

**Policy on the Prevention and Redressal of Sexual Harassment**  
**Chakdaha College**

**Preface:**

Chakdaha College, Chakdaha, Nadia is dedicated to ensuring that its members act morally and lawfully in accordance with its guiding principle of respect for all people. It is dedicated to provide all of its members a secure and supportive atmosphere. According to the internal compliance requirements set forth by this policy, the institution forbids harassment of any sort, including sexual harassment, and has established a strict procedure for the prevention of sexual harassment at the workplace.

This policy outlines the definition of workplace sexual harassment, the steps to take to prevent and address it, how to file complaints and grievances regarding sexual harassment, how to investigate complaints and grievances, and how to take appropriate disciplinary action against those responsible.

**Scope:**

This policy is applicable to all Chakdaha College employees, including faculty, staff, administrators, and volunteers. For any infringement of this policy, all individuals at all levels shall be subject to disciplinary action, which may include discharge or dismissal. Sexually harassing someone on or off campus, during or after work or academic hours is forbidden for anyone who is employed or not, regardless of their position, and for students.

**Internal Complaints Committee (ICC) for Sexual Harassment:**


**Objectives:**

1. To prevent and address incidents of sexual harassment within the college.
2. To create an environment where individuals feel safe to report incidents of sexual harassment without fear of victimization.
3. To ensure compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
4. To promote gender equality, dignity, and respect for all members of the college community.
5. To provide support and assistance to victims of sexual harassment.

**Functions/Responsibilities:**

1. Disseminating information about the ICC and its role through orientation and awareness programs.
2. Receiving and documenting complaints of sexual harassment from students and staff.



  
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3. Conducting inquiries and investigations into the complaints in a sensitive and impartial manner.
4. Taking appropriate actions to redress the complaints and provide relief to the victims.
5. Maintaining confidentiality throughout the complaint handling process.
6. Regularly organizing awareness programs and workshops on preventing sexual harassment.
7. Submitting annual reports detailing the number of complaints received, actions taken, and measures to prevent sexual harassment.

#### **The Composition of Internal Complaints Committee (ICC):**

1. **Presiding Officer:** The Presiding Officer, also known as the Chairperson, is a senior faculty member or staff member of the college. He/she is responsible for overseeing the functioning of the ICC and ensuring that complaints are addressed appropriately.
2. **Faculty Members:** The ICC includes at least two faculty members from different departments of the college. These members should be sensitized to issues related to sexual harassment and be committed to promoting a safe and respectful campus environment.
3. **Non-Teaching Staff:** The ICC includes at least one non-teaching staff member, such as an administrative staff member or a representative from the support staff. Their inclusion ensures a diverse perspective in addressing complaints.
4. **External Member:** As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013, the ICC should include one external member who is not associated with the college. This person could be from a recognized NGO or any other organization working in the field of women's rights.
5. **Student Representative:** The ICC should have two student representative, preferably a female student, to ensure that student concerns are heard and addressed appropriately.

*It is important to note that all members of the ICC should be trained in handling complaints related to sexual harassment and be aware of the relevant laws and guidelines. The committee's composition should be balanced and diverse to ensure a fair and unbiased inquiry into complaints of sexual harassment. Additionally, the ICC should function independently and operate with confidentiality to ensure the safety and privacy of both complainants and respondents.*

#### **Definition of Sexual Harassment:**

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 provides for an inclusive definition of sexual harassment. Sexual harassment is unsolicited conduct of a sexual nature that is persistent or offensive and interferes with a staff's job performance or a student's academic performance. This also includes intimidating, hostile, or offensive work or learning environments.



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- Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

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

- **The circumstances in which an act amounts to sexual harassment are:**

- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in employment.
- Implied or explicit threat about her present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for an employee.
- Humiliating treatment likely to affect the health or safety of an employee.

- **Where any of these acts are committed in circumstances where under the victim of such conduct has a reasonable apprehension about the victim's employment or work whether she is drawing a salary, or honorarium or voluntary, such conduct can be humiliating and may constitute a health and safety problem.**

Sexual harassment at the workplace results in a violation of the fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. It is a clear violation of the fundamental rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'. It creates an insecure and hostile work environment. Even a single incident could threaten and discourage women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.

Keeping this in mind, Chakdaha College has formulated a "Policy on Prevention of Sexual Harassment and Complaint/Enquiry Procedure" in full compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

- **Disciplinary Action:**

A Committee for Prevention of Sexual Harassment (POSH) shall be constituted by the Institution. Where such conduct amounts to misconduct as defined above (by the relevant conditions of service and code of conduct), appropriate disciplinary action shall be initiated by the administrator of Chakdaha College after an inquiry by the POSH under these rules.

- **Creating Harassment-Free Working Conditions in the College**

It is the responsibility of each employee and student to create an atmosphere free of harassment and respect the human rights of fellow employees/students to maintain a conducive work environment for all. The college expects and encourages all faculty/staff/senior leaders to take adequate steps to prevent or discourage acts of sexual



  
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harassment. A counsellor shall be appointed and a support service shall be set up. Furthermore, the college shall take all necessary steps to ensure effective dissemination of this policy through orientation and awareness programmes, conducting special sessions for the employees and students and electronic & printed communications.

