

POLICY ON SEXUAL HARASSMENT AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL)

Ramaiah College of Law (hereinafter referred to as 'RCL') is committed to a zero tolerance policy towards sexual harassment. We seek to ensure a safe, healthy workplace and academic environment free from sexual harassment of any sort, in line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015. RCL strives to prevent incidents of sexual harassment at workplace, encourages reporting of incidents if any and provides for prompt redressal of such incidents. This Policy will only be interpreted in light of the Act and UGC Regulations and is required to clarify the ambiguity, if any.

SCOPE:

The Policy on Sexual Harassment at Workplace (hereinafter referred to as 'Policy') at RCL shall apply to all students, faculty, staff or employee of the RCL, or third parties whenever the misconduct occurs, in connection with college activities, routine teaching, administrative work or programme organized by RCL, on/off Campus and/or related to the conduct, which may have the effect of creating an intimidating or offensive or hostile work environment for one or more member(s) of the RCL community.

DEFINITIONS:

In this Policy, unless the context otherwise requires,-

- i. "Complainant/aggrieved person" means any person alleging an incident of sexual harassment, or on whose behalf such complaint has been filed;
- ii. "Internal Complaints Committee" means the Committee constituted by the Principal to enquire into the incidents of sexual harassment;
- iii. "RCL" means the Ramaiah College of Law, Bengaluru;
- iv. "RCL community" includes students, faculty, and staff or employee of RCL;
- v. "Respondent" means any person against whom a complaint of sexual harassment has been filed;
- vi. "Sexual Harassment" means and includes any unwelcome conduct, verbal, physical, textual, electronic, visual or graphic act or threat of a sexual nature, and shall include
 - a) any physical contact or advance;
 - b) any advances, demands or requests for sexual favour;
 - c) sexually coloured communication that is targeted at a particular person and leads to humiliation or harassment;
 - d) sexually explicit content or gestures;
 - e) showing pornography;

- f) any single or repeated sexually determined behaviour or conduct that creates intimidating or a hostile work environment;
- vii. “Third party” means any person who is not part of the RCL community;
- viii. “Staff or employee of RCL” shall mean anyone employed by RCL including administrative, full-time, part-time, temporary, contractual or casual staff, researchers, trainees and consultants.

1. Prohibition of Sexual Harassment

All instances of sexual harassment at workplace are prohibited and shall be dealt as per the Act, UGC Regulations and this Policy.

2. Constitution of the Internal Complaints Committee (ICC)

The Principal shall, by an order in writing, constitute a Committee to be called as Internal Complaints Committee¹ (hereinafter referred to as ‘ICC’).

- i. The Committee shall consist of the following members to be nominated by the Principal:
 - a) A Presiding Officer/Chairperson who shall be a senior woman faculty member.
 - b) Two members out of the faculty members who have legal knowledge or expertise in the subject.
 - c) Two members out of the staff/non-teaching employees who have knowledge or experience in the subject.
 - d) One or two external member(s) familiar with the issues of sexual harassment from governmental/semi-governmental or non-governmental organization.
 - e) Three student representatives, two from graduate, and one from post-graduate streams.
- ii. In case, a particular dispute relates to faculty, representatives from non-teaching employees and students will not be the part of the ICC during the resolution of the complaint or during inquiry proceedings.
- iii. In a dispute relating to non-teaching employees, representatives from students will not be the part of the ICC during the resolution of the complaint or during inquiry proceedings.
- iv. One member from amongst faculty members may be nominated by the Principal, if required.
- v. At least half of the members of the ICC shall be women.

3. Who can file the complaint

Any person, either a member of RCL community or visitor to RCL may make, in writing (as per the Format given in Annexure - A), a complaint of sexual harassment at workplace to the ICC.

Provided, that if the complainant is unable to submit the complaint in writing by herself or himself, the ICC may allow any other person to file a complaint on her behalf if it considers it reasonable and appropriate.

¹ Internal Complaints Committee is also referred to as Internal Committee as per the amendment made by II Schedule to the Repealing and Amending Act, 2016.

4. Filing of Complaint

1. The complainant/aggrieved person shall file a complaint in writing or electronically to the ICC in the given format at the earliest point of time or within 3 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. The ICC, for reasons to be recorded in writing, may extend the time limit, not exceeding three months.
2. The complaint may be given by hand or by post to the Presiding Officer/Chairperson of ICC or emailed to icc@msrcl.org.
3. If the complaint has been filed electronically, a hard copy of the same must reach the office of the ICC within 7 working days.
4. The ICC shall extend all reasonable assistance to the aggrieved person for making the complaint in writing, if required.
5. The complaint should be specific and shall include the list of witnesses, if any.
6. Before initiating or during the inquiry, the ICC at the request of the complainant/aggrieved person, may take steps to settle the matter between the complainant/aggrieved person and the respondent. No monetary settlement shall be made as the basis for settlement.

