

### **Policy against Sexual misconduct/ Harassment, eve teasing, stalking**

1. **Sexual harassment** constitutes a gross violation of women's right to equality and dignity. The University has therefore 'zero tolerance' policy towards any act of sexual harassment. In May, 2002 the "Prevention of Sexual Harassment of Women at Workplace Cell" was set up to look into any complaint in this regard. The short title of the Cell is "Prevention of Women Harassment Cell" (PWHC).
2. **Genesis of PWHC** lies in UGC directives, issued in March 1999, to all the Vice Chancellors and Principals to set up prevention of sexual harassment cells, with regard to landmark judgment, *Vishaka vs. State of Rajasthan (1997)* wherein the Supreme Court of India created legally binding guidelines basing it on the right to equality and dignity accorded under the Indian Constitution as well as by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
3. **Punjabi University Patiala** stands committed to provide a congenial and conducive atmosphere in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of gender. Punjabi University Patiala values the dignity of every individual, guarantees full respect for human rights, ensures the full enforcement of upholding the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are declared unlawful.
4. **The rules and regulations**, by which PWHC carries out its functions, are updated and revised from time-to-time in accordance with court judgments and UGC guidelines. Currently, its policy is in consonance with 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.

## **5. Objective of the PWHC:**

- To fulfil the directives of the Supreme Court and UGC, in respect of implementing a policy for complying with prohibition, prevention and redress of workplace sexual harassment
- To provide a civil redressal mechanism, to an aggrieved person, in contrast to a criminal -primarily punitive –process.
- To evolve a mechanism, for the prevention and redressal of sexual harassment complaints, through an internal system of relief that is easy to access and thereby provides an effective remedy to the aggrieved complainant as quickly as possible so that she can continue to study/work and develop without further impediments.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures
- To champion prevention of workplace sexual harassment through orientation, awareness and sensitization sessions
- To provide a detailed framework for the redress
- To provide an environment free of gender-based discrimination
- To ensure equal access of all facilities and participation in activities of the University
- To create a secure physical and social environment which will deter acts of sexual harassment
- To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

**6. Definition of sexual harassment:** For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- i. Physical contact and advances;
- ii. A demand or request for sexual favours;
- iii. Sexually coloured remarks;
- iv. Showing pornography;
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**7. Some examples of behaviour that constitute sexual harassment at the workplace:**

- ❖ Making sexually suggestive remarks or innuendos.
- ❖ Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- ❖ Offensive comments or jokes.
- ❖ Inappropriate questions, suggestions or remarks about a person's sex life.
- ❖ Displaying sexist or other offensive pictures, posters, MMS, SMS, whatsapp, or e-mails.
- ❖ Intimidation, threats, blackmail around sexual favours.
- ❖ Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.
- ❖ Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- ❖ Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit
- ❖ Physical contact such as touching or pinching.
- ❖ Caressing, kissing or fondling someone against her will (could be considered assault).
- ❖ Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
- ❖ Persistently asking someone out, despite being turned down.
- ❖ Stalking an individual.
- ❖ Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours.
- ❖ Falsely accusing and undermining a person behind closed doors for sexual favours.
- ❖ Controlling a person's reputation by rumour-mongering about her private life.

**8. Jurisdiction of PWHC:** The Cell addresses the complaints from teachers, research scholar, students and non-teaching employees of

- Punjabi University Campus Punjabi University
- Neighborhood Campuses and Regional Centers
- Constituent colleges

**9. Grievance Redressal Mechanism:** PWHC executes an internal mechanism, for the redress of the sexual harassment related complaints, Internal Complaint Committee (ICC). 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 women 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 women 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, procedure.
- d. One Member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

**10. Procedures of making complaint:**

- An aggrieved person is required to submit a written complaint to either the chairperson or any of the members of the HRC
- Friends, Relatives, Colleagues, Co-students, Psychologist or any other associate of the victim may file the complaint in situation where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- If the complaint is made to the Head of the Department, Dean/Director of the Faculty, or any Committee Member or any other Officer of the University, the same shall be forwarded it to the chairperson of the HRC.

**11. Process of conducting inquiry:**HRC is required to assure confidentiality, non-retaliation and recommend interim measures to conduct a fair inquiry which has six stages:

**Stage One:** Receiving the complaint

**Stage Two:** Planning carefully: Creating a confidential file and other related documentation

**Stage Three:**Preparing an interview plan for the hearing:Complainant, Witnesses and Respondents

**Stage Four:**Reasoning: Analysing and assessing the information gathered during the inquiry

**Stage Five:**Finding and Recommendation

**Stage Six:** Writing the report

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**12. Timelines for the process of making complaint and conducting inquiry:**

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by HRC	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days
Appeal	Within 90 days of the recommendations