

Working Policy
Women Anti-Harassment Cell,
St Anthony's College Shillong.

St Anthony's College is committed to creating a healthy and safe work environment that enable students and staff to work without fear of discrimination, unwelcome and offensive behaviour, gender bias and sexual harassment. The institution condemn all kind of sexual harassment and aim at protecting the right of women against sexual harassment and right to work with dignity towards this end.

The Policy has been framed to effectively prevent/prohibit and redress any incident of sexual harassment and to enforce strong disciplinary action in face of any such occurrence. Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this Policy. This policy explicitly prohibits sexual harassment at work place or off site, either during or in connection with activities related to work. The Institution will take action consistent with its disciplinary and grievance procedures against any student/staff/employee found to have breached this Policy. The Institution will also take steps to comply with any specific domestic laws relating to this issue.

The Institution is committed to ensure that sexual harassment instances and incidents are reported without fear of reprisal or retaliation. The institutions will investigate instances / and or complaints of sexual harassment promptly and discreetly. The Institutions will initiate disciplinary action as per the stipulations provided in this Policy. This policy is in line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. This Policy is non-statutory with respect to persons other than women. However, we are committed to provide a safe environment for every individual irrespective of their gender and sexual orientation and persons who do not fit in binary categories of woman and men (intersex) and will provide the same due process to all employees who experience sexual harassment at workplace.

Objectives

- (a) To create a healthy working environment which is free of sexual harassment or gender discrimination for all women staff/employees and students.
- (b) To look into instances of sexual harassment of women at workplace and recommend measures for promoting gender equality.
- (c) To ensure fair and timely resolution of sexual harassment Complaints
- (d) To promote awareness about sexual harassment through educational initiatives and safe camps environment.

Scope

The policy applies to all those staff both teaching and non teaching, contractual, regular, temporary and all the students.

Complaint Mechanism

There will be an Internal Complaints Committee constituted at the institution under the aegis of the Women Anti Harrasment Cell.

Composition of the ICC

The Complaints Committee shall be presided by a women. A quorum of 5 members is including in the committee, at least 3 members is required to be present for the proceedings to take place.

Procedure for Complaints

The aggrieved person is required to submit a written complaint to the ICC about the incident that indicate to the person indulging in the sexually offensive behaviour that the behaviour is unwelcomed, and specifically ask the respondent to stop the behaviour. Where the aggrieved person feels that they cannot ask the respondent to stop the offensive behaviour, or in spite of having done the same, behaviour continues, they may ask for the behaviour to be dealt with under the grievance procedure. The aggrieved person shall keep a written record of dates, to,es, details of the conduct and witness if any. Each complaint should at the minimum be specific with regards to following points:

- (i) Nature of sexual harassment
- (ii) Identity of the person/s who is/are involved in the act/s of sexual harassment
- (iii) Facts and circumstances in support of the complaint

The aggrieved person can inform and approach any member of the ICC with a written complaint, supporting documents and the list of witnesses within a period of 3 months from the date of the incident/s. When th complaint is received, it will be promptly investigated in a fair and expeditious manner by the ICC. In the event of a written complaint received by the ICC, it shall look into the complaint within 10 working days of receipt of complaint. In case of the complaint received by the management/ department/ or any other person in the college; it shall be immediately handed over to the ICC. Irrespective of whether the aggrieved person opts

to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under the guidelines and Policy of Women Anti-harassment cell.

The complaints committee shall make inquiry into the complaint in accordance with the principles of natural justice.

The ICC shall hand over the written statement of charges to the person against whom complaint is made and give the respondent an opportunity to submit a written explanation within 7 working days of receipt of the same.

At the commencement of the inquiry the ICC members shall explain to both the aggrieved person and the respondent the procedure which will be followed in the inquiry. The inquiry shall be conducted in line with the principles of natural justice.

