

PREVENTION OF SEXUAL HARRASMENT (POSH)

STOP
harassment



**JWALA DEVI VIDYA MANDIR
PG COLLEGE, KANPUR**

Affiliated to
C. S. J. M. University, Kanpur



JWALA DEVI VIDYA MANDIR P.G.COLLEGE, KANPUR

Reference No.....

Date

JDVM PG GIRLS' College, Kanpur, adopted the provisions of "**Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) POSH Act 2013** in 2023. In compliance with the provisions, constitution of Internal Complaints Committee and monitoring of activities for creating awareness amongst female students and staff, college constituted ICC committee in the Academic Year 2023-24. The composition of the ICC for the Academic Year 2023-24 is as under:

1. Dr.
2. Third Party Member

Members:

1. Dr.
2. Dr.
3. Dr.....
4. Miss... (Under Graduate)
5. Miss (Post Graduation)
6. Miss..... (Research)
7. Dr. (NGO)

CHIEF PROCTOR

SECRETARY

PRINCIPAL

PREVENTION OF SEXUAL HARRASMENT (POSH)

POLICY ON SEXUAL HARASSMENT

Introduction

Jwala Devi Vidya Mandir PG College, is dedicated to fostering a vibrant academic environment where all students and staff can thrive. We believe in fostering a culture of respect, inclusivity, and safety. Sexual harassment is a serious offense that undermines these core values and will not be tolerated under any circumstances. This comprehensive policy outlines the definition of sexual harassment, establishes clear procedures for reporting and investigating complaints, and details potential consequences faced by those found to have engaged in sexual harassment.

This policy adheres to the guidelines set forth in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SH Act) and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 (UGC Regulations). GDC strives to create an environment where everyone feels empowered to report incidents and confident that their concerns will be addressed promptly, fairly, and confidentially.

Preamble

India's first legislation specifically addressing the issue of workplace sexual harassment is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "POSH Act") which was enacted by the Ministry of Women and Child Development, India in 2013. The said Act aims at providing protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Historical Background of the Sexual Harassment of Women at Workplace Act, 2013:

The writ petition was filed before the Supreme Court expressing the lacuna in the legislative policy in the matters of Sexual Harassment of Women at Workplace as it violates Articles 14,15,19 & 21 of the Constitution of India. To fill the legislative gap, the Supreme Court laid down the following guidelines for the redressal of Sexual Harassment of Women at Workplace, the guidelines as also known as the "Vishaka Guidelines":

Guidelines:-

- i) Duty of the employer to prevent the sexual harassment of women at the workplace & to provide for the procedures for resolution and settlement.
- ii) The rules and regulations relating to conduct and discipline in any Government or Private enterprise should include rules and regulations relating to sexual harassment of women at the workplace.
- iii) Appropriate work conditions for women to ensure that there is no hostile environment for women at workplaces.

- iv) An appropriate Complaint Mechanism should be made for the victim to ensure time-bound redressal of the cases.
- v) The Head of the Complaint Committee should be a woman & more than half of the members should be women & to maintain impartiality, the Complaint Committee should involve a third party In 2013, Parliament made legislation on Sexual Harassment named “Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act). The Act was enacted with the basic objective of preventing and protecting sexual harassment at the workplace & to ensure redressal mechanism.

SCOPE OF THE POLICY

POSH Act was enacted by Parliament to give effect to the Convention for protection of women against sexual harassment at workplace. The POSH Act covers sexual harassment resulting in any violation of the women’s fundamental rights to equality under articles 14 and 15 of the Constitution of India and her right to life and live with dignity under article 21 of the constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to safe environment free from sexual harassment.

This policy encompasses all forms of sexual harassment that may occur within the college premises, during college-sponsored events or activities (both on and off-campus), or during online interactions related to college business or coursework. Sexual harassment can be perpetrated by faculty, staff, students, guests, or vendors. This policy is applicable to all members of the college community, regardless of their gender identity, sexual orientation, or hierarchical position.