5. Inquiry into the Complaint

1. On accepting the complaint, the ICC shall send a notice to the respondent within 7 working days along with a copy of the complaint.
2. The respondent shall reply to the complaint in writing, along with a list of witnesses, if any, within 10 working days from the date of receiving the notice.
3. Meanwhile, the complainant/aggrieved person may be called and heard by the ICC and a hand-written statement may be taken on record.
4. On receipt of the reply of the respondent, the ICC shall provide a copy of the same to the complainant/aggrieved person within 5 working days.
5. The ICC will be guided by principles of natural justice with regard to parties/witnesses during the inquiry proceedings.
6. The ICC may direct any of the parties to the complaint and the witnesses not to bring mobile phones or recorders during the deposition or proceedings, in order to maintain and ensure confidentiality.
7. The ICC may try to settle the matter between the parties through conciliation, subject to a request made by the complainant/aggrieved person.
8. The ICC will ensure that the parties are not placed in any position that might be intimidating unless it is deemed absolutely necessary, coupled with the consent of the complainant/aggrieved person.
9. The ICC, if it so requires, may at any time, call upon any person to be a witness, and may ask any questions as it deems necessary to such a witness and record their statements on oath.
10. If the complainant/aggrieved person or respondent desires to cross-examine any witness(s), ICC may have to facilitate the same and record the statement(s).
11. No copy of any of the documents pertaining to either party may be handed over to anyone except the parties, in order to maintain confidentiality.
12. All notes, statements and documents are to be kept strictly confidential. Members shall be given the documents for perusal during the inquiry meetings.

13. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statements of witnesses shall be endorsed and authenticated by the persons concerned as well as by the members of the ICC present in that meeting.
14. Minutes of the proceedings may preferably be prepared and authenticated on the same day as far as possible or under exceptional circumstances may be prepared on the very next day. It is to be signed by circulation either through hard or soft copy according to the availability of members.
15. Written notes may be taken while listening to the parties or the witnesses.
16. After the completion of the inquiry, the ICC shall submit a detailed report of its findings, along with reasons to the Principal.
17. If the ICC finds the respondent guilty of sexual harassment, it shall recommend the nature of remedial action to be taken against the respondent.
18. The ICC shall conclude its proceedings and submit its report to the Principal and a copy of the report to the complainant as well as the respondent.
19. The ICC, where the respondent is a member of the RCL community, shall proceed to take action as per the service rules or the regulations whichever is applicable.
20. Due caution must be taken while dealing with the complaints of sexual harassment. Complainant/aggrieved person must be extended all possible support and provided an atmosphere that will build confidence. Hearings and proceedings during the resolution must be held in camera.
21. Both the parties during the hearing must give hand-written statements of their side of the matter to the ICC. If any/all of the parties find it difficult to read or write, due assistance may be provided, keeping in mind the confidentiality of the proceedings.
22. Care must be taken to prevent any disadvantage to or victimization of either the complainant/aggrieved person or the respondent.
23. It must be ensured that the aggrieved person(s) or the witness(s) is not harassed or discriminated against while dealing with complaints of sexual harassment.
24. ICC must ensure that the identity of complainant/aggrieved person as well as respondent is kept confidential.
25. The inquiry may be terminated or an ex-parte decision may be given, if complainant/aggrieved person or respondent is absent for 3 consecutive hearings, without reason. 15 days written notice may be given to the party, before termination or ex-parte order.
26. The inquiry is to be completed within a period of 90 days. A report of the same is to be submitted within 10 days of completion of the inquiry. Action may be taken by the employer/Principal with respect to same within 60 days.
27. The ICC shall provide copies of the settlement to the complainant and the respondent.
28. Where settlement has been arrived at through conciliation the ICC must record the settlement and forward the same to the employer/Principal, who will thereafter take action as specified in the recommendation.

6. Interim Relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the Principal to grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the Principal will inform the committee regarding the same

7. Initiation of Action

On the receipt of the inquiry report, the Principal shall implement the decision of the ICC.

8. Appeals -

1. ICC shall have no jurisdiction to entertain any communication from any side, viz. the Complainant, Respondent or any of the witnesses after the submission of the Report. The ICC becomes *functus officio* after the submission of its decision on the complaint in hand.
2. The Appeals Committee shall consist of the Principal, a senior faculty member and an external member.
3. The Appeal may be filed within 90 days of the receipt of the decision of ICC.
4. The Appeals Committee may allow an appeal filed after the prescribed period by an order in writing if it is satisfied that there is a reasonable justification for the delay.

9. Confidentiality of Proceedings -

1. The ICC as well as the Institution shall take appropriate measures to maintain confidentiality of the identity of both the parties.
2. To ensure confidentiality of proceedings of the complaint, if any member is a witness/related of either party, he/she shall recuse from the inquiry.
3. The identity of the complainant, respondent, witnesses and proceedings of ICC and its recommendations and the action taken by RCL shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
4. No legal practitioner will be allowed to represent either the complainant or the respondent in proceedings before the ICC.
5. No decision under this Policy, except the final decision in form of Report of the Inquiry Committee or the Appellate Committee shall be made public.

