



Mahavir Education Trust's

Shah & Anchor Kutchhi Engineering College

Affiliated to University of Mumbai, Approved by D.T.E & A.I.C.T.E.

NBA accredited Programs for 3 years w.e.f. July 2022 & NAAC (A-Grade) accredited Institute

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

PREAMBLE:

Sexual Harassment results in violation of the fundamental rights of an employee, conferred upon by the Constitution of India, to equality before law, prohibition of discrimination on the basis of religion, race, caste, sex, place of birth, the right to practice any profession or to carry on any occupation, trade or business, right to life and to live with dignity, which includes a right to a safe working environment free from Sexual Harassment.

Shah & Anchor Kutchhi Engineering College, (hereinafter referred to as "SAKEC") treats Sexual Harassment as gross misconduct under its service rules and other applicable laws. It is expected of the employees and students to deal with their colleagues and visitors to the SAKEC premises with full fairness, respect and dignity and realize that his/her behavior will be attributed to the organization and can affect its reputation.

SAKEC seeks to implement the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, in accordance with the following Policy framework.

POLICY:

At SAKEC, it is our desire to promote a healthy and respectful working environment irrespective of gender, caste, creed or social class of the employees. We value every employee, student and visitors are committed to protect the dignity and respect of every individual employee and student. Therefore, we have zero tolerance for sexual harassment at work place/campus and are committed to take all necessary steps to ensure that our employees, students and visitors to the SAKEC premises are not subjected to any form of

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sexual harassment.

1. OBJECTIVE:

This policy has been framed with a view to:

- Promote a workplace, campus based on equality & respect.
- Provide a safe and respectful environment at workplace and campus.
- Awareness & sensitization about sexual harassment at the workplace and campus
- Prevent sexual harassment at work place and campus
- Provide mechanism for redressal in case of complaint of sexual harassment at the workplace and campus.

2. Definitions:

- (a) "aggrieved woman" means in relation to work place, 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 a Higher Educational Institution and its related 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 the HEI 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 the HEI;

- (ff) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;
- (fe) "Executive Authority" means the chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;
- (ff) "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);
- (gf) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by an HEI under sub regulation (1) of regulation 4 of the regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;

Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC' under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;





(b) "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

(ii) 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

(e) showing pornography"

(iii) 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-

(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;

(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 in a HEI;

Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, 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 a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

(j) "third Party Harassment" refers to a situation where sexual harassment occurs as a result of an omission by any third party or outsider, who is not an employee or a student of the HEI, but a visitor to the HEI in some other capacity or for some other purpose or reason;

(k) "victimization" 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 a HEI including-

(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 the appropriate HEIs;





- (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 in HEIs;
- (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.*

3. Composition of the Internal Complaints Committee

The ICC shall have the following composition:-

- (a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o);

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;*

- (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, nominated by the Executive Authority;





- (c) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;
 - (d) 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, nominated by the Executive Authority.
- (2) At least one-half of the total members of the ICC shall be women.
 - (3) Persons in senior administrative positions in the HEI, such as Vice-Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
 - (4) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one-third of the members of the ICC may change every year.
 - (5) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.

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 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 victimised or discriminated against while dealing with complaints of sexual harassment; and ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

5. Process of making complaint of sexual harassment –

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.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be accorded in the 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.”

Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of

the victim may file the complaint insituations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

6. 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. Up on receipt of the copy of the complaint, the respondent shall file his or her 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 Executive Authority of the HEI.

Copy of the findings or recommendations shall also be served on both parties to the complaint.

- d. The Executive Authority of the HEI 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 Executive Authority of the HEI within a period of thirty days from the date of the recommendations.
- f. If the Executive Authority of the HEI 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 Executive Authority of the HEI 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. The HEI shall facilitate 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 or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

7. Action against frivolouscom plaint.

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all HEIs. 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 sub regulations(1) of regulations10, 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. However, the mere in ability to sub stantiatea complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainants hall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

8. CONFIDENTIALITY:

SAKEC recognize's the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process and thereafter, to the extent practicable and appropriate under the circumstances.





9. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the SAKEC except where disclosure is required under disciplinary or other remedial processes.

10) PROTECTION TO COMPLAINANT / VICTIM AGAINST RETALIATION:

SAKEC is committed to ensuring that no aggrieved person who brings forward a complaint of sexual harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the ICC shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the respondent against the complainant while the investigation is in progress should be reported by the complainant to the ICC as soon as possible.


Dr. Bhavesh Patel
Principal

