

**CHAPRA BANGALJHI MAHAVIDYALAYA**

**Bangaljhi, Nadia**



**Affiliated to University of Kalyani**

**Accredited by NAAC**

**ANTI-SEXUAL HARASSMENT POLICY**

**GENDER SENSITIZATION CELL**

**CHAPRA BANGALJHI MAHAVIDYALAYA**



**Introduction:**

With regard to the Supreme Court Judgement 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, to all the universities, advising them to establish a permanent cell and a committee; to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. Keeping the above guidelines in view Chapra Bangalji Mahavidyalaya has formed a committee for redressing the complaints on Sexual Harassment.

The institution has committed itself in creating an atmosphere in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation, which 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 this verdict the college is being committed to uphold the Constitutional mandate ensuring the above-mentioned human rights, adopted the following policy.

**Declaration of Policy:**

Chapra Bangalji Mahavidyalaya, 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.

**Establishment:** The anti-sexual harassment cell of the college in sin function from the academic year of 2017-18. The following faculties of the college are designated as members in the cell.

**Objectives of the Policy:**

1. To fulfil and uphold the directive of the Hon’ble Supreme Court, as per UGC directives in respect of implementing a policy against sexual harassment in the institution.
2. To develop 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 provide equal access of all facilities and participation in activities of the college
6. To build and shape a secure physical and social environment which will avert acts of sexual harassment
7. To harness a social and psychological environment that will raise awareness about sexual harassment in its various forms.

**Forms and Types of Sexual Harassment:**

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

**Jurisdiction:**

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

1. By a member/student/stakeholder 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/student/stakeholder 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/student/stakeholder 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. Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

**Role and responsibility of Anti-sexual harassment committee:**

1. To ensure provision of a work and educational environment that is free from sexual harassment
2. To take all measureable steps to prevent the harassment occurring
3. To address any oral/written complaint about: unwelcome sexual advances, unsolicited acts of physical intimacy, unwelcome requests for sexual favors or other unwelcome conduct of asexual nature. Unwelcome conduct of a sexual nature includes oral or written statements of a sexual nature to a person, or in a person's presence.
3. Obtain high level support from the chief executive officer and Principal & Director for implementing a comprehensive strategy;

4. Providing information to all staff and students about what constitutes sexual harassment and about their responsibility not to sexually harass other staff and students
5. Conducting training and workshop to the committee members and all institution staff for maintaining a work and study environment free from sexual harassment.
6. Develop a written policy which prohibits sexual harassment. The Institution shall have a Sexual Harassment Policy. The policy outlines the Institute's key commitments and legal responsibilities and provides a definition of sexual harassment and behaviours that are not acceptable.
7. Regularly distribute and promote the policy at all levels of the organization;
8. Ensuring that complaints processes are clearly documented;

**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 Preventive Steps:**

It will be the endeavour of the committee:

- a) To facilitate a safe environment that is free of sexual harassment;
- b) To promote behaviours that creates an atmosphere that ensures gender equality and equal opportunities.

**Remedial Steps:**

1. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
2. To take notice of complaints about sexual harassment, conduct enquiries, provide assistance and Redressal to the victims, recommend penalties and take action against the harasser, if necessary.
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 counselling, 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) 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
6. The Committee shall allow both parties to produce relevant documents and witnesses to support their case.
7. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
8. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
9. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
10. The Committee shall take steps to complete its proceedings within a period of fifteen (15) days from the date of receipt of complaint.
11. 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.
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 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

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