

Sexual Harassment Policy

1. Purpose & Scope

The “Policy on Prevention of Sexual Harassment” intends to provide protection against sexual harassment and redressal of complaints thereof.

All allegations of sexual harassment by employees or students are covered under this policy. As an educational institution, we have a special responsibility to develop a culture in which all students and employees can fulfill their aspirations based on talent and effort, regardless of gender.

Empirical research has established that communicating negative expectations or stereotypes based on race, ethnicity or gender negatively influences academic performance.

Retaliation against an aggrieved person who confides in others about harassment, or rejects sexual advances, is itself an offense under this policy.

This policy does not prevent any aggrieved person from seeking legal recourse.

2. Background

This policy has been framed in line with the provisions of the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**” of India (hereinafter referred to as the “the Act”) and existing rules framed thereunder namely the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**” of India (hereinafter referred to as the “the Rules”).

The Constitution of India protects the freedom of speech – even if the speech expresses discriminatory views. At the same time, it establishes protections against discrimination on the basis of sex. SRM University, AP-Amaravati is an equal opportunity institution that treats individuals on the basis of merit. Membership in the University community is a choice – for employees as well as students. In an institution devoted to education and research, it is imperative that all individuals be held to a standard in which people are judged on the basis of their talent, effort and performance, without regard to gender.

3. Key Definitions

- a) “Sexual Harassment” includes any one or more of the following unwelcome acts of behavior (whether by direct act or by implication):
 - i. Any unwelcome sexually determined behavior or pattern of conduct that would cause discomfort and/or humiliate the person or group to whom the behavior is directed, including:
 - Physical contact and advances;
 - Demand or request for sexual favors;
 - Sexually colored remarks about a person’s clothing or body;
 - Pornography;



- Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, all electronic media communications, gestures, teasing or innuendo.
- Unwelcomed comments, innuendos, or rumors regarding another's sexual conduct or sexuality.

Sexual harassment can involve a series of incidents or it can be a single occurrence.

- ii. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:
- Implied or explicit promise of preferential treatment in employment/ evaluation of academics;
 - Implied or explicit threat of detrimental treatment in employment/ evaluation of academics;
 - Implied or explicit threat about present or future employment status/ evaluation of academics;
 - Interference with work/studies or creating an intimidating or offensive or hostile work environment; or
 - Humiliating treatment likely to affect health or safety. The harasser's conduct must be unwelcome. Harassment can occur in person, over the phone (including messages), over the internet or e-mail or any other form of written or electronic communication. The harasser can be the complainant's supervisor, a supervisor in another area, a co-worker or a non-employee/student/faculty/non-teaching staff.
- b) "University" refers to SRM University, AP-Amaravati.
- c) "Complainant/Aggrieved Person" means a person of any age who alleges to having been subjected to any act of sexual harassment by a respondent.
- d) "Respondent" means a person against whom a complaint of alleging sexual harassment has been lodged.
- e) "Student" is any person enrolled full or part-time at SRM University, AP-Amaravati or participating in any event or exchange program with a partner university or (other educational institution) under the instruction and academic supervision of university faculty, or guidance of any university staff member.
- f) "Employee" is any person working on behalf of SRM University, AP- Amaravati, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, (with or without the knowledge of the principal employer, whether for remuneration or not), or working on a voluntary basis or otherwise, (whether the terms of employment are express or implied), and includes a co-worker, a contract worker, probationer, trainee, apprentice or by any other such name.
- g) "Workplace" for the purpose of the policy extends to all spheres in which employees or students community – on or off campus, in-person or virtual, directly or indirectly – in contexts that have consequences of any sort for work-related or career-related assessment or performance.



- h) "Internal Complaints Committee," (hereinafter referred to as the "ICC") is the designated University committee that will address and adjudicate grievances.
- i) "Member" means a member of the ICC.
- j) "Presiding Officer" means the Chair of the ICC, who is the university official authorized to oversee its "Policy on Sexual Harassment" and accountable to the community as a fair arbiter.
- k) "Parties" means collectively the complainant and the respondent.

4. Procedure and Guidelines

a) Internal Complaints Committee Composition

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an ICC is constituted.

The ICC will consist of the following members to be nominated by the Vice Chancellor and the President

- i. A presiding officer;
- ii. At least two members from amongst employees committed to fairness and due process for aggrieved and respondent, and to equal opportunity for women;
- iii. At least one-half of the total members so nominated shall be women;
- iv. And two members of the faculty, one male and one female, will be nominated.

b) Powers of ICC

The ICC has the following powers:

- i. Summoning and enforcing the attendance of any person related to the incident;
- ii. Requiring the discovery and production of case related documents/proofs/valid information in any form and
- iii. Any other matter relating to the incident, as decided by the ICC, from time to time.

c) Quorum

A simple majority will be in place in order for the committee to meet and conduct business.