SEXUAL HARASSMENT

Sexual harassment encompasses a spectrum of unwelcome sexual conduct that creates a hostile or intimidating learning/working environment, interferes with a student's education or an employee's work performance, or offers rewards in exchange for sexual favors. Here are some examples, but this list is not exhaustive:

- **Unwanted Verbal Conduct:** This includes sexual advances, propositions, jokes, innuendos, derogatory remarks based on gender, and unwelcome comments about physical appearance.
- **Unwanted Nonverbal Conduct:** This includes leering, staring, displaying sexually suggestive pictures or objects, unwanted physical proximity, and following someone in a manner that creates discomfort.
- **Unwanted Physical Conduct:** This includes groping, touching, assault, and any other physical contact of a sexual nature.
- **Sexual Demands:** This includes pressuring someone for sexual favors or threatening to withhold benefits or inflict consequences if sexual favors are not granted.
- **Retaliation:** This includes any negative action taken against someone who reports sexual harassment or who supports someone who has reported harassment.

It's important to understand that the severity of the conduct, not the intent of the perpetrator, determines whether an act constitutes sexual harassment. Even if the perpetrator did not intend to offend or harass, their behaviour can still have a significant negative impact on the target.

NEED OF THE POLICY:

Workplaces, including colleges, need a POSH policy to combat sexual harassment and discrimination. Without it, victims may suffer in silence, creating an unequal and unsafe environment. POSH safeguards everyone by prohibiting inappropriate behaviour and ensuring fair investigations. This empowers victims to report without fear, fostering a respectful environment. By preventing harassment and promoting equality, POSH creates a safe space for all to learn and work freely, ultimately building a respectful and inclusive environment. The zero-tolerance policy on sexual harassment at workplace provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

OBJECTIVES OF THE POLICY:

The POSH Policy is meant to promote a healthy work environment that is free from harassment of all kinds for all those covered. To provide a safe and respectful work environment / establish an atmosphere for employees that is free from Harassment or discrimination against employees on the basis of race, colour, creed, religion, gender, national origin, age, sexual orientation or gender identity, or physical or mental disability and outline the company's policy to protect all categories of employees (Direct and indirect) against sexual harassment in particular.

POLICY:

Guidelines for implementation of the policy With respect to the zero-tolerance policy towards sexual harassment, all organisations with more than 10 employees need to conduct an awareness programme for the employees of the organisation. The organisation has to constitute an internal committee to address the issues and complaints related to sexual harassment within the organisation. The internal committee will also include external members from NGOs working for the welfare of women. Organisations with fewer than 10 employees can approach the Local Committee set up at District Level by the State Government.

VISION -

- There is zero tolerance for any form of sexual harassment, fostering a culture of respect and dignity.
- All genders feel secure and empowered to participate fully, free from fear of harassment or intimidation.
- There is a level playing field for everyone, regardless of gender, with opportunities and career advancement based on merit.
- Reporting mechanisms are accessible and victims feel comfortable speaking up, knowing they will be heard and supported.
- A fair and transparent process ensures complaints are investigated thoroughly, holding offenders accountable and preventing future incidents.

MISSION:

- **Prevent Harassment:** POSH aims to stop sexual harassment from happening in the first place by outlining unacceptable behaviour and potential consequences.
- **Safeguard Everyone:** It creates a safe and secure environment for all genders in the workplace or educational setting by prohibiting and addressing sexual harassment.
- **Foster Equality:** POSH promotes a fair and equal environment where everyone feels respected and valued, regardless of gender.
- **Empower Reporting:** The policy empowers victims to report harassment incidents without fear of retaliation or consequences.
- **Ensure Justice:** POSH establishes a clear process for investigating complaints and holding offenders accountable for their actions.

PROCEDURE-

(Setting up of committees, working of committees, Responsibilities of the committee members, consequences of non-adherence to the guidelines)

- 1) With respect to the zero-tolerance policy towards sexual harassment, there shall be **constitution of an Internal Complaints Committee.**
- 2) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the **“Internal Complaints Committee”**: Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.
- 3) The Internal Committees shall consist of the following members to be nominated by the employer, namely: —
 - (a) **A Presiding Officer** who shall be a woman employed at a senior level at workplace from amongst the employees: 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(1).
 - 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) Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
 - (c) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment: Provided that at least one-half of the total Members so nominated shall be women.
- 4) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, **not exceeding three years**, from the date of their nomination as may be specified by the employer.

- 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 employer, as may be prescribed.
- 6) Where the Presiding Officer or any Member of the Internal Committee, —
- (a) Contravenes the provisions of section 16; or
 - (b) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - (c) S/he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - (d) Has so abused his/her position as to render his//her continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.
- **As per S. 26 of the Act, Non-compliance with POSH can cost an employer a monetary penalty of Rs. 50,000. An employer can be subjected to a penalty of up to INR 50,000 for:**
- Failure to constitute Internal Complaints Committee
 - Failure to act upon recommendations of the Complaints Committee; or
 - Failure to file an annual report with the District Officer where required; or
 - Contravening or attempting to contravene or abetting contravention of the Act or Rules.



