

GARDEN CITY COLLEGE OF SCIENCE AND MANAGEMENT STUDIES
Bangalore - 49

GUIDELINES FOR ANTI SEXUAL HARRASSMENT COMMITTEE
(As per guidelines issued by UGC, Sexual Harassment at Workplace (Prevention, prohibition & Redressal) Act, 2013)

In accordance with the guidelines issued by Supreme Court, UGC and as per the provisions of the Sexual Harassment at Workplace (Prevention, Prohibition & Redressal) Act, 2013, Anti-Sexual Harassment Committee is reconstituted to provide for the effective enforcement of the basic human rights of gender equality and guarantee against sexual harassment and abuse, and to provide a conducive atmosphere in the campus, to all the staff members, employees and students of the college.

1. Objective:

The college is committed to equal opportunities and to providing an environment in which all staff, students and those for whom the college has a special responsibility (for example visiting academicians and students – henceforth referred to as “visitors”) are treated with dignity and respect and in which they can work and study, free from any type of discrimination, harassment, or victimization. All members of the college are responsible for upholding this policy and should act in accordance with the guidelines in the course of their day-to-day work or study, ensuring an environment in which the dignity of other staff, students, and visitors is respected. Offensive behaviour will not be tolerated. Harassment is a serious offence which is punishable under the college’s disciplinary procedures.

2. Introduction:

The guidelines, and the Code of Practice which accompanies it, apply to the academic and office staff of the college, undergraduate and graduate students, and all others for whom the college is responsible. References to ‘academic staff’ include Principal, Heads of Departments, Full time and Part time teachers and Guest lecturers, who teach the students of the College.

The college is committed to making all staff and students aware of these guidelines and to providing effective guidance and briefing on it. The college takes steps to ensure that both the policy and guidance are fully understood and implemented. The

guidelines will be brought to the attention of all staff and students and are available on the college web-site.

The Management of the college and all in positions of responsibility, including students who fall into these categories, have specific responsibilities. These include setting a good personal example, making it clear that harassment will not be tolerated, being familiar with, explaining the guidelines and the consequences of breaching it, investigating reports of harassment, taking corrective action if appropriate, and ensuring that victimisation does not occur as a result of a complaint.

2. Definition of Harassment

Harassment is unwanted conduct on the grounds of sex, marital status, gender reassignment, race, disability, religion/belief, sexual orientation or age that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment on grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence. Harassment may occur through the use of internet, email, or telephone.

The other person's motives are not the main factor in deciding if behaviour amounts to harassment. Just because certain behaviour may be acceptable to the alleged harasser or another person does not mean it is not harassment. Being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for harassment, and may be regarded as an aggravating feature. Bullying may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It includes any behaviour which makes someone else feel threatened, frightened, humiliated or taken advantage of. Some common forms of verbal abuse include verbal abuse; taunting; setting impossible deadlines or objectives; withholding key information or giving false information.

Victimisation occurs specifically when a person is treated less favourably because he/she has asserted his/her rights under this guidance, either in making a complaint or in assisting a complainant in an investigation. The college will protect any member of staff, student, or visitor from victimisation for bringing a complaint or assisting in an

investigation. Victimization is a form of misconduct which may, in itself, result in a disciplinary process, regardless of the outcome of the original complaint of harassment.

Sexual harassment has been characterised as a particularly degrading and unacceptable form of treatment, and is unacceptable to the college, as well as unlawful, such that a victim may bring legal proceedings. If the conduct amounts to assault it may also constitute a criminal offence. All those to whom these guidelines and the accompanying Code of Practice apply are under a duty not to engage in sexual harassment. Complaints that sexual harassment has occurred between persons to whom these guidelines and the accompanying Code of Practice apply will be taken seriously by the college, and where appropriate, may result in disciplinary proceedings. The college will monitor the incidence of sexual harassment in the campus.

Sexual harassment is a form of sex discrimination. Direct sex discrimination is less favourable treatment on the grounds of sex. Sexual harassment is direct sex discrimination by way of uninvited conduct based on the sex of the recipient which is intimidating, hostile or offensive to the recipient. It can include harassment which has not been directed at them specifically, but that they have witnessed and which violated their dignity. It may include unwelcome behaviour of a sexual nature which the recipient finds intimidating, hostile or offensive, ranging from unwelcome sexual advances, unpleasant or denigratory remarks, to the display of offensive material of an explicitly sexual nature. Such conduct may be physical, verbal or nonverbal. An aggravating feature of some cases of sexual harassment may be the abuse of a position of authority or trust. In general, the starting point for the determination of what is intimidating, hostile or offensive to the recipient will be the perceptions of the recipient of the alleged conduct. The college's guidelines dictate that the provisions of the Sex Discrimination Act and the Equality Act cover homosexual as well as heterosexual harassment.

Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

In summary, examples of behaviour that may constitute harassment are:

- verbal or physical threats;
- insulting, abusive, embarrassing or patronising behaviour or comments;
- offensive gestures, language, rumours, gossip or jokes;
- humiliating, intimidating, demeaning and/or persistent criticism;
- open hostility;
- suggestive comments or body language;
- isolation or exclusion from normal work or study place,
- publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures or other materials;
- unwanted physical contact, ranging from an invasion of space to a serious assault

(The above list is not intended to be exhaustive.)

3. Advice to individuals on perceived suffering of one or more forms of harassment

Individuals may be unsure whether certain behaviour amounts to harassment. The first step may be to discuss the matter in confidence with a friend or colleague who is familiar with the college setting. Members of staff may want to discuss the matter with immediate superiors, College Management or colleagues. Students may want to discuss the matter with the mentor teachers or any other college officials.

4. Written Complaints

Format of Complaints

Written complaints shall be in form of a letter describing the conduct on which the complaint is based. It will include:

- the date(s) and place(s) on which the offensive conduct occurred,
- the names of any witnesses, and the name of the respondent
- any efforts to resolve the complaint and the results of these efforts
- if appropriate, the specific outcome the complainant seeks

Filing of Complaints

Students: As noted above, complaints against undergraduate/postgraduate students should be filed to the Mentor teacher or the Head of the Department.

Employees: Complaints against employees should be filed to the Principal.

5. Notification of Respondent

Within fifteen (15) working days of the receipt of the complaint, convener of the Anti Sexual Harassment Committee after receiving the complaint will notify the respondent in writing, advise the respondent of the name of the complainant, the nature of the allegations, refer the respondent to the guidelines, and provide a copy of the complaint. The convener of the Committee will receive a copy of this correspondence, and, upon its receipt, will confer with the complainant and the respondent independently to review options for resolution of the complaint. The complainant, with the assistance of the convener of the Committee, will choose the option he or she prefers, subject to the right of the respondent to request mediation or the right of the respondent to request hearing by the Anti Sexual Harassment Committee. The respondent will also be advised that any speech or conduct threatening or constituting retaliation against the complainant will be regarded seriously.

6. Administrative Resolution

The complainant has the exclusive prerogative of choosing the administrative resolution option, subject to the right of the Committee convener to determine that administrative resolution is not appropriate in the given case or the right of the respondent or the Principal to request the hearing by the Anti Sexual Harassment Committee.

In an Administrative Resolution, the Principal with whom the complaint is filed will review the complaint with the Committee convener and the complainant and will also meet with the respondent. The convener will then seek to resolve any factual disputes by interviewing witnesses and reviewing documents in order to establish the credibility of the parties. The convener will ordinarily complete this investigation within fourteen (14) working days of notification of the respondent and determine whether the preponderance of evidence indicates that harassment occurred.

After completing the investigation, the Principal will meet with the complainant and respondent, either together or separately, to discuss an appropriate resolution of the complaint. After this meeting(s), the Principal will prepare a statement of the facts and a conclusion.

7. Possible Findings

If harassment is the finding, the convener will find any prior history of infractions in the staff/student file. The Committee convener will then recommend a resolution in writing and deliver the recommendation to the Principal.

The Principal will review and accept or reject the committee's recommendation. Decision is ordinarily made within fifteen (15) working days of the receipt of the recommendation. The decision will be intimated in writing to the complainant, the respondent and the committee. The case will be recorded in both the If it is determined that there are insufficient grounds to support the claim of harassment, the parties will be so informed in writing and the complaint will be dismissed. The complaint will be recorded in the staff/student file.

8. Employer's Obligations

In addition to ensuring compliance with the other provisions stipulated, the Sexual Harassment Act casts certain obligations upon the employer to:

1. Provide a safe working environment
2. Disseminate information at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Anti Sexual Harassment Committee.
3. Organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Committee.
4. Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.

The employer is also required to monitor the timely submission of reports by the Anti Sexual Harassment Committee.

If an employer fails to constitute an x Anti Sexual Harassment Committee or does not comply with any provisions contained therein, the Sexual Harassment Act prescribes a monetary penalty of up to INR 50,000. A repetition of the same offence could result

in the punishment being doubled and / or de-registration of the entity or revocation of any statutory business licenses.

9. Policy Dissemination

The substance of these guidelines is included in the college website.

10. Education and Awareness

Students and faculties are briefed about the harassment policy during induction program.

**Principal
Garden City College of Science and Management Studies
Bengaluru
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