➤ **Who can complain?**

A student or staff member, faculty or administrative staff who alleges to have been subjected to any act of sexual harassment on the campus by another person may submit a complaint. The definition of Complainant/Aggrieved person for this policy extends to all women employees/students irrespective of the status of employment. It includes full-time employees/students, part-time employees/students, contract workers, temporary staff, interns, trainees, vendors, consultants, and visitors.

➤ **The Procedure:**

**1. Creation of an Internal Compliance Committee/Committee for Prevention of Sexual Harassment -**

An Internal Compliance Committee or Committee for Prevention of Sexual Harassment shall be constituted as per the Policy, and it shall be headed by a senior lady faculty member; more than half of its members shall be women and will include an independent third party representative from an external agency/institute. The Committee will be responsible for ensuring that a fair process is duly followed for every complaint raised.

**2. Counsellor and Support Service:**

A counsellor and support service shall be appointed. The counsellor shall be a woman, with relevant expertise. The counsellor shall extend support service to the aggrieved.

**3. Conduct of Inquiry:**

All complaints about sexual harassment shall be heard seriously. If required, an appropriate inquiry into the complaints shall be conducted and the report of the inquiry shall be shared with the administrator and both the parties involved in the case. The Committee for POSH shall not take any retaliatory action against the aggrieved/complainant and the sensitive nature of the complaint shall be considered during the inquiry. Moreover, a fair procedure and principles of natural justice shall be followed at every step of the inquiry process.

During the Inquiry, depending upon the facts and circumstances of the complaint, the Committee may recommend to the administrator of the college to take certain pre-emptive steps in support of the complainant, such as grant of leave, to support a free & fair inquiry. The Committee for POSH shall also ensure protection against a false accusation by making a recommendation to the college administrator to take action against the complainant who has made the complaint or the witness who has deposed falsely by following the provisions of service terms & conditions/standing orders applicable to the complainant, which may even include dismissal from the college.



  
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The Committee for POSH shall document all the complaints received and actioned and also submit an annual report detailing the number of complaints received, number of complaints disposed of, pending complaints, and action taken by the Committee.

**4. Complaint Mechanism:**

- An aggrieved person who is experiencing sexual harassment may follow the steps given below for redressal:
- Directly communicate to the harasser that he/she considers the behaviour inappropriate and that the conduct is unwelcome and wants it to stop. This must be stated very firmly and clearly.
- If the harassment persists, the aggrieved may report the situation to his/her Programme Coordinator/HoD/Principal respectively.
- The employee/student shall use the complaint mechanism and file a written complaint/ e-mail to the chairperson of the Committee for POSH.


**5. Disciplinary Action:**

- The Committee for POSH under this policy shall follow the below-mentioned procedure when they receive a complaint on sexual harassment:
- A complaint of sexual harassment can be filed within a time limit of one month from the date of the incident, subject to the discretion of the Committee to extend the period for special reasons provided for the delay in reporting.
- The complainant has to give/submit the complaint to the Committee for POSH, in writing, along with supporting documents, names, and addresses of witnesses. The issue being sensitive, the said complaint will be afforded confidentiality as per the policy.
- No person against whom a complaint is made shall be part of the Committee for POSH.

**6. Punishment for Sexual Harassment:**

- Upon receipt of the findings of the Committee, the administrator will pronounce its verdict concerning the charges against the harasser, which shall thereafter be promulgated. If an employee/student is found to have violated this Policy, the administrator shall take such action as may be appropriate action for misconduct by the employee/student under the policy and service rules/standing orders. Such actions may include any of the following:
- Written apology
- Warning
- Reprimand or censure or warning
- Counseling session
- Withholding of promotion
- Withholding of increments
- Termination of employment
- Suspension from the College up to a specified duration



  
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- Legal civil proceedings

**7. Confidentiality:**

All complaints and inquiries shall be treated confidentially to the extent possible and information shall only be disclosed strictly on a need-to-know basis. The identity of the aggrieved shall be generally kept confidential. The identity of the complainant shall be revealed to the parties involved during the inquiry and the chairperson of the Committee for POSH shall take adequate steps to ensure that the complainant is protected from retaliation during and after the inquiry. All information about a sexual harassment complaint or inquiry shall be maintained in secure files by the Committee for POSH.

**8. Employees Initiative:**

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

**9. Awareness:**

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying these guidelines and appropriate legislation when enacted on the subjects suitably.

**10. Third Party:**

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.

➤ **Implementation of the Policy:**


The provisions of this Policy are in addition to and not in derogation of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 as amended from time to time or any law in force from time to time. The provisions of the Act shall always be held sacrosanct and shall be followed by the Committee and the College.

➤ **Interpretation:**

Any matter not specifically covered under the above guidelines shall be referred to the Governing Body for necessary advice. The interpretation of this policy rests exclusively with the College. The decision of the College shall be final and binding.

**Note:** This policy is a part of the Compendium of Institutional Policies prepared by Chakdaha College, Chakdaha, Nadia, West Bengal.



  
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