JWALA DEVI VIDYA MANDIR P.G. COLLEGE, KANPUR

ICC Internal Complaint Committee

POLICY DOCUMENT





NIRBHAYA

THE INTERNAL COMPLAINT COMMITTEE (ICC)

PREVENTION OF SEXUAL HARASSMENT OF WOMEN & WOMEN CELL

As per the guidelines of UGC, NAAC and Honourable Supreme Court, Prevention of Sexual Harassment of Women at workplace Cell has been established in the college to provide a healthy and congenial atmosphere to the female staff members and students of the College.

INTERNAL COMPLAINTS COMMITTEE (ICC)

The C.S.J.M. University, Kanpur, the affiliating University, has constituted an Internal Complaints Committee (ICC) under the provisions of the UGC (Prevention, Prevention and Control of Violence Against Women and College Students) Regulations-2015 and Violence Against Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, **Office Order No. 4499** partially modified dated **5 August 2016**. The Violence Against Women at Work place Act (Defence , Safety and Security) Act, 2013, which replaced the **Vishakha Directive** of 1997, mandated the establishment of Internal Complaints Committees (ICC) in all Colleges and Universities. To implement these guidelines, the College adopted a Zero-tolerance policy towards sexual harassment. This has become obligatory to all the colleges to establish Internal Complaints Committee.

FORMATION OF THE INTERNAL COMPLAINT COMMITTEE:

The Internal Complaint Committee of the JDVM PG College is formed under Section 4 of University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of women employees and students in higher educational institution) Regulation, 2015 & under Section 4 of Sexual Harassment of Women at Workplace (Prohibition, Prevention & Redressal) Act, 2013. The Committee works to solve problems related to sexual harassment and discrimination in the workplace. As per UGC guidelines, the College has established ICC with the aim of creating a safe and supportive environment for female staff and students and our main objective is to focus on the guidelines laid down by the University Grant Commission for expeditious investigation of complaints outlined in the UGC Regulations-2015 and the Prevention of Sexual Harassment (PoSH) Act.

Our college has established Internal Complaints Committee as per guidelines of UGC to nurture a healthy, secure and supportive environment for female staff and students.

THE JURISDICTION

The jurisdiction of Internal Complaints Committee is extended to the entire students and staff engaged with the College. The Jurisdiction also covers the off campus employees on official duties. Penalties be imposed for those found guilty range from a bond of good behavior to dismissal and the Internal Complaints Committee ensures confidentiality and speedy investigations. The College addresses the seriousness of complaints about sexual harassment and abuse.

Declaration of the Policy:

JDVM PG College is committed to upholding the dignity of all individuals and promoting gender equality within our college community. This commitment aligns with the fundamental rights enshrined in Articles 14, 15, 19, and 21 of the Indian Constitution.

We take a **Zero-Tolerance Approach To Sexual Harassment** and declare all forms of such misconduct unlawful within the college environment, encompassing employment, education, and training. This policy adheres to the following regulations:

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act)
- UGC (Prevention, Prohibition and Redressal of Sexual Harassment) Regulations, 2015.

By adhering to these regulations, we strive to create a safe and inclusive environment where everyone feels respected and empowered.

PREAMBLE:

‘Nirbhaya’, the **Internal Complaint Committee (ICC)** of JDVM PG College is committed to provide a conducive environment, free from violence, harassment, and exploitation amongst the students, teaching & non-teaching staff on the college campus. This includes all forms of gender violence, sexual harassment against women. The Committee members are expected to render full assistance to the “aggrieved woman” in writing the complaint of Sexual Harassment, the members should also be aware of the responsibilities and duties under the UGC Regulations as well as under the Sexual Harassment of Women at Workplace Act, 2013.

VISION :-

Creating an ambience of work and learning, free from sexual harassment, where all members of the JDVM PG College community – students, staff, and faculty – feel equal, safe, respected, and empowered to report and address any incidents of misconduct and that Justice is served to all.

