



POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

OBJECTIVE

We are committed to providing environment that ensures every employee, student, visitor is treated with dignity and respect and is afforded equitable treatment.

Objectives of this Policy are:

- To create an environment that is free from discrimination, harassment, retaliation or sexual assault at all levels
- To create awareness about what constitutes sexual harassment
- To evolve a well-defined mechanism for prohibition, prevention and redressal of sexual harassment cases.

The policy is intended to ensure zero tolerance towards any behaviour / conduct of a sexual nature by any employee, student, research scholar, visitor or stakeholder that directly or indirectly harasses, disrupts or interferes with another's performance, or that creates an intimidating, offensive, or hostile environment.

SCOPE

This Policy is based on UGC (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher education institutions) regulations, 2015 and applies to all regular / contract faculty / employees, students, research scholars, visitors at:

- V.M.Salgaocar College of Law Campus
- All V.M.Salgaocar College of Law related activities performed at any other site away from the Institute's premises
- Any social, business or other functions where the conduct or comments may have an adverse impact on the V.M.Salgaocar College of Law environment or V.M.Salgaocar College of Law relations

DEFINITIONS

Act means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Aggrieved woman means in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to sexual harassment by the respondent

Campus means the location or the land on which V.M.Salgaocar College of Law is situated and includes facilities like lecture halls, libraries, laboratories, residences, hostels, halls, kitchens, dining halls, toilets, playing areas, parking areas, cafeterias, passages etc. and also includes extended campus and covers places visited as a student of V.M.Salgaocar College of Law including transportation provided for the purpose of commuting to and from V.M.Salgaocar College of Law, locations outside V.M.Salgaocar College of Law 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 student of V.M.Salgaocar College of Law.

College means V. M. Salgaocar College of Law



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Employee means any person defined in the Act and also includes trainees, apprentices, interns, volunteers, faculty, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short visits and camps

Executive Authority means the Chairman of Devi Sharvani Education Society

Internal Complaints Committee (ICC) means Internal Complaints Committee constituted by V.M.Salgaocar College of Law

Protected activity includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation.

Regulations means University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015.

Sexual harassment means:

- i. 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:
 - 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 showing pornography
- ii. Any one (or more than one or all) of the following circumstances, if it occurs or is present in relation to 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

Following examples will help in better understanding what constitutes sexual harassment:

It is harassment when

- accepting the request for sexual favour is an explicit or implicit terms or condition of employment / study
- employment decisions (promotion or demotion, salary increase, job expectations, length of duty hours, work assignments, special privileges, etc.) and decisions relating to students such as passing or failing in study / exams, selection for special projects / study tours, placements etc. are subject to a person's accepting or rejecting the request for sexual favours.
- uninvited and unwelcome conduct or behaviour, whether physical, verbal or non-verbal, create a work environment which is uncomfortable to an employee

Sexual harassment may include sexual propositions, suggestive comments, excessive flattery, questioning of a personal nature, repeated unwelcome requests for dates, sexually oriented



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“kidding,” “teasing,” or “practical jokes,” jokes about gender specific traits, offensive or obscene language or gestures, leering or staring, whistling or hooting, offensive or obscene printed materials, pictures, posters, cartoons, graffiti, calendars, email, SMS and inappropriate physical contact or touching of a sexual nature (for example- brushing, patting, hugging, pinching, or shoulder rubs etc.)

It is essential to emphasize that sexual harassment refers to conduct which is unwanted and unwelcome to the recipient. It is key factor that distinguishes it from friendly, flirtatious or other relations that are freely and mutually entered into.

Student means a person duly admitted and pursuing a programme of study including short term courses and training programmes at V.M.Salgaocar College of Law and includes research scholars. Provided that a student who is in the process of taking admission in V.M.Salgaocar College of Law campus, although not yet admitted shall be treated as a student of V.M.Salgaocar College of Law, if any incident of sexual harassment takes place against such student.

Provided that a student who is a student of an Institute / College other than V.M.Salgaocar College of Law and is a participant in any of the activities in V.M.Salgaocar College of Law, shall be treated as a student of V.M.Salgaocar College of Law if any incident of sexual harassment takes place against such student.

