



18. Policy on the Prevention, Prohibition and Redressal of Sexual Harassment (POSH)

18.1 Preamble

St Agnes College (Autonomous), Mangaluru is committed to promoting sound values and ethical practices. It is also committed to providing a safe and secure environment to all its stakeholders within the campus environment. The institution in pursuit of creating a safe, respectful and inclusive environment is devoted to addressing and preventing harassment of any kind especially sexual harassment. In adherence to UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 (hereinafter referred to as UGC Regulation), St Agnes College (Autonomous), Mangaluru shall have an independent regulatory frame work to ensure preventive, remedial and/or disciplinary measures against sexual harassment of its employees and students.

18.2 Scope

This policy shall apply to all Students, Employees (irrespective of their Tenure, Position, Designation or Gender) and Visitors (in whatever capacity) of the college / workplace on the campus. The college shall have zero tolerance towards Sexual Harassment.

18.3 Schedule of Definitions of Important Terms

- 18.3.1. 'Campus'** means the location or the land on which the College and its related institutional facilities like libraries, laboratories, lecture halls, halls, toilets, student centres, play grounds, parking areas, parklike settings and other amenities like health centres, canteens, Bank counters, etc., are situated for Prevention, Prohibition and Redressal of Sexual Harassment.

18.3.2 'Employee' for the purpose of this Regulation shall mean person as defined in the UGC Regulation and also include any visitor to the College as Research Supervisor, Consultant, Auditor, Audit Assistants, or for any other purpose whether employed or not.

18.3.3. 'Sexual Harassment' is unsolicited conduct of a sexual nature that is persistent or offensive and interferes with a staff's job performance or a student's academic performance. This also includes intimidating, hostile or offensive behavior or work or learning environment that threatens the person's peaceful existence.

18.3.4 Sexual harassment includes such unwelcome sexually determined behavior (whether directly or indirectly) as:

- a. any unwelcome physical, verbal or non-verbal conduct of sexual nature;
- b. demand or request for sexual favours;
- c. making sexually coloured remarks
- d. physical contact and advances; or
- e. showing pornography

18.3.5. Circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

- a. implied or explicit promise of preferential treatment as *quid pro quo* for sexual favours;
- b. implied or explicit threat of detrimental treatment in the conduct of work;
- c. implied or explicit threat about the present or future status of the person concerned;
- d. creating an intimidating offensive or hostile learning environment;
- e. humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

18.4. Disciplinary Action

A Committee for Prevention Of Sexual Harassment (POSH) shall be constituted by the Institution. Where such conduct amounts to misconduct as defined above, appropriate action shall be initiated by the management of St Agnes College after an enquiry by the Committee for POSH under these rules.

18.5 Who can complain?

A student or staff member, faculty or administrative staff, who alleges to have been subjected to any act of sexual harassment on the campus by another person may submit a written complaint. The definition of the complaint/aggrieved person for this policy extends to all women employees/students irrespective of the status of employment. It includes full-time employees/students; part time employees/students contract workers, temporary staff, interns, trainees, consultants and visitors.

18.6. Creation of an Internal Complaints Committee (ICC)/Committee for Prevention of Sexual Harassment

The Internal Complaints Committee shall be the primary authority responsible for dealing with and to adjudicate on any complaint / grievance in the nature of sexual harassment and shall function with full autonomy with power to make recommendations and/or to pass punitive orders in accordance with this Regulation.

The ICC shall consist of the following members

- i. Senior Woman faculty member of the College – Presiding Officer.
- ii. 2 faculty members and 2 non-teaching employees
- iii. Two students, (UG/PG)
- iv. One member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

All members of the ICC shall be nominated by the Principal of the St Agnes College (Autonomous), Mangaluru. At least one-half of the total members of the ICC shall be women. The tenure of members of the ICC shall be three years but may be eligible for re-nomination at the discretion of the Principal.

The ICC may meet as many times as the need arises for the purpose of the Enquiry; but shall be obliged to meet twice in a year to review its performance and compliance under this Regulation. The committee will be responsible for ensuring that a fair process is duly followed for every complaint raised.

18.7. Complaint of Sexual Harassment and Enquiry Procedure

Complaint Procedure

An aggrieved person who is experiencing sexual harassment may follow the steps given below:

1. Directly communicate to the harasser that he/she considers the behavior inappropriate and the conduct is unwelcome and wants it to stop. This must be stated very firmly and clearly.
2. If the harasser persists, the aggrieved may report the situation to her mentor/HoD/Dean/Vice principal/Principal respectively
3. The employee/student shall use the complaint mechanism and file a written complaint to the chairperson of the committee for POSH. It is required to submit a duly signed written complaint to the ICC as early as possible after the grieving incident but not later than one month from the date of the incident and in case of a series of incidents within the similar time frame from the date of second such incident.