MISSION: (ICC)

- To be a leading force in preventing and eliminating sexual harassment within the organization, fostering a work environment that celebrates diversity and fosters respect for all.
- To champion a work environment free from sexual harassment, ensuring a prompt, fair, and impartial investigation process for all complaints.
- To champion a culture of zero tolerance for sexual harassment within JDVM PG College, fostering open communication and prompt investigation of all complaints.
- To create a respectful and inclusive learning and working environment for all members of the college community, ensuring that everyone feels safe to thrive and contribute freely.

OBJECTIVES:

1. To fulfill the directive of the Supreme Court, the sexual harassment of women at workplace Act 2013 and the C.S.J.M. University in respect of implementing a policy against sexual harassment in the institution.
2. To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To provide an environment free of gender-based discrimination.
5. To ensure equal access of all facilities and participation in activities of the college
6. To create a secure physical and social environment which will deter acts of sexual harassment

COMPOSITION:-

- A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees: 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
- Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have the legal knowledge
- At least one-half of the total Members so nominated shall be women.
- If the case involves against the student at the college, then two members of the Committee shall be taken from the student community.

As per the provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), the college has constituted an Internal Complaints Committee (ICC) named Prevention of Sexual Harassment of Women comprising members with a senior faculty member as the Convener. The present constitution of ICC is as follows:

S. No.	NAME	DEPARTMENT	DESIGNATION
1.	DR. GEETA ASTHANA	HINDI	PRINCIPAL
2.	DR. NIRMALA SINGH	HOME SCIENCE	CONVENER
3.	DR. VINEETA SINGH	GEOGRAPHY	MEMBER
4.	DR. MAMTA SHUKLA	EDUCATION	MEMBER
5.		MANAGEMENT	MEMBER
6.	STUDENT	GRADUATION B.A.	
7.	STUDENT	GRADUATION B. COM.	
8.	STUDENT	POST GRADUATION	
9.	STUDENT	RESEARCH	
10.	MEMBER	NGO	

Powers of the Committee:

- The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- The Committee shall have the power to issue interim directions to any person participating in the proceedings before it.
- The Committee before initiating an inquiry under the Act may undergo “Conciliation” under Section 10 of the Act if both the parties agree to it.

Functions

The committee is empowered to look into the matters of harassment which includes the following functions:

- A student with a grievance may approach the committee members and file a written complaint in person or via email.
- The cases will be attended promptly on receipt of written grievances from the students.
- The committee will review all cases and act as per rules.
- The committee will prepare and maintain record of all the complaints and action taken.

Activities

Our college has been putting efforts zestfully in spreading awareness about the very cause among our young girl students, keeping in mind their safety at utmost priority. The college authorities send suggestions to Chandigarh Police to check eve teasing, as a result of which following actions have been taken by the Police:

- The Police patrolling around the college during functions, examination has increased to ensure the better safety of the girl students.
- The college conducts self-defence demonstrations from time to time for the students to learn self - defence, which will be helpful to them in troublesome situations.
- The helpline numbers are also displayed in the college campus so that the police can be contacted immediately in case of eve teasing.
- A complaint box is installed in the college premises to enable the students to drop their complaint/grievance without fear or hesitation.

Procedure to be followed by the Committee:

- The Committee shall meet as and when any complaint is received by it. Complaints may be received by any member of the committee.
- The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of five (5) days from such direction, the Committee members shall assist in writing the complaint.
- The Committee shall direct the accused employee(s)/student(s) to prepare and submit a written response to the complaint/allegations within a period of five (5) days from such direction or such other time period as the Committee may decide.
- Each party shall be provided with a copy of the written statement(s) submitted by the other.
- The Committee shall allow both parties to produce relevant documents and witnesses to support their case. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- The Committee shall make all endeavours to complete its proceedings within a period of Ninety (90) days from the date of receipt of the complaint.
- On the completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the employer within a period of ten days (10) from the date of completion of the inquiry, and such report be made available to the concerned parties.
- Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer to act for sexual harassment as a misconduct

in accordance with the provisions of the Service Rules applicable to the respondent & S/he shall also be liable to pay to the victim, the compensation amount of as decided by the Committee, which shall be deducted from the salary or wages of the respondent.