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 V.M.Salgaocar College of Law, but a visitor to V.M.Salgaocar College of Law in some other capacity or for some other purpose or reason.

Victimisation means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour

Workplace means the campus of V.M.Salgaocar College of Law and includes:

Lecture halls, libraries, laboratories, residences, hostels, halls, kitchens, dining halls, toilets, playing areas, parking areas, cafeterias, passages etc. and also includes extended campus and covers places visited as a student of V.M.Salgaocar College of Law including transportation provided for the purpose of commuting to and from V.M.Salgaocar College of Law

Locations outside V.M.Salgaocar College of Law 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 student of V.M.Salgaocar College of Law.

Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports, or other activities relating thereof in V.M.Salgaocar College of Law

RESPONSIBILITIES of EMPLOYEES & STUDENTS

All employees, students, research scholars of V.M.Salgaocar College of Law have a personal responsibility to:

1. ensure that their behaviour is not contrary to this policy
2. support the person to reject unwelcome behaviour
3. object to such unwelcome behaviour
4. report such unwelcome behaviour



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5. participate in the investigation process as a witness. if he has witnessed such unwelcome behaviour

All are encouraged to advise others of behaviour. Although some behaviours are not intentional, it gives the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

All Faculty / employees are expected to ensure that nobody is subjected to harassment and there is equal treatment to all. They must also ensure that all employees / students understand that harassment will not be tolerated, that complaints will be taken seriously and complainant / witnesses will not be victimised in any way.

INTERNAL COMPLAINTS COMMITTEE (ICC)

V.M.Salgaocar College of Law has instituted an Internal Complaints Committee for time bound redressal of sexual harassment complaints.

The Committee shall comprise of the following members:

Presiding Officer: Woman senior faculty member not below the rank of Associate Professor of V.M.Salgaocar College of Law. In case of non-availability of Associate Professor, the Presiding officer shall be nominated from other department or organization.

Members - 5:

- 2 Faculty members of V.M.Salgaocar College of Law
- 2 Non Teaching employees of V.M.Salgaocar College of Law
- 1 External member familiar with the issues relating to sexual harassment

At least one-half of the total members of the ICC shall be women.

If the matter involves students, the Internal Complaints Committee shall also have the following as members:

1. Student of LL.B. Course - 1
2. Student of LL.M. Course - 1
3. Research Scholar - 1

Tenure of the Committee shall be for 3 years from the date of Constitution. In case any vacancy arises on the Committee, the same shall be filled in by V. M. Salgaocar College of Law within 30 days. Such new member shall hold office till the end of the tenure of the Committee.

Presiding Officer or Member shall be removed from the Internal Complaints Committee in case he/she:

- a) Contravenes the provisions of section 16 of the Act; or
- b) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- c) He/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- d) Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest; or
- e) There is any complaint lodged against him/her of sexual harassment or if he/she is found guilty of sexual harassment.

[Signature]



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;
- c) Protect the safety of the complainant by not divulging the person's identity, and provide the 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 victimized or discriminated against while dealing with complaints of sexual harassment; and
- e) Ensure prohibition or retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

PROCESS FOR FILING COMPLAINT AND CONDUCTING INQUIRY

The Internal Complaints Committee shall comply with the procedure prescribed and in the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereunder for making a complaint and inquiring into the complaint in a time bound manner.

VMSIHE shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

PROCESS OF FILING COMPLAINT OF SEXUAL HARASSMENT

An aggrieved person is required to submit a written complaint to the ICC within 3 months from the date of the incident and in case of a series of incidents within a period of 3 months from the date of the last incident.

Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the person for making the complaint in writing.

The ICC may, for the reasons to be accorded in writing, extend the time limit not exceeding 3 months, if it is satisfied that the circumstances were such which prevented the person from filing the complaint within the said period.

Friends, relatives, colleagues, co-students, psychologists or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to file a complaint on account of physical or mental incapacity or death.

PROCESS OF CONDUCTING INQUIRY

- 1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of 7 days of such receipt.
- 2) Upon receipt of the copy of the complaint, the respondent shall, within a period of 10 days, file his/her reply to the complaint along with the list of documents and names and addresses of witnesses.