18.8. Conduct of enquiry

All complaints about sexual harassment shall be heard seriously. The ICC upon receipt of the Complaint shall follow the below mentioned procedure;

1. A complaint of sexual harassment can be filed within a time limit of one month from the date of the incident. The Committee may extend period for special reasons provided for the delay in reporting.
2. The complainant has to give/submit the complaint to the Committee for POSH in writing along with the supportive documents, names and addresses of the witnesses. The issue being sensitive, the said complaint will be afforded confidentiality as per the policy.
3. No person against whom a complaint is made shall be part of the committee for POSH.
4. During the enquiry depending upon the facts and circumstances of the complaint, the Committee may recommend to the Management of the college to take certain pre-emptive steps in support of the complainant, such as grant of leave to support a free and fair enquiry. The Committee for POSH shall also ensure protection against a false accusation by making a recommendation to the college management to take action against the complainant who has made

the complaint or the witness who has deposed falsely by following the provisions of service terms and conditions/standing orders applicable to the complainant which may even include dismissal from the college.

The ICC upon receipt of the Complaint shall get the same scrutinized and an appropriate enquiry shall be conducted. The Committee, within 7 working days of such reference shall examine and report on the complaint to the Presiding Officer with regard to its veracity, if needed by summoning the Complainant and/or by making independent preliminary enquiries. The Committee in its Report shall clearly state the reason/s that has lead to its decision on the veracity of the Complaint. The independent enquiry referred to may include examining evidences from CCTV Cameras installed by the College and the opinion about the general behavioural traits of the complainant/offender from discrete sources.

The report of the enquiry shall be shared with the management and both the parties involved in the case. The committee for POSH shall not take any retaliatory action against the aggrieved/complainant. Moreover a fair procedure and principles of natural justice shall be followed at every step of the enquiry process.

18.9 Punishment for sexual Harassment

Upon the receipt of the findings of the committee, the management will pronounce its verdict concerning the charges against the harasser, which shall thereafter be promulgated. If an employee/student is found to have violated this policy, the management shall take such action as may be appropriate for misconduct by the employee/student under the policy and service rules/standing orders. Such actions may include;

1. Any employee of the College found guilty of sexual harassment shall be punished in accordance with the Employment Regulations and the prescribed Code of Conduct or service Rules of the HEI.
2. Where the respondent is a student, depending upon the severity of the offence, the Higher Education Institutions (HEI) may

- a) Give Warning
- b) Withhold privileges of the student such as access to the library, auditorium, scholarships
- c) Suspend or restrict entry into the campus for a specified period
- d) Debar from writing the Semester Examination.
- e) Expel and strike off the name from the rolls of the institution, including denial of re-admission, if the offence so warrants
- f) Ward reformatory punishments like mandatory counseling and, or performance of community services.

18.10 Confidentiality

All complaints and inquiries shall be treated confidentially to the extent possible and the information shall only be disclosed strictly on a need-to-know basis. The identity of the aggrieved shall be generally kept confidential. All information regarding the sexual harassment complaint or inquiry shall be maintained in safely by the committee for POSH.

18.11 Frivolous Complaint

If any Complaint filed under this Regulation on its scrutiny/independent enquiry is found to be false, untrue or malicious by the Select Committee and is so concluded by the ICC based on its enquiry proceedings the Complainant shall be liable to be punished as if the offence was perpetrated by the Complainant and shall be in accordance with provision of regulation (1) of regulation (1.9) if the complainant happens to be an employee and as per sub regulation 2 of that regulation if the complainant happens to be a student.

18.12 Confidentiality Responsibility of ICC:

All complaints and inquiries shall be treated confidentially to the extent possible and information shall only be disclosed strictly need to know basis. ICC shall ensure that the identities as well as the complaint details of the aggrieved party or the offender shall be kept strictly confidential. No personal or other information with regard to any complaint received and enquired and/or disposed of by the ICC shall be furnished or shared under the Right to Information Act 2005.

18.13 Creating Harassment free conditions in the college

It is the responsibility of each employee and student to create an atmosphere free of harassment and respect the human dignity/rights of fellow employees/student to maintain a conducive work environment to all. The college expects and encourages all faculty/staff senior leaders to take adequate steps to prevent or discourage acts of sexual harassment. College shall take necessary steps to ensure effective dissemination of this policy through orientation and awareness programmes, conducting special sessions for the employees and students.

18.14 Interpretation

Any matter not specifically covered under the above guidelines shall be referred to the governing body for necessary advice. The interpretation of this policy rests exclusively with the college. The decision of the college shall be final and binding.

Note: This Policy is a part of the *Institutional Policies* prepared by St Agnes College (Autonomous), Mangaluru in 2021.



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