEXUAL HARASSMENT

**The following constitute Sexual Harassment:**

When submission to unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any LA activity.

When un welcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature

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have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.

When a person/s uses, with a sexual purpose, 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, such conduct will amount to sexual assault.

When deprecatory comments, conductor any such behavior is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the LA is used to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.

## JURISDICTION

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

By a member of the LA against any other member of the college irrespective of whether the harassment is alleged to have taken place within or outside the campus.

By an outsider against a member of the college or by a member of the college against an outsider if the sexual harassment is alleged to have taken place within the campus.

By a member of the college against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the college authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

### In the above the following definitions will apply:

- ❖ 'Members of the LA include students, teachers and non-teaching staff of the college.
- ❖ 'Students' includes regular students as well as current ex-students of the college.
- ❖ 'Teachers' includes any person on the staff of the college or any of the constituent colleges and all other academic departments, 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.
- ❖ 'Non-Teaching Staff' includes any person on the staff of the college or any of the colleges/institutions affiliated to it, who is not included in the category of teacher. It shall also include contract workers and daily wagers.
- ❖ '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 college or by any of its constituent colleges, academic departments
- ❖ 'Outsider' includes any person who is not a member of the college or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of college or any college/institution affiliated to LA.
- ❖ 'Campus' includes all places of work and residence in the LA or in any of its constituent colleges, academic departments, health centers. It includes all places of instruction, research and administration, as well as hostels, health centers, hospitals, sports grounds, staff quarters, public places (including parks, streets and lanes) and canteens, etc. on the college campus or the campus of any of its constituent colleges, academic departments.

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## GUIDING PRINCIPLES FOR CONSTITUTION OF COMMITTEES

### The policy has abided by the following principles:

In order to decentralize the complaints procedure and provide easy access to all, separate committees have been provided at each constituent college. The academic departments that are located in the constituent college are covered under the committee provided at the respective constituent college. The Head of the Institution shall be responsible for creating the committee at the institution.

In order to create autonomous institutional structures to look into complaints of sexual harassment, members from outside the institution with a known contribution to gender issues have been included in each committee.

To make the committees representative, each category of college members is given representation in the committee.

As per the 1997 Supreme Court Judgment, it is mandatory for each committee to have a woman chairperson as well as at least 50 per cent women members.

### STATUS:

The Institutional Committees and the LA are empowered to carry out the mandate of the policy.

### STRUCTURE:

Implementation of the policy will be achieved through the following structures:

Institutional Committee Against Sexual Harassment

A Complaint and Redressal body shall be set up in each constituent college.

## COMPOSITION

### Committee Against Sexual Harassment :

- ❖ Two teacher representatives by nomination.
- ❖ Two non-teaching Staff representatives of the College (of which one must be from Group D) by nomination.
- ❖ Two student representatives (as applicable) by nomination - one should be a second year graduate student and one should be a post graduate student.
- ❖ One person from outside with known contribution to women's issues, nominated.
- ❖ The Chairperson (woman) to be nominated from amongst the teacher members.
- ❖ The Member Secretary to be selected from amongst the members other than the student category.
- ❖ At least 50% of the members in each of these categories should be women.
- ❖ The Head of the Institution shall constitute the Committee and all nominations shall be made by him/her. The member secretary shall be from any category except the student category.

### TERM:

The term of each member (other than students) shall be two academic years. The term of student members shall be one academic year.

### MEETINGS:

- ❖ The Institutional Committee shall meet at.....
- ❖ The notice of the meeting may be circulated at least a week in advance.
- ❖ The quorum for the meetings will be presence of 30% members.

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- ❖ In emergency situations, the meetings may be called at a shorter notice and held with fewer members, after an explanation for doing so.
- ❖ In the absence of the Member-Secretary, another member may be appointed by the members present to take the minutes.
- ❖ The Committee shall submit its annual report every year.

## FUNCTIONS OF THE COMMITTEE

### Preventive Steps:

- ❖ To create and ensure a safe environment that is free of sexual harassment.
- ❖ To create an atmosphere promoting equality and gender justice.
- ❖ To plan and carry out programmes on gender sensitization.

### Remedial :

- ❖ The mechanism for registering complaints should be safe, accessible and sensitive.
- ❖ 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.
- ❖ To recommend to the concerned authorities follow-up action and monitor the same.
- ❖ To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- ❖ To seek medical, police and legal intervention with the consent of the complainant.
- ❖ To make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the victim if she/he so desires.

### Procedure for Registering Complaints:

Aggrieved girl student or woman employee of the college may make in writing, a complaint of sexual harassment to the respective institutional committee.

