



R. R. INSTITUTIONS

Chikkabanavara, Bengaluru-560090

QUALITY ASSURANCE CELL (QAC)

ANTI-SEXUAL HARASSMENT AND INTERNAL COMPLAINTS COMMITTEE

ASH: 01: INTRODUCTION

Anti-sexual harassment committee is set up with a goal to prevent Sexual Harassment and to ensure safe working environment for employees and students.

ASH 02: OBJECTIVES

- To create awareness on gender equality and gender justice.
- To develop a conducive atmosphere in the campus.
- To ensure provision of a work and educational environment that is free from sexual harassment
- To take all reasonable steps (active and preventive in nature) to prevent the harassment occurring
- To display anti-sexual harassment posters on notice boards in common work areas and distribute relevant brochures
- To deal with the cases of discrimination and sexual harassment against the student / staff, in a time bound manner
- To develop a written policy which prohibits sexual harassment

ASH 03: DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is any form of verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, degrading, or offensive environment.

It includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a. Physical touch
- b. Sending a double meaning messages
- c. Sending porn photo
- d. Demand or request for sexual favours
- e. Sexually colored remarks
- f. Showing pornography
- g. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

ASH 04: COMPLAINT PROCEDURES

- a. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment.
- b. Any employee or student (hereinafter mentioned as the 'COMPLAINANT') shall have the right to file a complaint concerning any harassment including sexual harassment against a student /employee /faculty /administrative staff / research staff / any of the members of the Committee (hereinafter mentioned as the 'COMPLAINTEE') as the case may be.
- c. Any COMPLAINANT may file a complaint within a period of 3 months from the date of incident. In case of a series of incidents, COMPLAINANT should file a case within a period of 3 months from the date of last incident.

- d. Where the aggrieved is unable to file a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
- e. All complaints will only be accepted in writing. The Committee is allowed to take action even in the absence of a written complaint. Though a written complaint is must, however if the victim does not want to do the same, anybody can write on her behalf.
- f. Any complaint in writing has to be signed by the COMPLAINANT and will be read out to the complainant and will not be acted upon till the same is signed by the complainant.

ASH 05: POWERS OF COMMITTEE IN HANDLING A CASE

- a. Any complaint received by the committee should be immediately forwarded to the chairman and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.
- b. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject complaint prima facie and recommend to the Institute that no action is required to be taken in matter
- c. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents).
- d. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- e. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- f. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
- g. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
- h. The Committee will provide assistance to the aggrieved, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.
- i. The Committee may, before initiating an inquiry, at the request of the aggrieved, take steps to settle the matter between her and the respondent through conciliation
- j. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
- k. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.
- l. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the committee shall record the settlement so arrived and forward the same to the employer for necessary compliance

ASH 06: ENQUIRY COMMITTEE ROLES

- a. Interview the victim and the alleged harasser separately
- b. Interview other relevant third parties separately
- c. Decide whether or not the incident(s) of sexual harassment took place

- d. Produce a report detailing the investigations, findings and any recommendations
- e. If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- f. Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- g. If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- h. Keep a record of all actions taken
- i. Ensure that the all records concerning the matter are kept confidential
- j. Ensure that the process is done as quickly as possible and in any event within [...] days of the complaint being made

ASH 07: SOLVING A CASE

- a. The Committee shall meet as and when any complaint is received by any member of the committee.
- b. The Committee may direct the complainant to prepare and submit a detailed statement of incidents in written within a period of three (3) days
- c. The Committee shall direct the accused employee(s) to prepare and submit a written response to the complaint / allegations within a period of three (3) days
- d. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue ex parte.
- e. The Committee shall allow both parties to produce relevant documents and witnesses to support their case affixed with that party's signature to certify the document as original / true copy.
- f. The name, address, identity or any other particulars calculated to lead to identification of the COMPLAINANT shall be kept confidential and will not be disclosed even to the Committee, till the meeting in this regard is convened.
- g. Within a period of 5 working days from the date of such communication, the Chairperson shall convene a meeting to deal with the complaint and make preliminary enquiry/fact finding enquiry to verify the facts of the complaint. An Enquiry Committee will be constituted if the complaint is found genuine.
- h. In case, the Enquiry Committee decides to proceed with the complaint, they may have the option to settle the matter between COMPLAINANT & COMPLAINEE through conciliation. For this the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.
- i. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
- j. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- k. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- l. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
- m. The Committee shall make all endeavours to complete its proceedings within a period of fifteen (15) days from the date of receipt of complaint.

- n. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Principal/Management, within a period of five (5) days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
- o. If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee/student, it may, on the request of the complainant or otherwise, disciplinary action could be initiated.

ASH 08: SANCTIONS OF PUNISHMENTS

- a. Anyone who has been found to have sexually harassed another person, is liable to any of the following sanctions:
 - i. Written Warning
 - ii. Written apology
 - iii. Bond of good behaviour
 - iv. Adverse remarks in the confidential report
 - v. Denial of re-employment/re – admission
 - vi. Stopping of increments / promotion/denying admission ticket
 - vii. Suspension/ Dismissal
 - viii. Any other relevant mechanism
- b. The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.
- c. The decision of the committee in sanctioning the punishment is final.

ASH 09: MEMBERS OF THE COMMITTEE (enclosed)