The Complaints Committee 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, within sufficient cause/time to present themselves for three consecutive hearings convened by the ICC. Such decision can be taken by the ICC by giving notice of 15 days in advance.

The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee

Conciliation

The first step by the ICC will be to make attempt to resolve the raised issue through mutual discussion between the aggrieved person and the respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the aggrieved person and their consent to the adopt conciliation process.

On the request of the aggrieved person, within 30 working days after the 1st meeting, the ICC after making sure that the aggrieved person is not opting for conciliation under any force / threat will take steps towards settling the matter between the aggrieved person and the respondent. This will be done through the process of separate and joint meetings. Conciliation will be completed within 50 days of initiation of the conciliation process. During the process of conciliation the ICC will endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made a basis of the conciliation.

The ICC will record the terms of settlement acceptable to the aggrieved person and the respondent and file a closure report with the Women Anti-Harassment Cell to take further action as recorded in the settlement. Copies of the settlement shall be provided to the aggrieved person and the respondent. All persons involved in the conciliation will maintain the dignity

and confidentiality of the persons involved. The aggrieved person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the ICC. (Withdrawal is not allowed after commencement of inquiry, as we are operating under law - respondent's credibility/image/ is at stake and they need to get an opportunity to prove their innocence)

Post the conciliation process, after the settlement is arrived, the ICC will not do further enquiry on the complaint.

If the conciliation does not stop the behaviour and / or if any of the terms mentioned in the settlement are not complied with, the ICC shall proceed to impose such disciplinary action as it deems fit.

Recommendations

During the course of the inquiry the ICC for that period may recommend to the Management on its own and / or at the written request of the aggrieved person to grant the interim recommendations:

- (i) Transfer either the aggrieved person or the respondent,
- (ii) Suspension of the respondent/witness or any other party involved from work,
- (iii) Grant leave to the aggrieved person (this leave would be in addition to the one is they are already entitled
- (iv) Restrain the respondent from reporting on the work performance or confidential report of the aggrieved person and assign the same to another officer
- (v) Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.
- (vi) Any other disciplinary action as the ICC and Management of the Institutions thinks fit.

ICC on charges proved against the respondent shall make following recommendations to the management:

- (i) Initiate disciplinary action against the respondent in accordance with the policy and guidelines.
- (ii) Any other disciplinary action against the respondent as the ICC and management of the Institutions.

Disciplinary Action

The disciplinary action shall be recommended by the ICC and will be imposed by the management based on severity of harassment and its impact on the aggrieved person.

It could be either one or combined actions as given below:

- a) Verbal Warning
- b) Verbal Apology
- c) Written Apology
- d) Written Caution
- e) Written Warning
- f) Warning and taking a written bond of good conduct
- g) Reprimand or censure
- h) Withhold promotion till such period mentioned
- i) Withhold pay rise or increments of pay till such period mentioned
- j) Termination from service
- k) Undergo counselling session
- l) Perform Community service

False and Malicious Complaints

The Institution is strongly opposed to misuse of this Policy. Therefore both aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee.

In case ICC comes to a conclusion that complaint is found to be done and supported with malicious intent by the aggrieved person and witnesses respectively, done and supported knowing that it is false or if the aggrieved person and / or witnesses produced forged or misleading document/ s, the ICC will recommend suitable action to the Management to prevent recurrence so that others are deterred from raising complaints in bad faith. The aggrieved person and / or witnesses will be liable for appropriate disciplinary action by the College Management.

However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

Confidentiality

Publication, communication or information to public and media in any manner about contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved persons under this Policy without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.

The college shall take appropriate disciplinary actions on any person who violates the confidentiality obligation under this policy.

Conclusion

The Institution is committed to the implementation of the objectives of the guidelines and the directive of the UGC regulation as per the policy against sexual harassment in the institutions.



A handwritten signature in blue ink, appearing to be "A. Dkhar".

Rev. Br. (Dr.) Albert L. Dkhar, sdb
Principal

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