Procedure/Mechanism for Lodging Complaint

As per the guidelines of the Act, the committee has formulated the following procedure for lodging the complaints:

- An aggrieved person is required to submit a written complaint to the Prevention of Sexual Harassment of Women, Women Cell and Legal Awareness Committee within three months from the date of the incident. Provided that where such a complaint cannot be made in writing, the Chairperson or any member of the committee shall render all reasonable assistance to the person for making the complaint in writing or can email the complaint to the college email address: jwaladevipgcollege1963@gmail.com
- The committee members investigate the cases and act upon the cases which have been forwarded along with the necessary documents/proof, if any

As per the ICC Policy, during the period of pendency of the inquiry, if a written request is made by the complainant, the **ICC may recommend to the employer:**

- To transfer either the aggrieved or the respondent to some other workplace.
- Complaints may be oral or in writing. If the complaint is oral, it shall be made in writing by the committee or the member who has received the verbal complaint with the signature of the complainant.
- The Committee shall study the complaint and may hear both the complainant and the respondent to determine if an enquiry needs to be instituted.
- If so, then a quorum of the ICC members shall be formed (from the committee consisting not less than 5 persons or not more than 7 persons of which 70% will be women) for communicating with the parties, studying the evidence, documenting the investigation and inquiry, analysing and making the decision and preparing the final report for future reference and transparency.
- The final report shall be submitted to the authority for taking necessary steps to address the issue and prevent future occurrences of sexual harassment in the workplace.

Throughout the entire investigation process, utmost importance shall be placed on maintaining confidentiality and secure handling of sensitive information.

Procedure for filing a complaint with the ICC –

- Sexual Harassment complaints must be hand-written or typed on paper.
- The nature of the complaint, as well as dates and locations, should be fully specified.
- As per stipulation of the (Prevention, Prohibition and Redressal) Act no. 14 Of 2013, the aggrieved person can make the written/typed complaint to HOI 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.
- The complaint must not be anonymous.

Reporting a Complaint

The Institution encourages prompt reporting of sexual harassment incidents. Early reporting facilitates a swift and effective investigation. There are several ways to report a complaint, ensuring accessibility and comfort for the complainant:

Investigation Process

JDVM PG College guarantees a fair, impartial, and prompt investigation for all reported sexual harassment incidents. The investigation will adhere to the provisions of the SH Act and UGC Regulations. The complainant will be informed of the investigation process and their rights throughout the investigation. They have the right to be accompanied by a friend, advisor, or lawyer during any investigative proceedings.

PENDENCY OF THE INQUIRY

The investigation will typically involve the following steps:

1. **Initial Meeting:** Upon receiving a complaint, a designated officer (from either the ICC or the Principal's Office) will gather initial details and assess the nature of the alleged incident. The ICC or designated investigator will meet with the complainant to gather details about the alleged incident(s).
2. **Witness Interviews:** The investigator will interview any potential witnesses identified by the complainant or through the investigation.
3. **Response from the Respondent:** The respondent (the person accused of sexual harassment) will have an opportunity to respond to the allegations.
4. **Evidence Review:** The investigator will review all gathered evidence, including statements from the complainant and witnesses, and any other relevant documents.
5. **Fact-Finding:** If the complaint warrants further investigation, a formal investigation will be initiated. The investigator will collect evidence, interview witnesses, and obtain statements from both the complainant and the respondent (accused individual).
6. **Confidentiality:** JDVM will strive to maintain confidentiality throughout the investigation process. However, this may be limited by the need to conduct a fair and thorough investigation, to protect
7. The safety of individuals involved, or to ensure appropriate disciplinary action. Both the complainant and respondent will be informed of the limitations of confidentiality at the outset.
8. **Timelines and Due Process:** JDVM will establish clear timelines for completing investigations. Both the complainant and respondent will receive timely updates on the investigation's progress and have the opportunity to provide additional information or clarifications.
9. **Findings and Recommendations:** Based on the investigation, the ICC will determine whether the complaint is substantiated or unsubstantiated. If substantiated, the ICC will recommend appropriate disciplinary action

Support Services

JDVM recognizes the potential trauma associated with sexual harassment. To support those affected, the college will offer comprehensive support services. These may include:

- **Counseling Services:** JDVM will provide confidential counseling services to complainants and respondents who may need emotional support to cope with the aftermath of a sexual harassment incident.
- **Legal Assistance:** The college may offer legal guidance or referrals to qualified legal professionals who can provide advice and support throughout the investigation

The committee assures that the grievance has been properly addressed to and redressed in the stipulated time limit.



Imp. links

University Grants Commission (Prevention, prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulation, 2015.

https://www.ugc.ac.in/pdfnews/7203627_UGC_regulations-harassment.pdf

NIRBHAYA