Any aggrieved of the administrative departments/ sections of the LA may make in writing, a complaint of sexual harassment to the respective college.

All complaints must be brought by the complainant in person. The exception for this will be in cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the committee will examine whether an investigation, intervention or some other assistance is needed. In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to investigate it as per the procedure specified.

If the complainant wishes s/he can be accompanied by a representative.

### Enquiry Procedures :

- ❖ Any complaints made to any committee member must be received and recorded by the member, who shall then inform the committee members about the allegation, who in turn shall call a meeting of the committee. All meetings of the Committee will be called by the Member in a notice of at least 3 to 5 working days must be given. The Committee is bound to maintain confidentiality during the time of the enquiry by withholding the complainant's name and other particulars that would identify complainant.
- ❖ During an enquiry the quorum for all Committee meetings will be one-third of the total

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membership, and must include at least one member from the complainant's category as well as, one of the members from outside.

- ❖ The Committee will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
- ❖ In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement) the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.
- ❖ In case a prima facie case is established the Committee shall set up an enquiry committee of 3-5 members, with at least one member of the complainant's category, as well as a member from outside the LA.
- ❖ The sub-committee must inform the accused in writing about the charges made against him/her and s/he should be given a period of five days from the date of receipt of the notification to respond to the charges.
- ❖ During the enquiry procedure, the complainant and the accused will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry
- ❖ The sub-committee must submit its report to the Committee not later than 15 working days.
- ❖ The Committee will discuss the report and make recommendations for punitive action if required.
- ❖ The entire process of enquiry should be completed within one month.
- ❖ The complainant or the accused may appeal to the Head of the Institution/Vice-Chancellor, if they are dissatisfied with the decision of the Committee.

### NOTE:

A complainant has the right to go public if s/he so desires. Going public before giving in the complaint to the committee by the complainant should not prejudice the committee members. Once a complaint has been given to the committee, the complainant should preferably not go public till the enquiry is completed unless required.

Filing of a grievance/complaint shall not adversely affect the complainant's status/job, salary /promotion, grades etc.

The Committee should make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who intimidates the complainant or members of the committee, during or after the enquiry.

Any committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.

The Committee should form a small crisis intervention group comprising a group of committee members who should be readily accessible. At least 75percent of the crisis intervention group should be women. The telephone numbers of members should be widely publicized. The committee should have names and easy access to groups and/or individuals who can assist by providing legal, medical and/or psychological help.

During the pendency of an enquiry, on a written request made by the complainant, the

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committee as the case may be recommend to the Head of the Institution to transfer the complainant to any other workplace or grant leave to the complainant up to a period of three months or grant such other relief to the complainant as may be prescribed. The leave granted to the complainant under this circumstance shall be in addition to the leave she/he would be otherwise entitled.

### **REDRESSAL :**

The committee can ask the College to suspend the alleged harasser from administrative post/classes if his/her presence is likely to interfere with the enquiry.

The victim of sexual harassment as per the Supreme Court judgment will have the option to seek transfer of the perpetrator or their own transfer where applicable.

The Head of the institution upon receipt of the enquiry report, shall refer the same to the Board of Management of the institute disciplinary action on the basis of the recommendations of the Complaint Committee under relevant service rules.

The disciplinary action will be commensurate with the nature of the violation.

### **In the case of College employees, disciplinary action could be in the form of:**

- ❖ Warning
- ❖ 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
- ❖ Stopping of increments/promotion
- ❖ Reverting, demotion
- ❖ Suspension
- ❖ Dismissal

### **In case of students, disciplinary action could be in the form of:**

- ❖ Warning
- ❖ Written apology
- ❖ Bond of good behaviour
- ❖ Debarring entry into a hostel/campus
- ❖ Suspension for a specific period of time
- ❖ With holding results
- ❖ Debarring from exams
- ❖ Debarring from contesting elections
- ❖ Debarring from holding posts such as member of Institutional committee, membership of college Council etc.
- ❖ Expulsion
- ❖ Denial of admission
- ❖ Declaring the harasser as "persona non grata" for a stipulated period of time

(NOTE: The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurize the complainant in any way).

In the case of third party harassment/outsider harassment, the College authorities shall initiate action by making a complaint with the appropriate authority.

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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 institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.

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 behavior etc.

## AMENDMENTS TO THE POLICY

On the basis of their experience of the working of the policy, the committee will have the power to make recommendations to the head of the institute about changes in the policy. The head of the institute after adequate consultation shall make recommendations to the Board of Management about changes in the policy, as and when required in keeping with the preamble and objectives of the policy.