
Redressal, Prevention and Prohibition of Sexual Harassment at Workplace Policy

Preamble

This Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions is notified in conformity with the Statute and the University Grants Commission notification for higher educational institutions. The objective is to create a healthy environment that enables employees to work and students to learn, grow and nurture without fear of prejudice, gender bias and sexual harassment and to be treated with dignity and utmost respect. Sexual harassment at any place including higher educational institutions, workplace or other than the workplace is a grave offence and is, therefore, punishable. Hence, the Policy brings forth a protocol that will protect and punish against any kind of sexual offences.

Objectives

This envisages a specific policy to combat sexual harassment in the workplace at Thapar Institute of Engineering & Technology (Patiala, Derabassi, any other future campus).

- a) To provide an environment free of gender-based discrimination.
- b) Deal with cases of sexual harassment, in a time-bound manner and aiming at ensuring support services to the victimized and termination of the harassment.
- c) To evolve a permanent mechanism for the prevention and prohibition of sexual harassment cases and other acts of gender based violence at the Committee.
- d) To ensure the implementation of the policy through proper reporting of the complaints and their follow-up procedures.
- e) To create awareness about sexual harassment in its various forms so that each one in the council community deters from being involved in acts of gender based discrimination and harassment.

1. Definitions

Definitions in relations to the terms used in this Policy, unless the context otherwise requires:

- a) **Aggrieved woman** means in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- b) **Act** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).
- c) **Campus** means the location or the land on which TIET campuses are located and includes institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of TIET including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of TIET.

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- d) **Covered Individuals**-persons engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee, fellow student, guardian of the offended person.
- e) **Employee**-person defined in the Act and includes, for the purposes of this policy any trainee, apprentice (or called by any other name), interns, volunteers, teaching & research assistants, whether employed or not, including those involved in field studies, projects, short-visits, camp.
- f) **Higher Educational Institution** (HEI) means a University within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956) hereinafter termed as **Thapar Institute of Engineering & Technology (TIET)**.
- g) **Internal Complaints Committee** (ICC) means Internal Complaints Committee to be constituted by TIET. Any existing body already functioning with same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC.
- h) **Sexual harassment** means:
- a) An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:
 - i. any unwelcome physical, verbal or non-verbal conduct of sexual nature
 - ii. demand or request for sexual favours
 - iii. making sexually coloured remarks
 - iv. physical contact and advances
 - v. showing pornography
 - b) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones:
 - i. implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
 - ii. implied or explicit threat of detrimental treatment in the conduct of work;
 - iii. implied or explicit threat about the present or future status of the person concerned;
 - iv. creating an intimidating offensive or hostile learning environment;
 - v. humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;
- i) **Student** means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes at TIET. Provided that a student who is in the process of taking admission in TIET campus, although not yet admitted, shall be treated, for the purposes of this policy, as a student of TIET, where any incident of sexual harassment takes place against such student. Provided that a student who is a participant in any of the activities in TIET other than the Institute where such student is enrolled shall be treated, for the purposes of this policy, as a student of TIET where any incident of sexual harassment takes place against such student.
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- j) **Third Party Harassment** refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of TIET, but a visitor to the TIET campus(es) in some other capacity or for some other purpose or reason;
 - k) **Victimisation** means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
 - l) **Workplace** means the campus of TIET (Patiala, Derabassi, any other future campus):
 - a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by TIET;
 - b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof within the campus(es);
 - c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation.
 - m) **Director** – The head of the Institute is the Director of the Thapar Institute of Engineering & Technology.
 - n) **Regulations** – The regulations with respect to this policy refer to the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of women employees and students in Higher Educational Institutions) Regulations, 2015 notified on May 2, 2016.

2. Responsibilities

TIET shall:

- a) Publicly notify the provisions of sexual harassment and ensure its wide dissemination;
- b) Organise training programs, sensitization programs, workshops and awareness sessions for all employees including but not limited to students, faculty, contractual staff and all people working in the premises of TIET.
- c) Create awareness about what constitutes sexual harassment including hostility and quid pro quo harassment;
- d) Publicly commit itself to zero tolerance policy towards sexual harassment;
- e) Inform employees, students and faculty of the procedures and remedies available in case of an instance of sexual harassment;
- f) Organise training sessions for ICC members for process details and confidentiality requirements;
- g) Treat sexual harassment as a form of misconduct under service rules and initiate action for misconduct accordingly if person is found guilty;
- h) Monitor working of ICC, submission of timely reports and annual report preparation.

3. Grievance Redressal Mechanism

An Internal Complaints Committee (ICC) shall be constituted with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition.

- a) A Senior Presiding Officer (not below the level of professor who shall be a woman at TIET);
- b) Two faculty members and two non-teaching employees (preferably committed to the cause of women or who have had experience in social work or have legal knowledge);
- c) If the matter involves students, then three students elected through transparent democratic procedure shall be part of the Committee;
- d) One member from amongst legal background being a person familiar with the issues relating to sexual harassment.

