

POLICY AGAINST SEXUAL HARASSMENT INSIDE THE COLLEGE CAMPUS

There is a women empowerment cell in the college to prevent sexual harassment and an anti-ragging committee to take care of anti-ragging measures and other sensitive problems faced by the students inside the campus. The Women Cell has been constituted under the POLICY FOR THE PREVENTION, PROHIBITION AND PUNISHMENT OF SEXUAL HARASSMENT OF WOMEN. The anti-ragging committee has been formed to take all possible measures to prevent ragging activities at the admission time of fresher. Till date, no single girl has experienced any major problem or inconvenience. The college always takes care to supervise and control insulting and worrying act towards students.

1. National Helpline for Women - 1091, 1291(toll free number)
2. Vigilance Security Officer – 044-28592750
3. The women cell comprise of the following members in the institution of Mugberia Gangadhar Mahavidyalaya, Purba Medinipur, West Bengal:
 1. Dr. Swapan Kumar Misra, Principal & Chairperson of the Cell (Mobile No: 9002275816)
 2. Prof. Jonaki Biswas, Associate Professor and HOD, Department of Political Science Convener (Mobile No: 9476164158)
 3. Dr Sutapa Saha. Assistant Professor and HOD, Department of Music, Member (Mobile No: 8001773432)
 4. Prof Irani Banerjee Chatterjee, Assistant Professor and HOD, Department of Geography Member (Mobile No: 9836930593)
 5. Prof. Ranita Bain, Assistant Professor and HOD, Department of English, Member (Mobile No: 9330083349)
 6. Prof Devmita Dinda, Permanent Part time Teacher, Department of Botany, Member (Mobile No: 9733659631)
 7. Prof Sudipta Das, Assistant Professor (On contract basis), M.P.Ed, Member (Mobile No: 977506199)
 8. Mrs. Subha Sahoo. (Staff), Member (Mobile No: 9434361092)
 9. Madhuchhanda Tripathy, B.A Part III, Student Representative.

I. Introduction

The Parliament of India passed the “Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act,” in the year 2013. The ACT provides protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto. The guidelines explicitly state the following: “It shall be the duty of the employer or other

responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps require.” Educational institutions are also bound by the Supreme Court’s directive and the Act. Mugberia Gangadhar Mahavidyalaya, Purba Medinipur, West Bengal is committed to creating and maintaining an environment which is free of all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Following this, the institute is committed to support the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction. As directed by the act the college has constituted a committee called Woman Cell to prevent sexual harassment of women at the workplace.” The following policy has been made keeping in mind the above facts.

2. Objective

- i. Mugberia Gangadhar Mahavidyalaya, Purba Medinipur, West Bengal takes all necessary measures to ensure the safety and the dignity of the female students, teachers and staff. Continuous alertness of the management and faculty members apart from the committee, with heavy punishment prevent sexual harassment of women students.
- ii. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the Institute.
- iii. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- iv. To uphold the commitment of the Institute to provide an environment free of gender based discrimination. To create a secure physical and social environment to deter any act of sexual harassment.
- v. To promote a social and psychological environment to raise awareness on sexual harassment in its various forms.
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3. DEFINITIONS

According to THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT 2013, sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i. Physical contact and advances
- ii. A demand or request for sexual favours

iii. Making sexually colored remarks

iv. Showing pornography

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

A. Sexual harassment: The following shall constitute sexual harassment of women:

1. When submission to unwelcome sexually determined behaviour such as sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, are explicitly or implicitly made a term or condition of teaching/guidance, education, employment, participation or evaluation of a woman's engagement in any Institute activity.

2. When unwelcome sexually determined behaviour, including but not limited to, sexual advances, physical and /or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, sms or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work or academic performance or of creating an intimidating, hostile or offensive employment, educational or living environment.

3. When a man uses with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to a woman without her consent or against her will, such conduct will amount to sexual assault.

(a) It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.

(b) "Hostile Environment" is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive employment, educational or living environment.

B. Academic staff includes Professors, Associate Professor, Assistant Professor and such other persons as may be designated as such for imparting education/instructions or for giving guidance or rendering assistance to students for pursuing any course of study. It includes any person or the staff of the council who is appointed to a teaching and/or research post, whether full time, temporary, adhoc, part-time, visiting, honorary, consultancy, or on special duty or deputation. It also includes persons employed on a casual or project basis, Non - Teaching Staff's includes any person on the staff of the Mugberia Gangadhar Mahavidyalaya & its constituents, Student includes a student of Institute, and includes any person who has enrolled for pursuing any course of study, Campus includes all places of work at the Institute campus / premises. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, parks, lanes and canteens, etc. on the campus, Employee includes a person employed for any work directly whether for remuneration

4. Jurisdiction

The policy and the rules & regulations would apply to all students, faculty and nonteaching staffs on active roles of Mugberia Gangadhar Mahavidyalaya. The policy and the rules & regulations would also apply to service providers and outsiders who may be within the territory of the Mugberia Gangadhar Mahavidyalaya at time of commission of the act coming under the purview of the policy.

1. The policy would apply inside the campus but also on off-campus official duty (workshops, field work, group holidays/excursions organized by Mugberia Gangadhar Mahavidyalaya, interviews/meeting with outside people and any other activity organized by Mugberia Gangadhar Mahavidyalaya outside the campus including the period of travelling for such activity).

