

**INTERNAL COMMITTEE
On
SEXUAL HARASSMENT
(PREVENTION, PROHIBITION AND
REDRESSAL) AT THE
WORKPLACE**



The Light of Truth

Martin Luther Christian University

A. Constitution of Internal Committee on Sexual Harassment at Workplace

As per decision taken in the Board of Management meeting held on June 16, 2014 agenda No. 5.d., the constitution of Committee Against Sexual Harassment was constituted which has been renamed as Internal Committee in accordance with The Sexual Harassment (Prevention, Prohibition and Redressal) of Women at Workplace Act 2013.

Sexual harassment constitutes a gross violation of a persons' right to equality and dignity. Such behavior is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1) (g): Right to Freedom which upholds a woman's right "to practice any profession, or to carry on any occupation, trade or business"].

In terms of the provisions contained vide Chapter 5, Section 26(a) of the MLCU Act, 2005 and read with Statute 6.2.3 (b) of the MLCU Statutes, 2013 read with the Hon'ble Supreme Court Judgment in the case of Vishaka Vs the State of Rajasthan; read further with UGC D.O.No. F.7-1/2009 (WS) dated 11 October 2011, the ***Committee against Sexual Harassment (now renamed as Internal Committee, IC)*** is hereby constituted in accordance to the Sexual Harassment (Prevention, Prohibition, Redressal) of Women at Workplace, Act 2013.

B. Objectives

The University is committed to creating a safe environment for all students and employees irrespective of gender. This policy seeks not only to prohibit but will also endeavor to prevent harassment of any kind including sexual harassment in the workplace among students and/or employees. In addition, MLCU through this policy will adopt a gender sensitive redressal mechanism towards cases of sexual harassment.

C. Definition of sexual harassment

Sexual Harassment is any unwanted and unwelcome sexually oriented behaviour. Such an act vitiates a conducive and safe working environment. Sexual Harassment includes such unwelcome sexually determined conduct (whether directly or by implication) by a male or female:

I. Physical harassment:

- ✓ Physical contact and advances

- ✓ Intentional touching, pinching, grabbing, brushing against another's body Sexual assault such as rape, sodomy, forced penetration and any unwanted sexual contact.
- ✓ Cornering, trapping or blocking a person's pathway with the intent to intimidate
- ✓ Any physical conduct which is unwelcome

II. Verbal harassment

A demand or request for sexual favours. In the work context, this is a behaviour in which a victim is made to submit herself / himself to sexual favors or advances over promises related to his/ her employment such as work conditions, promotion, and increments, otherwise described above as "Quid pro quo" sexual harassment.

- Making sexually suggestive or off-color comments; threats; slurs; sexual propositions;
- Sexual jokes or teasing; misogynist humor; sexually colored gender specific jokes
- Innuendoes and off-color remarks
- Comments about how someone looks, especially about parts of body
- Catcalls, whistles and forms of address like 'honey', sweetheart etc.

III. Written or graphic harassment:

- Showing pornography; and,
- The display of pornographic material with a women/ male student/employee as the target is -- obviously discriminatory and offensive.
- Other forms of unwelcome visual displays include:
- Written material that is sexual in nature such as letters or notes containing a sexual comment.
- Leering or staring at another's body and/or sexually suggested

IV. Gesturing

Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature.

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

In keeping with our non-discriminatory policy, MLCU will take immediate corrective and disciplinary action up to and including termination against any employee who engages in the type of the behavior noted above.

D. Creation of the Internal Complaint Committee (ICC)

1. Appointment of The Presiding Officer:

- i. The Presiding Officer of the ICC shall be appointed by the Vice Chancellor in consultation with the Dean of Academics from amongst the Professors/ Associate/ Assistant Professors of the University. The Presiding Officer will be a senior woman employee of MLCU
- ii. The term of office of the Presiding Officer shall be three years.

E. Members of the Internal Complaint Committee

- i. The Members of the Committee shall be recommended by the Presiding Officer, (ICC), to the Vice Chancellor.
- ii. The Committee shall consist of Members drawn from the faculty, administration, external experts and students' representatives.
- iii. The external expert nominated to the ICC will be a person who has demonstrated knowledge, skill and capacity in dealing with workplace sexual harassment issues/complaints. The expert will have at least 5 years of experience in working on issues of violence against women or a legal expert with experience in the said law
- iv. The term of office of the Members will be for 3 years; the term of all Members of the Committee will be renewable up to one year in office.
- v. The Secretary of the Committee shall be appointed by the Presiding Officer from amongst the internal members.

The names and phone numbers of all the members of the ICC will be displayed at the Notice Board of the University

Martin Luther Christian University Policy on Internal Committee

With regard to the Supreme Court Judgement and guidelines issued in 1997 for the protection of the basic human rights for gender equality and guarantee against sexual harassment and abuse, it is necessary for employers to observe certain guidelines to ensure the prevention of sexual harassment of women at workplace. The members of the committee will ensure confidentiality of all matters related to the committee. A non - disclosure agreement will have to be signed by each member; failing to comply to the confidentiality clause will result in a suspension from the committee and a payment of a fine of Rupees One Thousand only (Rs. 1000/-).

