



SSM INSTITUTE OF ENGINEERING AND TECHNOLOGY

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POLICY AND GUIDELINES FOR PREVENTION OF SEXUAL HARASSMENT OF (POSH) WOMEN AT WORK PLACE

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (POSH)

POSH Cell was established in the year 2015 and comes into effect from 14.11.2011.

As per the directions of Anna University and guidelines of UGC dated on 05.11.15.

About the cell

In compliance with the Supreme Court Judgment and guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places the University Grants Commission (UGC) has issued circulars since 1998 and insisting the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act -Sexual Harassment Act in April 2013) to all the universities, advising them to establish a permanent cell /committee and to frame guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. It has further advised the universities to be proactive by developing a conducive atmosphere on the campus, where the women are respected and they are treated with dignity. As per the guidelines of UGC and the recommendation of the Anna University a Committee against Sexual Harassment/ (ICC) Internal Complaints Committee at SSM institute of engineering and technology have been established to provide a healthy and congenial atmosphere to the staff and students of the College.

This includes all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. This also meets the obligation as mandated by the Supreme Court



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of India, in its landmark judgment in August 1997 viz., *Vishaka & others vs. the State of Rajasthan & others* which 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). This judgment makes it obligatory for every employer and other responsible persons to follow the guide lines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. Thus to ensure the above mentioned human rights, SSM institute of engineering and technology has proactively established the Prevention of Sexual Harassment Cell (POSH) Cell.

Sexual Harassment-Definition

According to the Supreme Court, sexual harassment is defined as “unwelcome sexually determined behavior such as”

- Physical contact and making advances
- A demand or request for sexual favors
- Sexually oriented remarks
- Showing pornography
- Use of electronic media (phone, internet, intranet) for perpetrating any of the above
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

In short, the definition of sexual harassment is broad enough to include all kinds of offensive, hostile, intimidating, humiliating and exploitative language, gestures and conduct



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The Role of the cell:

- Prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees.
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment.
- To ensure that appropriate action is taken against the offender.
- To ensure that victims and witnesses are not victimized or discriminated because of their Complaint.
- To take proactive measures towards sensitization of the working and learning community on gender issues so that the University is an excellent work place for all.
- Recommend appropriate punitive action against the guilty party to the cell.

Action

- If informal methods such as telling the perpetrator to stop harassing do not succeed, the victim c
- An lodge a complaint through email or by a telephone call to any of the members of ICC.
- The complainant's name and identity will be kept confidential.



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Preamble

An atmosphere of mutual respect among members of the academic community is necessary for SSMIET, to function as a Technical Institution. Any violation of mutual trust, any form of threats or exploitation, damages the institution's educational process by undermining the essential freedoms of inquiry and expression. Students, staff, and faculty must feel personally secure for real learning to take place. As a place of work and study, SSMIET must be free of discrimination and harassment in all of its forms, including threats and exploitation. All students, staff, and faculty must be assured that the SSMIET will take action to prevent such misconduct and that anyone who engages in such behavior is subject to disciplinary procedures. SSMIET has a legal obligation to provide a harassment / discrimination free environment, and is committed to maintaining an academic, working and residential environment which is free of inappropriate and disrespectful conduct of a derogatory nature regarding any woman especially when such conduct adversely affects a student's or an employee's work / educational environment or creates an intimidating, hostile or offensive environment. Discrimination and / or harassment are prohibited personnel practices when it has the effect or purpose of abusing others based on direct or implied discrimination. It is also a prohibited personnel practice when it interferes with an individual's academic, social or work performance. The effect may include, but is not limited to: anguish, withdrawal from a course, a department or a career. This policy applies to all Employee / Employee, Employee / Student, Employee / Members of Management or Student / Members of Management cases of discrimination or harassment.