2. In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of sexual harassment made:

I. By a student against a member of the academic or non-teaching staff or a co-student or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff in either case, irrespective of whether sexual harassment is alleged to have taken place within the campus.

II. By a service provider or an outsider against a student or a member of the academic or non-teaching staff or by a student or a member of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

5. Constitution of the Women Cell

The Committee shall consist of following nine members, who shall be appointed by the Principal as under, namely:

I. Principal himself, as the Chairperson

II. Senior woman faculty (Associate Professor) as Convenor

III. Three women faculty members (Assistant Professors)

IV. Two women faculty members (Contractual Assistant Professors)

V. One female non-teaching staff

VI. One female student

6. Power and Duties of Women Cell

A. Preventive Gender sensitization and Orientation

1. To work towards creating an atmosphere promoting equality, non discrimination and gender justice

2. To promote and facilitate measures to create a work and study environment that is free of sexual harassment of women.
3. To publicise widely the policy against sexual harassment in English especially through the prospectus, programme guide or other appropriate document and display the same on notice boards, website, offices and hostel areas etc.
4. To create awareness amongst all female staff, students and faculty members about the objectives & powers of the Cell.

B. REMEDIAL ENQUIRY

1. To receive and take cognizance of complaints made about sexual harassment of women at the workplace.
2. To conduct enquiries into these complaints, place findings before the higher authority and recommend penalties against the harasser in accordance with the rules and procedures laid down.
3. To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.
4. To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The Cell shall take action against anyone who threatens or intimidates the complainant or members of the committee. This may be in the nature of issuing a restraining order against the defendant or any other person/s.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires in terms of providing referral numbers.
7. In the case of third party/ outsider harassment, with the consent of the aggrieved woman, the Institute shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence.

7. Meetings of the Committee

The members of the Committee shall meet at least three times in a year. The Chairperson shall preside over the meeting. In the absence of the Chairperson, the second senior female Faculty member shall preside over the meeting.

1. The quorum of the meeting of the Committee shall be five of its members. If the quorum is not complete in any meeting, it shall be adjourned for half an hour and thereafter, the meeting shall precede with those members who are present in the meeting.

2. All decision in the meeting will be taken through mutual consent from the members of the Committee present in the meeting. In the case of any disagreement among the members regarding any decision, Chairperson of the Committee shall hold the authority to take the final decision and her decision would be considered as final.

8. Disciplinary Actions

A. Where the Committee finds an employee (faculty, staff) of the Institute involved in sexual harassment of the complainant; it can recommend disciplinary action in the form of:

1. Warning
2. Written apology
3. Adverse remarks in the performance assessment
4. Debarring from teaching duties or duties as a guide or examiner or as a resource person
5. Denial of re-employment or renewal of contract
6. Stopping of increments/promotion
7. Suspension
8. Any other relevant mechanism

B. Where the Committee finds a research scholar/student of the institute is involved in sexual harassment of the complainant, it can recommend disciplinary action in the form of:

1. Warning
2. Written apology
3. Debarring entry into the hostel/mess/guest house/campus
4. Suspension for a specific period of time
5. Withholding results
6. Debarring from exams
7. Expulsion
8. Rejection of admission
9. Any other relevant mechanism

In such cases where the Committee finds a third party/outsider to be guilty of sexual harassment, the institute's authorities shall initiate action by making a complaint with the appropriate authority and at the Institute level it can recommend disciplinary action in the form of:

1. Warning
2. Written apology
3. Debarring entry into the campus

9. Procedure for Registering Complaints

- i. The mechanism for registering complaints should be safe, accessible and sensitive.
- ii. All complaints must be brought by the complainant in person.

The following exceptions will be admitted:

a. In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the committee will examine whether an enquiry, intervention or some other assistance is needed.

b. In cases of appeals where it is difficult for the complainant to travel in person to the location of the appellate body.

c. In exceptional cases, third party/witness complaints may be entertained. In such cases, the committee will ascertain whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the committee shall proceed to enquire into it as per the procedure specified.

iii. If the complainant wishes she can be accompanied by a representative.

iv. The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Committee member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be.

v. All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.

vi. All meetings of the committee will be called by the Chairperson and a notice of at least 5 working days must be given for the meeting, in exceptional cases emergency meeting may be convened as per the requirement.

vii. Within ten days of the receipt of a complaint, the concerned Committee Against Sexual Harassment must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose.

viii No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a Committee.

ix. Any committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.

x. If the Committee against Sexual Harassment decides not to conduct an enquiry into a complaint it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.

10. Enquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report submitted to the Committee Against sexual Harassment within a period of 90 days from the date on which the enquiry is commenced. In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing.

11. Report of the Committee

i) The report of the Committee shall be deemed to be an inquiry report under the Central Civil Services (Conduct) Rules, 1964 or any other rules governing the concerned educational institution. ii) Within 5 working days of the preparation of the report of the Committee, the Chairperson of the Committee against Sexual Harassment shall convene a meeting. Each member of the Committee against Sexual Harassment shall have the right to access the entire enquiry proceedings, or any part thereof. The Committee against Sexual Harassment will discuss the Report and recommendations for disciplinary action, if any. Within five working days of the adoption of the report, the Convenor of the Committee against Sexual Harassment shall forward the Enquiry Report, together with a summary of the opinions to the Principal cum Chairperson for further action.