5. Complaints process

If you have been subjected to Sexual Harassment committed by anyone in the university, you should:

- a) Tell the offender that their behavior is unwelcome and ask them to stop the behavior immediately. However, at this stage, if you wish to make a complaint you may choose to do so.
- b) Keep a record of incidents (dates, times, locations, possible witnesses, what happened, your response). It is helpful and necessary to have a record of events, since such a record can strengthen your case and help you remember the details over time.
- c) If, after telling the offender to stop the behavior, the sexual harassment continues, report the abuse in writing to the email id of the ICC with a copy to the Presiding Officer.



- d) Such a complaint should be made in writing and within a period of three months from the date of incident and, in case of a series of incidents, within a period of three months from the date of last incident. While submitting your written complaint it is necessary to submit the complaint along with supporting evidences and the names and addresses of the witness. Anonymous complaints will not be entertained.
- e) Members of the ICC are obligated to keep the information about the complaint strictly confidential.
- f) If a complainant is unable to make a complaint in writing due to physical, emotional or mental incapacity, then it is possible for any person who has a knowledge of the incident to file a complaint, but after having a documented or video-graphed consent of the complainant. Also, the complainant can approach the presiding officer or any member of the ICC who will assist in outlining options for filing a complaint.

6. Handling The Complaint/Redressal

Complaints received in accordance to clause will be addressed as per the process outlined in this policy. Consistent with the university's obligation to conduct an investigation and take appropriate corrective action, any complaint of sexual harassment will be treated immediately and fairly.

It is the obligation of all employees and students to report sexual harassment faced by them in writing and with all relevant records.

- a) Once a complaint is received, both the complainant and the respondent will be questioned separately with a view to ascertain the authenticity of their contentions. The case will be kept strictly confidential and will be dealt with confidentially.
- b) The ICC shall then send a show cause notice along with one of the copies of the complaint received from the complainant to the respondent. The respondent will also be informed that no unfair acts of retaliation or unethical action will be tolerated.
- c) The respondent has to file his/her reply to the complainant along with the list of documents, names and addresses of witnesses, within a further period of seven working days from the date he/she receives the complaint copy. The reply should be filed with the ICC.
- d) The ICC may, before initiating an inquiry, and at the request of the complainant, take steps to settle the matter between the complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- e) Where there is a settlement arrived, ICC will record the settlement and forward the same to the university administration, to take action as specified in the recommendation. Copies of the settlement will be given to the complainant and the respondent. The ICC will conduct no further inquiry in this case.
- f) If the aggrieved person informs the ICC, that any term of condition of the settlement arrived has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint including: notifying the university administration, if necessary, forwarding the complaint to the police.
- g) The ICC will:



- i. Summon and enforce the attendance of any person and examine him/her on oath.
 - ii. Require the production of case-related documents/proofs/valid information of any form or any other matter relating to the incident.
- h) The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails without sufficient reason to present in three consecutive hearings convened for the purpose. Such a decision will be taken after giving a notice in writing, fifteen days in advance to the parties concerned.
- i) During the Pendency of an Inquiry, on a written request made by the complainant, the ICC and the university administration will together take any appropriate actions in said case.
- j) A simple majority of members present will decide the outcome based on evidence reviewed.
- k) Upon completing the inquiry, the ICC will make a detailed report within 10 days and submit the following to the university:
 - i. Background.
 - ii. Documented testimony of the complainant and the respondent.
 - iii. Evidences gathered/recorded.
 - iv. Findings of the Inquiry.
 - v. Recommended action.
- l) The ICC, if after completing an inquiry, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the university that no action be taken in the matter.
- m) If the ICC arrives at the conclusion that the allegations against the respondent has been proved, it shall recommend the university administration to take action for sexual harassment as misconduct in accordance with the provisions of the service rules and "University Code of Conduct" applicable to the respondent including dismissal.
- n) Upon receipt of the report, the university administration will review the report and determine what action and follow-up needs to happen. Such a decision on the recommendations of the ICC will be taken within fifteen days of receiving the report from ICC.

The decision of the university administration in this regard shall be informed both to the complainant and the respondent.

7. Malicious Allegations

If ICC concludes that an allegation is malicious, or that the aggrieved person or any other person making the complaint knows that it is false, has produced forged or misleading documents, it may recommend that the University take appropriate action against the aggrieved. The action recommended should be comparable to the ones proposed for the respondent in case of substantiated complaints.

8. Prohibition on disclosure of Information

This policy and the law prohibits any person including the ICC members from publishing, communicating or making known to the public, press and media in any manner contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation



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and inquiry proceedings, or recommendations of the ICC. Any violation thereto shall also be subject to applicable disciplinary action as outlined in the "Employee Handbook."

9. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the university administration within sixty days in accordance with the "Act and Rules."

10. Amendments

The ICC and university, reserve the right to amend the policy and to comply with any new university rules or laws that come into effect during the course of time.



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