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INTRODUCTION

SSMIET is a Technical institution approved by AICTE and affiliated to Anna University: Chennai is committed to provide to the nation good quality trained human resources who are socially sensitive have inquisitive minds. SSMIET is committed to prevent sexual harassment and provide for environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. With the objective of providing a safe and friendly environment to all at the college, the college has framed the guidelines to ensure prevention of sexual harassment at workplace.

Medium of conducting Sexual Harassment

A person can be guilty of sexual harassment if any unwelcome sexually determined behavior is committed through any of the following ways:

- Comments
- Remarks
- Jokes
- Letters
- Phone calls
- Emails
- Chats on any electronic medium like whatsapp, twitter, facebook, etc.
- Gestures
- Showing of pornography clipping
- Lurid stares
- Physical contact
- Molestation
- Stalking
- Sounds or display of a derogatory nature
- Any other understandable medium

SCOPE OF GUIDELINES

It applies to all the following who can be either victim or accused:

- All students i.e. an undergraduate, post graduate and a repeaters
- (Out gone students but having arrears paper)
- Any ex-student permitted to use the facility of library, laboratory, reading room
- Administrative and support Staff, Office assistants, scavengers – permanent and Temporary
- Faculty members –Teaching and Laboratory Technicians, Lab Assistants- Permanent and temporary
- Members of management
- Contract Labors



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ASSISTANCE BY COLLEGE

In order to foster a fearless environment, the COLLEGE shall take proactive steps in preventing sexual harassment and resolving disputes of such nature.

- ❖ To provide counseling services to the complainant
- ❖ To undertake workshops and training programmes at regular intervals. (Twice in a year)
- ❖ Sensitizing the students, faculty members and employees regarding the sexual harassment guidelines
- ❖ To pursue the complaint and the safety of the complainant
- ❖ To assure confidentiality of the case
- ❖ To form the Internal Complaints Committee to deal with the cases relating to Sexual Harassment
- ❖ To inform the members about the Internal Complaints Committee by displaying the same at conspicuous place
- ❖ To provide necessary facilities to the Internal Committee as the case may be, for dealing with the complaint and conducting inquiry assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- ❖ To make available such information to the Internal Committee as the case may be, as it may require.

ICC: (Internal Complaints Committee)

The College has established an Internal Complaints Committee to address the grievances of any person subjected to sexual harassment.

Composition of the Committee

The committee consists of seven members headed and nominated by the PRINCIPAL of the total number of members, minimum three have to be women of seven members, two members are representative of teaching staff and two members are representative of non-teaching staff, one student representative and one member is a representative of the management.



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INTERNAL COMPLAINTS COMMITTEE:

Working of the Committee

- ✓ The PRINCIPAL shall appoint a chairperson and a secretary from amongst the members
- ✓ The Chairperson will be a woman
- ✓ In the absence of the chairperson, Principal shall suggest acting chairperson of the particular meeting
- ✓ The name of the members of the committee, along with their contact places and telephone numbers, e-mail id are displayed at all times at conspicuous place of the main notice board of each of the college premises and department notice-boards.
- ✓ The committee will meet twice in a semester
- ✓ The chairperson has the power to call a special meeting on written request of not less than 1/3rd members with the consent of the Principal
- ✓ The quorum for any meeting shall be at least three members

WHO, WHEN AND HOW TO APPROACH THE COMMITTEE

Who Can Approach

Right to approach the Internal Committee lies with:

- ✓ Victim
- ✓ Victim's family members
- ✓ Witness of the Act
- ✓ Suo moto by the committee

How to Approach

- ❖ A complaint can be lodged with any member of the cell
- ❖ Written complaint shall be signed / thumb impression by the complainant
- ❖ Complaint can be oral or written
- ❖ In case of oral complaint, the committee member to whom complaint has been made shall document it and get it signed by the complainant before any proceedings
- ❖ Every complaint filed will be kept fully confidential



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- ❖ Where the complainant is unable to make a complaint on account of physical or mental incapacity or death or otherwise, legal heir or such other person as may be prescribed may make a complaint

When to Approach the Internals Complaint Committee

- The victim should approach the committee within one month of the commission of any act amounting sexual harassment
- The committee has the discretion to condone the delay in filing complaint.