For all purpose of this policy, a person making a complaint of sexual harassment shall be referred to as “aggrieved person/complainant” and the person against whom the complaint is made shall be referred to as the “accused/respondent”.

Who are employees?

For purposes of this policy, employees will include:

1. All students enrolled in the University
2. All academic and administrative staff, whether working in the capacity of regular, temporary, adhoc, or daily wage basis
3. All interns/volunteers who are on an assignment with the University

Reporting Procedure

1. An aggrieved person can report a case of sexual harassment directly to the Presiding Officer of the IC. A complaint can also be filed on behalf of the aggrieved person by a co-worker, colleague, counsellors, a relative or any person who has knowledge of the incident, in cases where the aggrieved person, for some specific reason, is unable to file the complaint herself/himself
2. Complaints of sexual harassment must be filed within 3 months from the date of the incident or date of the last incident, in case of a series of incidents.
3. The complaint letter must state the date of the incident, name of the accused, location where the incident occurred and working relationship between the two.
4. The aggrieved person must try to submit as much evidence as possible, whether documented evidence or have witnesses who can corroborate the complaint.

Enquiry Procedure

1. A employee or student who feel that a violation of this policy has occurred should immediately report the matter to the Presiding Officer of the IC.
2. If that person is unavailable or the employee believes it would be inappropriate to contact the Presiding Officer, the complainant should contact any representative of the Committee.
3. Any complaint against any faculty or employee or student shall be submitted to the Presiding Officer in writing (hard copy) with the details of the complainant such as Name, Department, Contact Number and Address. Depending on the gravity of the complaint the Presiding Officer will convene the Committee to look into the complaint
4. All complaints made to the Presiding Officer will be received and recorded. The IC must write an acknowledgement letter of receiving the complaint.
5. The committee will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. For this, the Presiding Officer, Secretary and External Expert of the IC will screen the complaint and meet with the aggrieved person to get a better understanding of the case before proceeding.
6. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant/aggrieved person in writing.
7. The Committee will meet with the complainant/aggrieved person and explore the option of adopting an informal resolution of the complaint. This can include counselling, warning the accused/respondent to stop the unwelcome behaviour or appointing a neutral person to act as a conciliator between the two. However, this option will only be explored in minor cases and will be an exception to the norm.
8. The complainant/aggrieved person can expect an empathetic attitude from the Committee; a copy of the statement and list of witnesses submitted by the respondent; his/her identity will be kept confidential and in case of fear or intimidation, the aggrieved person will not have to face the respondent during the enquiry procedure
9. The accused/respondent can expect a patient hearing to present his/her case in a non - biased atmosphere; a copy of the complaint, evidence and list of witnesses submitted by the complainant; and his/her identity will be kept confidential
10. Any employee or student who is found to have committed any act of misconduct will be served with a letter from the IC stating the charges leveled against him/her. Such an employee or student will be given an opportunity to explain and answer the charges leveled against her/him in the Committee.

11. The aggrieved person may also have to appear before the Committee to provide a written statement against the perpetrator and submit all evidence to support her/his case.
12. During the enquiry procedure, the aggrieved person/complainant and the accused/respondent will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
13. If needed, the IC will call upon witnesses to give their statements. They will be called independently of the complainant/aggrieved person or the accused/respondent.
14. The Committee is bound to maintain confidentiality during the time of the enquiry
15. The IC will ensure to complete enquiry within 3 months from the date of receiving the complaint.
16. After collecting all necessary evidence and taking statements, the Committee will then draft its final report and submit their findings and recommendations to the Registrar of MLCU based on the evidence recorded and documents produced during the enquiry.

Redressal

1. The committee can suspend the accused/respondent if his/her presence is likely to interfere with the enquiry.
2. The aggrieved person making the complaint as per the Supreme Court judgment will have the option to seek transfer of the accused/respondent or their own transfer where applicable.
3. The aggrieved person will also be given the option to apply for leave as per the policy of the University
4. The disciplinary action will be commensurate with the nature of the violation.

Final Report

1. The final report will be submitted to the Registrar of MLCU within 10 days of completion of the enquiry
2. Before submitting its final report, the IC shall share its findings with both the parties and provide them an opportunity to make a representation against the findings.
3. When investigations of a complaint is complete the IC must submit a final report of whether they have found a prima facie case of sexual harassment or not. The report must include a section of recommendations.

FALSE COMPLAINTS

Where the Internal Committee arrives at a conclusion during or after the inquiry that the complaint made against the respondent is either malicious or false, appropriate punitive action may be taken on the person making the complaint. For this, the IC will submit its report with recommending punitive action for the person to the Registrar of MLCU for their immediate attention and action.