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- 3) The inquiry shall be completed within a period of 90 days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within 10 days from the completion of the inquiry to Executive Authority. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- 4) The Executive Authority shall act on the recommendations of the Committee within a period of 30 days from the receipt of the Inquiry Report, unless an appeal against the findings is filed within that time by either party.
- 5) An appeal against the findings or recommendation of the ICC may be filed by either party before the Executive Authority within a period of 30 days from the date of recommendations.
- 6) If the Executive Authority decides not to act as per the recommendations of the ICC, then it shall record, in writing, reasons for the same to be conveyed to ICC and both the parties to the proceedings. If the Executive Authority decides to act as per the recommendations of the ICC, a Show-Cause Notice answerable within 10 days, shall be served on the party against whom action is decided to be taken. The Executive Authority shall proceed only after considering the reply or hearing the aggrieved person.
- 7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement shall be made as a basis of conciliation. The Executive Authority shall facilitate a conciliation process through ICC, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible shall be preferred to purely punitive intervention.
- 8) The identities of the aggrieved party or the victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

INTERIM REDRESSAL

- 1) V. M. Salgaocar College of Law may:
 - 4) Transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such a recommendation is made by the ICC
 - 5) Grant leave to the aggrieved woman with full protection of status and benefits for a period of 3 months
 - 6) Restrain the Respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant
 - 7) Ensure that offenders are warned to keep a distance from the aggrieved woman, and if there is a definitive threat, restrain their entry into the campus
 - 8) Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

PUNISHMENT & COMPENSATION

- 1) Anyone found guilty of sexual harassment shall be punished in accordance with the Service Rules Terms and Conditions of Employment, if the Offender is an employee.
Based on the gravity / seriousness of the offence, the Executive Authority may award any of the following penalties:
 - 1) Formal apology
 - 2) Warning or reprimand.
 - 3) Withholding of increments for certain period.



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4. Removal from administrative position or demotion.
 5. Suspension from service for a limited period.
 6. Compulsory retirement.
 7. Dismissal from service.
- Or any other action, the management may deem appropriate in the circumstances of the case
- 2) Where the Respondent is a student, depending upon the severity of the offence, V.M.Salgaocar College of Law may:
 - a) withhold privileges of the student such as access to the library, sports facilities, auditoria, hostels, transportation, scholarships, allowances and identity card.
 - b) suspend or restrict entry into the campus for a specific period.
 - c) expel and strike-off name from the rolls of V.M.Salgaocar College of Law including denial of re-admission.
 - d) award reformatory punishment like mandatory counselling and/or performance of community services.
 - 3) The aggrieved person is entitled to the payment of compensation. V.M.Salgaocar College of Law shall issue direction for payment of compensation recommended by the ICC and accepted by V.M.Salgaocar College of Law which shall be recovered from the offender. The compensation payable shall be determined on the basis of:
 - a) Mental trauma, pain, suffering and distress caused to the aggrieved person.
 - b) Loss of career opportunity due to the incident of sexual harassment.
 - c) The medical expenses incurred by the victim for physical, psychiatric treatment.
 - d) The income and status of the alleged perpetrator and victim; and
 - e) The feasibility of such payment in lump sum or in instalments.
 4. In case of second or repeated offence, the offender shall be liable for stringent punishment and also monetary compensation for the complainant from the respondent.

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 the UGC regulations. 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 conducted in accordance with the prescribed procedures before any action is recommended.

GENERAL

This Policy has been framed in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder and University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

Accordingly, while the policy covers all the key aspects of the Act and Regulations, for any further clarification, reference shall always be made to the Act and Regulations in force and the provisions of the Act and the Regulations shall prevail.





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Based on our experience of the working of this Policy and the recommendations of the Internal Complaints Committee, V.M.Salgaocar College of Law shall have the power to amend the Policy as and when required in keeping with the provisions of the Act, Rules and the Regulations.

Decision of the Executive Authority in any matter under this Policy shall be final and binding on all.

V.M.Salgaocar College of Law reserves the right to alter / modify / delete any of the Clauses under this Policy.

EFFECTIVE DATE	APPROVING AUTHORITY
1/2/2019	 
REVIEW DATE	DATE OF APPROVAL
1/2/2022	31/1/19