PROCEDURE FOR INVESTIGATION OF COMPLAINTS:

The committee member to whom the complaint is made forwards the same to the chairperson within 10 days.

- A meeting is convened by the chairperson within three weeks from the date of communication to him.
- At the first meeting, the complainant or his/her representative will be heard
- In case of a woman complainant, if she specifically expresses a desire that she be allowed to depose in the presence of women members of the cell, the cell will hear the complaint after male members have withdrawn from the hearing.
- It is at the discretion of the cell to decide whether the complaint is to be proceeded with.
- It is the duty of the Committee, to ascertain the wishes of the complainant before proceeding with the complaint. If complainant wishes only warning to the accused
- If the complainant wishes that only warning would suffice, and then the alleged offender will be called to the meeting of the committee, heard, and if so satisfied that a warning is just and proper, it will be recommended to the Principal, that the accused may be warned about his behavior.
- The matter is then treated as concluded after recording in the complaint register to that effect
- A necessary note is made in the service book of the employee or record of the student
- The cell verifies the compliance of the action taken. Complaint register is maintained by the committee



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If complainant wishes to conduct enquiry

- Before proceeding with the enquiry, the committee shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind the nature and gravity of the misdemeanor complained of.
- In case the committee comes to the conclusion that such an action is necessary, it shall recommend to the Principal accordingly
- The committee shall accord fair and reasonable opportunity to the delinquent to defend himself and shall ensure observance of the principles of natural justice
- Two weeks' time is given to the delinquent to explain why he should not be treated as guilty of his behavior and not be punished for the act complained off
- If not written explanation is submitted or if the written explanation is not sufficient, the committee shall recommend at the outset whether the offence deserves a minor or a major penalty.
- The committee recommends the penalty to the Principal who shall then expeditiously act on such recommendations.

Grant of Leave

During the pendency of inquiry, on a written request made by the aggrieved person, the Internal Committee or the Local Committee, as the case may be, may recommend to the Principal to-

- (a) Grant leave to the aggrieved person or
- (b) Grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this section shall be in addition to entitled leave.

On the recommendation of the Internal Committee the Principal shall implement the recommendations made regarding granting leave to the victim.



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PROTECTION AGAINST VICITIMISATION

In the event of complainant being a student and the accused being a Teaching staff, during the pendency of the investigation and inquiry and even after such an enquiry if the Teaching staff is found guilty, then such teacher shall not act as an examiner for any examination for which the student appears. In the event of complainant and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not write the confidential reports of the complainant, if he otherwise so authorized.

DISCIPLINARY ACTION

The committee may recommend the following penalties on a person found guilty of sexual harassment.

In case of employee being guilty of Sexual Harassment Penalties

- Warning, Reprimand or Censure
- Fine
- Withholding of increments or promotion
- Reduction to a post in the lower pay scale or to a lower stage of increment
- Compensation to the Victim
- Termination / dismissal from service

In Case Student Is Found Guilty Of Sexual Harassment Penalties

- ❖ Warning
- ❖ Written Apology
- ❖ Bond of Good Behaviour
- ❖ Debarring entry into a campus/ hostel
- ❖ Suspension for a specified period of time
- ❖ Compensation to the victim
- ❖ Debarring from examination for a specified period of time, decided by the committee
- ❖ Expulsion from the college



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Determination of Compensation

For the purpose of determining the compensation to be paid to the aggrieved person the Internal Committee shall have regard to

- ✓ The mental trauma, pain, suffering and emotional distress caused to the victim;
- ✓ The loss in the career opportunity due to the incident of sexual harassment
- ✓ Medical expenses incurred by the victim for physical or psychiatric treatment
- ✓ The income and financial status of the respondent;
- ✓ Feasibility of such payment in lump sum or in installments.

In case of defaulter, the police complaint needs to be lodged as per the Act