

Policy on Sexual Harassment

Preamble:

Maharashtra Education Society's H. K. College of Pharmacy, has committed itself to provide a congenial and conducive atmosphere in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of gender. Every member is expected to be aware of the commitment to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

The Supreme Court of India, in a landmark judgment in August 1997 (*Vishaka & others vs. the State of Rajasthan & others*) stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the "Right to Freedom" under Article 19 (1)(g). Another Supreme Court Judgment in January 1999 (*Apparel Export Promotion Council vs. Chopra*) has stated that sexually harassing behaviour "needs to be eliminated as there is no compromise on such violations". The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty".

Based on these, the University, to which the college is affiliated, made it mandatory for the affiliated and constituent colleges to adhere to the following from the year 2006:

1. An anti – sexual harassment cell to be made functional with at least two senior women faculty on the committee
2. An anti – sexual harassment policy to be adopted and publicized
3. An affidavit to be submitted by each college declaring that such a policy is adopted and the anti – sexual harassment cell is operative.

The Supreme Court judgment of 1997 makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace.

Declaration of Policy. –

Maharashtra Education Society's H. K. College of Pharmacy, *shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, ensures the full enforcement of "Fundamental Rights" under articles 14, 15, 19(1) (g) and 21 of the Constitution of India , and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 is implemented in its entirety.*

OBJECTIVES OF THE POLICY

1. To fulfill the directive of the Supreme Court, the sexual harassment of women at workplace Act 2013 and the Mumbai University in respect of implementing a policy against sexual harassment in the institution.

2. To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To provide an environment free of gender-based discrimination.
5. To ensure equal access of all facilities and participation in activities of the college
6. To create a secure physical and social environment which will deter acts of sexual harassment
7. To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

DEFINITION OF SEXUAL HARASSMENT

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

1. **Physical contact and advances;**
2. **A demand or request for sexual favours;**
3. **Sexually coloured remarks;**
4. **Showing pornography;**
5. **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 enrolment in the institution whether she is drawing salary, or honorarium or otherwise, 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 or studentship including recruiting or promotion or academics 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.

JURISDICTION

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

1. By a member of the institution against any other member irrespective of whether the harassment is alleged to have taken place within or outside the campus.
2. 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.
3. 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.

3. To advise the competent authority to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
4. To seek medical, police and legal intervention with the consent of the complainant.
5. To make arrangements for appropriate psychological, emotional and physical support (in form of counseling, security and other assistance) to the victim if so desires.

PROCEDURE TO BE FOLLOWED BY THE COMMITTEE

1. The Committee shall meet as and when any complaint is received by it. Complaint may be received by any member of the committee.
2. The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of two (2) days from such direction or such other time period that the Committee may decide.
3. The Committee shall direct the accused employee(s)/student(s) to prepare and submit a written response to the complaint / allegations within a period of four (4) days from such direction or such other time period as the Committee may decide.
4. Each party shall be provided with a copy of the written statement(s) submitted by the other.
5. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue *ex parte*.
6. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
7. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
8. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
9. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
10. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
11. The Committee shall make all endeavor to complete its proceedings within a period of fifteen (15) days from the date of receipt of complaint.
12. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Principal/Management, within a period of five (5) days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
13. If, in the course of the proceedings before it, the Committee is satisfied that a *prima facie* case of sexual harassment is made out against the accused employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the

Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

Composition of the Anti – Sexual Harassment Committee

1. The Committee shall be headed by a senior woman faculty of the college and shall be designated as the “**Chairperson**”
2. The committee shall have two senior women teaching faculty members, at least one senior male teaching faculty member, at least one woman administrative staff and one woman class – IV staff. The committee shall have three nominated girl student representatives.
3. The committee shall have Principal and one nominated person from the management.

POWERS OF THE COMMITTEE

1. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
2. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
3. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
4. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
5. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
6. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

FUNCTIONS OF THE COMMITTEE

1. **PREVENTIVE STEPS.**
 1. To facilitate a safe environment that is free of sexual harassment;
 2. To promote behaviours that create an atmosphere that ensures gender equality and equal opportunities
2. **REMEDIAL STEPS.**
 1. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
 2. 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.

interests of justice, it may, on the request of the complainant or otherwise, disciplinary action could be initiated in the form of:-

1. Warning
 2. Written apology
 3. Bond of good behaviour
 4. Adverse remarks in the confidential report
 5. Debarring from supervisory duties
 6. Denial of membership of statutory bodies
 7. Denial of re-employment/re - admission
 8. Stopping of increments / promotion/denying admission ticket
 9. Reverting, demotion
 10. Suspension
 11. Dismissal
 12. Any other relevant mechanism
14. If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting the complainant as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Principal/Management, with reasons and with recommendations of the action to be taken against such person.
15. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Principal/Management, with reasons and with recommendations of the action to be taken against such person.

Annual Report

The Chairperson of the Committee will prepare an Annual Report at the end of each academic year, giving a full account of the activities of the Committee during the year gone by.