

SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION AND RESEARCH

**A Deemed to be University
Tamaka, Kolar, Karnataka.**

**Declared under Section 3 of the UGC Act, 1956
vide MHRD, Government of India Notification
No.F-9-36/2006-U.3 (A) dated 25th May 2007**



PREVENTION OF SEXUAL HARASSMENT POLICY



SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION & RESEARCH

A DEEMED TO BE UNIVERSITY, (DECLARED UNDER SECTION 3 OF THE UGC ACT, 1956)

TAMAKA, KOLAR 563101, KARNATAKA, INDIA

Name of the Policy/ Guidelines	Prevention of Sexual Harassment Policy	
Short Description	The Policy and guidelines on measures applicable to Sexual Harassment	
Scope	This policy is applicable to all students, faculty and non- teaching staff of the constituent colleges and departments of SDUAHER (Deemed to be University).	
Policy status	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised	
Date of approval of Version 1	17 February 2020	
Revision No.	0	
Brief description of last revision	Not Applicable	
Date of approval of current revision	Not Applicable	
Effective date		
Approval Authority	Board of Management	
Responsible officer	Registrar	
Name of the Policy/ Guidelines		
Details of division	Date of Revision	Approved by

Definition

(a) “Aggrieved woman” means:

(i) In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) In relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) Sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making sexually colored remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

(c) Workplace” includes:

- i. any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- ii. any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- iii. hospitals or nursing homes;
- iv. any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

- v. any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- vi. a dwelling place or a house;
- vii. “unorganized sector” in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention

- (i) No woman shall be subjected to sexual harassment at any workplace.
- (ii) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment.
 - a. implied or explicit promise of preferential treatment in her employment;
or
 - b. implied or explicit threat of detrimental treatment in her employment ; or
 - c. implied or explicit threat about her present or future employment status;
or
 - d. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - e. Humiliating treatment likely to affect her health or safety.

Internal Complaints Committee

- i. Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the “Internal Complaints Committee”:
- ii. Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.
- iii. The Internal Committees shall consist of the following members to be nominated by the employer, namely:

- a. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.
- b. Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.
- c. Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.
- d. Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- e. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- f. Provided that at least one-half of the total Members so nominated shall be women.
- g. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

Complaints of sexual harassment

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, 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.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the Internal Committee for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

- i. The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.
- ii. Provided that no monetary settlement shall be made as a basis of conciliation.
- iii. Where settlement has been arrived the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- iv. The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

Inquiry into complaint

- i. The Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:
- ii. Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.
- iii. Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

Inquiry report

- i. On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer.
- ii. Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- iii. Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer as the case may be—
 - a. to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed.
 - b. to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman
- iv. The employer shall act upon the recommendation within sixty days of its receipt by him.