10. Obligations of the Institution / Duties of the Employer

The Institution shall perform the following obligations in order to ensure effective implementation of this Code:

1. Forward all complaints of sexual harassment to the ICC.
2. Provide all necessary facilities such as office space, computer, secretarial assistance etc. and other possible assistance to the ICC for smooth conduct of inquiry.
3. Provide assistance to the complainant/aggrieved person in accessing professional counselling and medical services, if required.
4. Pay appropriate reasonable amount as honorarium along with travel allowance to the external member for attending the ICC meetings.
5. Monitor the timely submissions of the Report(s) by the ICC.

11. Considerations while preparing Inquiry Report -

While preparing the findings/recommendations, the following must be considered:

- a) Whether the language used (written or spoken), visual material or physical behaviour alleged by the complainant was of sexual nature.
- b) Whether the allegations or events follow logically and reasonably from the available evidence.
- c) Credibility and consistency in the statements of complainant, respondent and witnesses and evidences recorded.
- d) Any other relevant facts, including but not limited to whether there has been any previous history of harassment pertaining to the complainant/respondent.
- e) Both parties must necessarily be given an opportunity of being heard.
- f) A copy of the statements was made available to both parties enabling them to make representation against the findings.

12. Punishments for RCL community members –

The ICC may impose any or a combination of the following penalties for sexual harassment which shall be recorded on the permanent academic record of the respondent:

- A. **In case of students:** Depending upon the severity of the violation of code of conduct, one or more than one punishment may be ordered for the erring student, out of the following:
 - a. Warning, reprimand or censure; oral or in writing;
 - b. Withholding certain privileges from the students such as access to the library, transportation, scholarships, allowances, identity card;
 - c. Revocation of hall ticket for any examination;
 - d. Suspension from the Institution or restrict entry for a specified period;
 - e. Expulsion from the Institution;
 - f. Denial of readmission, if serious offence;
 - g. Public Apology in writing;
 - h. Bar on representing the Institution in any conference, course, competition, academic, cultural, sports or otherwise, exchange program, or any other co-curricular or extra-curricular activities;
 - i. Mandatory counselling;
 - j. Mandatory attendance in a gender-sensitization workshop;
 - k. Mandatory performance of community service;
 - l. Disbarment from holding any position of responsibility within the committees in the Institution;
 - m. Any other appropriate action proposed by the Principal of the Institution.
- B. **In case of employee:** In case the offence is proved against the respondent or it is found that the complaint was either frivolous or vexatious, action may be taken against anyone of them under the service rules or other rules, regulations, guidelines or Policy of RCL. Some of which are as follows:
 - a. May be censured or reprimanded or warned;
 - b. May be asked to give written apology;
 - c. May increment be withheld or promotion deferred for specified period;
 - d. Suspension;
 - e. Termination;
 - f. Any other appropriate action or disciplinary action as per service rules or any other rules applicable or as per the relevant Act or the UGC Regulations applicable

C. Penalties for Third Parties—

- 1) The ICC may impose any or a combination of the following penalties for sexual harassment:
 - a. Bar from entering the RCL campus;
 - b. Withdrawal of certificate or reward for successful completion of or participation in any conference, seminar, programme or competition organized by the Institution;
 - c. Warning or Reprimand in writing;
 - d. Any other appropriate action as per the RCL rules applicable.
- 2) ICC shall inform the Institution or Employer of the Third Party in such cases of the details of the complaint and the penalty imposed.

13. Annual Reports

The ICC shall prepare an Annual Report giving an account of the cases filed, if any and their disposal etc. and forward a copy thereof to the Principal of RCL.

14. False, Frivolous or Vexatious Complaints

Strict disciplinary action shall be taken by the Principal in case any complaint is proven to be false, frivolous or vexatious.

In case if the ICC arrives at a conclusion that the allegation(s) against the respondent has not been proved, it may recommend to the Principal that no action may be taken in the matter.

15. Saving

Nothing contained in this code shall prejudice any rights available to the employee or prevent any person from seeking any legal remedy under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the National Commission for Woman Act 1990, the Protection of Human Rights Commission Act 1993 or under any other law for the time being in force.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the Institution shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

The proceedings under this policy shall not, in any way, be affected by any other proceedings against the respondent preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.

ANNEXURE - A

FORMAT OF THE COMPLAINT

Handwritten or detailed email including the details required as per the format below is also sufficient for the ICC to take cognizance of an issue.

Name of the Complainant:

Designation:

Qualification:

Contact Details

(Complete postal address, mobile no., landline no., email id):

Name of the Employer:

Designation of the Employer:

Date & Time of Incident alleged:

Brief Details of the incident (s):

Name of the Respondent:

Power Relation with Respondent:

Designation of Respondent:

Employer of Respondent:

First reaction after/during the alleged Incident:

Representation/Complaint before any other fora/agency:

If yes, brief details and copies:

List of Witnesses, if any:

Witnesses Designation, addresses, contact details:

Relationship with the witnesses, if any:

Any previous grievance/incident caused by Respondent:

If yes, give details:

Whether complaint within 3 months of incident:

If not, give reasons:

Complaint: Hand-written _____ Typed _____ Handed-over _____

Mailed _____Posted_____

Give details of mode of filing the complaint: