

SARASWAT EDUCATION SOCIETY- POLICY AND PROCEDURES ON THE PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT :

Saraswat Education Society and its educational Institutions (SES for short) have a zero tolerance policy towards harassment, including sexual harassment. SES is committed to providing a safe and secure educational space for every individual to achieve her or his true potential. Our environment is built on mutual respect and cultural sensitivity. The SES has a zero tolerance policy as defined below towards Sexual Harassment on campus and off campus, and on any form of transportation to and from SES.

SES's Policy on Prevention of Sexual Harassment is committed to ensuring that sexual harassment is prohibited, prevented and eliminated.

Any form of sexual harassment is not tolerated.

Any form of sexual harassment and any harassment of any kind are unlawful and will be subject to penalties in accordance with applicable law.

SES's Policy on Prevention of Sexual Harassment reinforces its commitment to creating, at its Institutions, an atmosphere free from discrimination, harassment, retaliation or sexual assault at all levels; and to create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment.

All SES students and staff (both permanent and temporary, including faculty, teaching substitutes, management personnel, regular, temporary, ad hoc employees, trainees, interns, office staff, support staff) are required to comply with this policy against sexual harassment. Also third party contractors, vendors and visitors (where feasible), are required to comply with this policy.

The SES has a sensitive and strong redressal process, which aims to provide the necessary and adequate required relief. The SES is also committed to keep all harassment complaints and procedures confidential and time bound.

All SES staff members and the student body are required to read and familiarize themselves with this policy.

What is Sexual Harassment?

According to Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013. Sexual harassment is any unwelcome sexually determined behaviour, such as:-

Physical contact

A demand or request for sexual favours

Sexually coloured remarks

Showing pornography

Any other physical, verbal or non-verbal conduct of a sexual nature.

The harassment may relate to a single incident or may happen over time whether directly or by implication.

Sexual harassment does not only involve cases where one person engages in conduct that requests or implies sexual favours or any form of relationship in return for some benefit or safety from reprisal. Sexual harassment could also arise if the action or conduct creates a hostile work or school environment (e.g., eve teasing, making unwelcome or suggestive sexual remarks or comments, improper touching or inappropriate staring).

Examples of Sexual Harassment

Sexual harassment includes the following types of conduct.

Sexually coloured language, jokes, comments, messages and songs;

Any form of profanity or obscenity (verbal or written – including through electronic media such as email, text or SMS messages, instant chat and social media posts or use of language that puts someone down on the basis of their gender or sexual orientation);

Inappropriate physical contact, gestures, body language or signs (including inappropriate staring);

Access to and display of pornographic content in any form (including cartoons) and on any media;

Stalking (following or repeatedly persisting in an offensive behaviour such as unwanted visits, phone calls, texts, emails, or letters, leaving presents or watching someone's home);

Requests for sexual favours or any other verbal, visual or physical contact of a sexual nature that prevents an individual from effectively performing the duties of their position due to the emotional and psychological distress it causes;

Any interaction of a sexual nature that creates an intimidating, hostile or offensive environment; or

When a sexual favour of any nature is made as a condition of academic advancement, team placements, or reprieve from penalties or consequences for breach of institute rules or terms of employment, or as a condition for employment or compensation, either implicitly or explicitly (e.g., offering better grades or selection to a team or safety from consequences of breaking a institute rule or threatening to fire or punish someone if they don't accept sexual advances).

Any humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

The above list is only illustrative. It is not exhaustive. Other forms of conduct could amount to sexual harassment as well if it involves any form of unwelcome physical, verbal or non-verbal conduct of a sexual nature, in case of an adult or any sort of physical, verbal or non-verbal conduct of a sexual nature, in case of a minor.

SES's Policy: Zero Tolerance

SES has a 'zero tolerance' policy to any form of sexual harassment. Even a single incident of sexual harassment, if found to be true after investigation as per this policy, will be met with the strictest disciplinary action based on the nature and intensity of the violation. The consequences of violation may even include termination of employment or expulsion from SES and payment of compensation

to the victim directly by the person found guilty of sexual harassment. If required by law, SES may also report the incident to the police or other authorities for criminal action to be initiated.

Who is covered under SES's Policy on Prevention of Sexual Harassment?

While sexual harassment is an issue that can affect men and women alike, more commonly women in workplaces tend to bear the greatest burden of these incidents. The SES policy is gender neutral and covers with equal rigour all genders, including same-sex harassment. This policy will also be applied to protect all students and all members of the SES community, irrespective of gender and age, from any form of sexual harassment. The overall goal of the policy is to facilitate a safe working and educational environment for all individuals.

The policy covers all hierarchical and non-hierarchical relationships within the educational space / workplace (students, faculty, co-workers, colleagues, staff, and manager-subordinate relationships). In addition, this policy is applicable to all third parties that visit or engage with SES from time to time.

Where does the Policy Apply?

The policy applies to all SES premises / campuses and beyond. This includes related institutional facilities like libraries, laboratories, lecture halls, studios, workshops, toilets, student centres, hostels, dining halls, stadiums, parking areas, park-like settings and other amenities like health centres, canteens, etc. Sexual harassment outside SES's premises will also be covered by this policy if there is any link with SES. Therefore sexual harassment is also prohibited in extended environments such as cafeterias, institute /office transport, parking areas, team outings, field trips, study tours, excursions, short- term placements, places used for camps, cultural festivals, sports meets, and institute events at external venues, and during institute-related travel, where a person is participating in the capacity of an employee or a student of SES.

During What Times does the Policy Apply?

The policy applies at all times. The policy does not only apply during normal institute hours. It applies at any time, to all work-related or institute-related functions, including social events.

Reporting

SES strongly encourages the reporting of sexual harassment. One can expect to be treated with respect as SES seeks to provide an appropriate, private, timely and fair response to reports of sexual harassment.

SES has constituted an Internal Committee for the Prevention of Sexual Harassment (POSH), in compliance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. As part of the POSH implementation, the SES has a redressal process for sexual harassment through the Internal Committee (IC).

Any incident of sexual harassment needs to be reported in writing to any member of Internal Committee (IC) or to the Grievance Redressal Committee. Names of people on both committees will be published on campus bulletin boards and in all relevant documents.

SES will respond to reports of sexual harassment with support and resources and proceed in a way that seeks to honour the rights of the individuals affected by the report. In the process of the Initial Assessment if a Complainant/Reporting person requests confidentiality and/or decides not to participate in the response process, SES will consider this request and proceed in a way that takes into account the safety and wellness of the community (including that of the Complainant).

Retaliation will not be tolerated. SES believes in protection and witnesses/supporters will not be penalized. SES will also take appropriate steps to prevent and/or address retaliatory conduct following a report.

Proceedings conducted on campus take into account the totality of all evidence available from all relevant resources.

A report of sexual harassment will be reviewed and investigated by the Internal Committee (IC). In the interest of privacy, investigations may involve a hearing where both parties do not meet together.

The Internal Committee (IC) shall be ethically responsible to the complainants and the accused and shall do its utmost to provide justice for each complaint to the best of its ability, with an inbuilt mechanism for gender sensitization against sexual harassment.

Grievance Redressal Procedures

Seeking Informal Remedies

First Contact Persons from within the Committees or otherwise appointed could try to resolve the complaint informally first before the complaint goes to the formal channels of the complaints committee.

Examples of informal remedies include: shielding an aggrieved person from on-going contact with the individual; taking that individual out of a class or issuing an administrative no-contact order; assigning an individual to a different lab or other work/study setting; asking an administrative authority to speak to the individual to express serious concern about a behaviour; reminding the individual of policies and definitions relating to sexual harassment; offering counselling services, and reorganizing assignments so that one can feel safer. Informal remedies do not preclude formal discipline.

Conciliation

Conciliation in the legislative form is defined as an advisory, of mutual consent and confidential process, in which parties to the dispute select a neutral and independent third party to assist them in reaching a mutually acceptable negotiated agreement.

Conciliation can be initiated only if there is a written request by the complainant or the complainant's parent/legal guardian. A complainant will be informed that conciliation is available as an option prior to proceeding to a formal enquiry.

The complainant will be advised that the purpose of conciliation is to resolve the grievance, not seek retribution. Conciliation allows the third party (the conciliator) to provide advice on substantive matters through the issuing of formal recommendations and settlement proposals.

The conciliator will investigate the grievance acting at all times to make appropriate allowance for the rights and concerns of both the complainant and the respondent.

Formal Complaint

Bringing a formal complaint will lead to an investigation and a hearing (in most cases), and can result in punitive outcomes. Filing a complaint is often the best way to seek protection from future harm.

1. The Complaint Mechanism Procedure to File/report a complaint:

- An aggrieved individual can file a complaint within 90 days or three months of the incident, and in case of a series of incidents within a period of three months from the date of the last incident.
- SES will furnish a copy of the complaint to the accused within 7 days and the accused is required to submit a written response within 10 days.
- At first instance, the IC shall recommend appropriate psychological and emotional support/assistance.
- The complainant will have to submit a written and signed complaint addressed to any member of the IC.
- Friends, Relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- The identity of the aggrieved respondent, witnesses as well as other details of the complaint will be kept confidential, cannot be published or disclosed to the public/media.

2. Follow up of the complaint:

- The Presiding Officer of the IC will call the complainant for a personal meeting, usually within a week from the submission of the written complaint.
- The members of the IC will discuss the complaint.
- The IC shall look into the truth of the allegations contained in the complaint.
- If the case falls outside the purview of the IC, the complainant will be informed about the same by the appropriate authority/ Secretary of the SES and subsequent steps for redressal will be determined.

- If the case comes under the purview of the IC, an inquiry will be set up.
- A four member inquiry/fact finding team will be set up comprising of two female members and one/ two male member/s.
- The IC shall have the power to summon witnesses and call for required information.
- Documents/information will be retained by the IC.
- The inquiry has to be completed within a time period of 90 days.

3. Submission of report:

- The IC will prepare a report within 10 days of the completion of the inquiry and recommend the nature of action/penalties to be taken against the person found guilty at the earliest by the appropriate authority.
- An appeal against the findings or /recommendations of the IC may be filed by either party before the Council of Saraswat Education Society within a period of thirty days from the date of the recommendations.
- As the case may be, the Management of SES is mandated to take action on the report within 60 days.
- The Act provides the option of a settlement between the aggrieved individual and the respondent through conciliation but only on the written request of the aggrieved individual. However, money compensation cannot be a basis for the settlement.
- In case of malicious complaints or false evidence, the Committee may take action against the person. However, simply not being able to prove an allegation will not mean that it is a false/malicious complaint.

If anyone is found guilty of harassment after investigation, immediate and appropriate disciplinary action will follow. Anyone found guilty of making “false or malicious” complaints shall be subject to punitive actions imposed on those found guilty of sexual harassment as prescribed in the 2013 Act.

Consequences

SES reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment in order to protect an individual’s rights and personal safety and that of the community.

An employee / staff / visitor guilty of sexual harassment shall be liable to give a written apology to the victim and any of the following punitive actions as applicable:

Suitable censure / warning.

Withholding of increments.

Reduction to lower service, grade or post.

Compulsory retirement.

Removal from service, or

Dismissal from service

Filing of a police complaint

Any other action as may be recommended by the IC

A student guilty of sexual harassment shall be liable to give a written apology to the victim and any of the following punitive actions:

Suitable censure / warning.

Withholding / withdrawing scholarship/fellowship and other benefits.

Rustication from the Institution for a certain period, as may be determined by the ICC

Expulsion from the Institution

Filing of a police complaint

Any other action as may be recommended by the IC

Note: This policy will be subject to change.