Note:

- i) *At least one-half of the total members of the ICC shall be women.*
- ii) *Persons in senior administrative positions in TIET, such as Directors, Deputy Directors, Registrar, Deans, CHRO, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.*
- iii) *The term of office of the members of the ICC shall be for a period of three years. TIET may also employ a system whereby one – third of the members of the ICC may change every year.*
- iv) *The member appointed from amongst the legal background/non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee as may be decided between the Institute and external consultant.*
- v) *Where the Presiding Officer or any member of the Internal Committee contravenes the provisions as per the statute or the policy shall be liable for punishment.*

4. Responsibilities of Internal Complaints Committee (ICC)

The Internal Complaints Committee shall:

- a) Provide assistance if an employee or a student chooses to file a complaint with the police;
- b) Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- c) Protect the safety of the complainant by not divulging the person's identity, and provide mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- d) Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- e) Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

5. ICC Compliance for Inquiry

The ICC shall comply with the procedure prescribed in this Policy which is as per the statute & UGC Regulations, for making a complaint & inquiring into the complaint in a time-bound manner. TIET shall provide all necessary facilities to ICC to conduct the inquiry expeditiously with required privacy.

6. Process of Making Complaint of Sexual Harassment

- a) An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident, and in case of a series of incidents within a period of three months from the date of the last incident.
- b) Provided further that the ICC may, for the reasons to be accorded in writing, extend the time limit not exceeding three-months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.
- c) Friends, relatives, colleagues, co-students, psychologist(s), 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 on behalf of the aggrieved person.

7. Process of Conducting Inquiry

- a) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- b) Upon receipt of the copy of the complaint, the respondent shall file their reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- c) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Director. Copy of the findings or recommendations shall also be served on both parties regarding the complaint.
- d) The Director shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- e) An appeal against the findings or/recommendations of the ICC may be filed by either party before the Director within a period of thirty days from the date of the recommendations.
- f) If the Director decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show-cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Director shall proceed only after considering the reply or hearing the aggrieved person.
- g) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. Director shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- h) The identities of the aggrieved party or victim or the witness(es) or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

Procedures/Actions/Timelines

SN	Procedure/Actions	Timelines
1	Submission of written complaint	Preferably within 3 months from date of incident or last incident; delay can be condoned by ICC if reasons found substantial.
2	Complaint copy - sent to Respondent	Within 7 days from receipt of written complaint
3	Respondent to file reply with list of documents, list of witnesses	Within 10 days of receipt of copy of complaint
4	Inquiry to be completed	Within 90 days from date of the written complaint
5	Submission of Inquiry Report with recommendations to the Director and copy to be served to both parties	Within 10 days of completion of enquiry
6	Director to take action	Within 30 days from receipt of the report from ICC
7	Appeal can be filed before Director against ICC report	Within 30 days of receipt of ICC recommendations report
8	Director to act on recommendation of ICC or not	If not, then reasons to be recorded & copy sent to ICC & parties. If yes, then show cause notice to parties to respond within 10 days as to action against whom is to be taken
9	Reply of party	Considered. Decision taken by Director
10	Conciliation can be sought before the Director	By either parties.

8. Interim Redressal

TIET may accord interim protection and relief as per the circumstances of the matter in consonance with the Statute.

9. Punishment and Compensation

- a) Anyone found guilty of sexual harassment shall be punished in accordance with the rules and regulations of TIET and the applicable employment laws.
- b) Where the respondent is a student, depending upon the severity of the offence, TIET may:
 - i. withhold privileges of the student such as access to the library, auditorium, hostels, transportation, scholarships, allowances, and identity card;
 - ii. suspend or restrict entry into the campus for a specific period;
 - iii. expel and strike off name from the rolls of TIET, including denial of re-admission, if the offence so warrants;
 - iv. award reformatory punishments like mandatory counselling and/or performance of community services.

- c) The aggrieved person is entitled to the payment of compensation if ICC so recommends and is ordered by the Director as per the following parameters:
- i. mental trauma, pain, suffering to aggrieved person;
 - ii. loss of career opportunities due to incident;
 - iii. medical expenses, if any;
 - iv. feasibility of lump sum payment.

However, the decision of the Director in this regard shall be final and binding.

10. Action against frivolous complaint

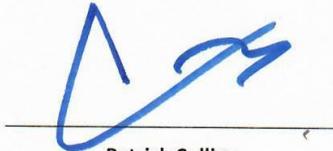
If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of Regulations 10 and 11 of University Grants Regulations, 2015 dated on 2nd May 2016. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

11. Custodian of Records

The Internal Complaints Committee has to maintain the records of the complaints, inquiry processes, minutes of the same, reports of any complaints and all such supplementary records and documents in its custody. The presiding officer shall keep the physical custody which will be passed on to subsequent presiding officers. Such records should be maintained for a period of 5 years at least.

12. Consequences of Non-Compliance

In case TIET contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students action can be taken against the institute as per the law.

Signature	:		
Name	:	Patrick Collins	Prof. Prakash Gopalan
Designation	:	Chief Human Resources Officer	Director