

*Don Bosco College, Tura*

**Prevention of Sexual Harassment  
of Women at Workplace (POSH)  
Policy 2021**

**(Version 1.0)**



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## **Prevention of Sexual Harassment of Women at Workplace (POSH) - Policy 2021 (Version 1.0)**

### **1. Introduction:**

- 1.1. The policy shall be named Prevention of Sexual Harassment of Women at Workplace (POSH) - Policy 2021. The policy which is in force in the college since the year 2017 was formally adopted on Monday, the 22<sup>nd</sup> November 2021.
- 1.2. The Committee for the Prevention of Sexual Harassment of Women at Workplace of Don Bosco College has now been renamed as Internal Complaints Committee (ICC). The Committee also falls within the ambit of Anti-Ragging and Discipline Committee.

### **2. Application:**

- 2.1. This policy of Prevention of Sexual Harassment of Women at Workplace (POSH) - Policy 2021 has been formulated by the Internal Complaints Committee (ICC) of the College and is applicable to Don Bosco College (Tura) Management, employees, co-workers, contract workers, probationers, trainees, apprentices including contractors working with Registered Society.
- 2.2. The Internal Complaints Committee in consultation with the Governing Body of the Society reserves the right to change, modify, amend or cancel any or all provisions of this Policy.
- 2.3. This policy shall be one of the governing factors in the continuance of services of management, employees and students' academic progress. Violation or breach of any article/item of the policy shall be dealt with as per the guidelines given by the State Government and as adapted by the College.
- 2.4. This Policy and its rules will be in force with immediate effect and shall be will hold valid until the time the ICC deems it necessary to make any change or is directed by the State Government to do so.

### **3. Policy Objective**

- 3.1. The objective of this Policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of the similar nature and for matters connected therewith or incidental thereto.

## 4. Premise

- 4.1. Implementation of guidelines and norms prescribed as per **“The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereon”** (applicable to whole of India) which have been enacted for providing protection against sexual harassment of women at work place and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

## 5. Definition

Don Bosco College, Tura strictly prohibits sexual harassment of women at workplace in the college. If any male employer, male employee, male student and any other male member referred to earlier in 2.1 is found indulging in sexual harassment at work place within the parameters of the college, he will be strictly dealt with in accordance with the provisions pertinent to such offences.

## 6. Sexual Harassment

Sexual Harassment includes any one or more of following unwelcome acts or sexually determined behaviour either directly or by implication, as:

- 6.1. Physical contact and advances; or
- 6.2. Demand or request for sexual favours; or
- 6.3. Making sexually coloured remarks; or
- 6.4. Showing/sharing pornography; or
- 6.5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- 6.6. Implied or explicit promise of preferential treatment in her employment or
- 6.7. Implied or explicit threat of detrimental treatment in her employment or
- 6.8. Implied or explicit threat about her present or future employment status or
- 6.9. Interference with her work or creating an intimidating or offensive or hostile work environment for her, or
- 6.10. Humiliating treatment likely to affect her health or safety.

## 7. Employee

“Employee” means a person employed at a workplace 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 called by any other such name.

### 7.1. Aggrieved woman or Complainant

“Aggrieved woman” or “Complainant” means in relation to a workplace, a woman, of any age whether an employee or student, who alleges to have been subjected to any act of sexual harassment by respondent.

## **7.2. Respondent or Accused**

“Respondent” or “Accused” means an alleged person against whom the aggrieved woman has made a complaint.

## **8. Composition of the Internal Complaints Committee (ICC)**

The “Internal Complaints Committee” (ICC) shall consist of a Chairperson (Coordinator), and 11 members, two of whom are external members and three male members. One of the external members of the ICC shall be a woman from a reputed NGO /legal body / any other social work body familiar with the issues of sexual harassment. The tenure of the committee shall be for three years; however the tenure may be extended for another term. The Internal Complaints Committee (ICC) shall be an independent body within the College academic set-up and shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace.

## **9. Quorum and Action to be taken**

9.1. A Quorum of 2/3 members is required for proceedings to take place, of which at least 4 members shall be women.

9.2. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee (ICC), within a period of 14 days from the date of incident and in case of a series of incidents, within a period of a month from the date of last incident.

9.3. Where such complaint cannot be made in written form, any member of the Internal Complaints Committee shall render all reasonable assistance to the woman to come up with a written complaint.

9.4. The Internal Complaints Committee (ICC) on being satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period, may extend the time limit not exceeding three months. Such a move must necessarily be recorded in writing.

9.5. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.

9.6. The Committee will hold first meeting with the Complainant within five days but not later than a week in any case.

9.7. A detailed statement of allegation shall be handed over to the Alleged person either through post or personally within 5 days of the first meeting.

9.8. The Alleged Person shall reply in writing to the Committee within 7 day from receipt of statement of allegation.

- 9.9. The Complainant shall be provided with a copy of the written explanation submitted by the Alleged person.
- 9.10. A detailed enquiry shall be conducted by the ICC involving Complainant and the person against whom the complaint is made.
- 9.11. If the Complainant or the person against whom complaint is made desires any witness to be called, they shall communicate in writing to the Committee the names of witness whom they propose to call to help with evidence.
- 9.12. If the Complainant desires to tender any documents by way of evidence before the Committee, she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify those to be original copies.
- 9.13. The Committee shall provide every reasonable opportunity to the Complainant and to the Alleged person for putting forward and defending their respective cases.
- 9.14. The Committee shall complete the enquiry and submit its report along with its recommendation to the Principal/President of the Society within 2 months from the date of lodging a Complaint.
- 9.15. Principal/President, in consensus with the **Internal Complaints Committee** shall take suitable action which may include compensation/disciplinary action/ termination of employment.
- 9.16. In case the complaint is against Principal/Vice Principal, the Committee shall directly report to the President of the Society/State Women's Commission.

## **10. Conciliation and Settlement Process**

- 10.1. The Internal Complaints Committee on the receipt of any complaint of sexual harassment shall endeavour first to settle the matter between the Complainant and the Respondent and bring about reconciliation before initiating an inquiry against the Respondent.
- 10.2. No monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived at, the Internal Complaints Committee (ICC) shall record the settlement so arrived at and forward the same to the competent authority to take action as specified in the recommendation.
- 10.3. The Internal Complaints Committee (ICC) shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- 10.4. Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Complaints Committee (ICC)

- 10.5. Where the aggrieved woman informs the Internal Complaints Committee (ICC), that any term or condition of the settlement arrived at as above has not been complied with by the respondent, the Internal Complaints Committee (ICC) shall proceed to make an inquiry into the complaint or as the case may be, forward the complaint to the police.
- 10.6. In case either the aggrieved party or the alleged party or both is reluctant to go for conciliatory settlement, then the Internal Complaints Committee, shall proceed to make inquiry into the complaint in accordance with the POSH Policy applicable to the respondent and forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable.
- 10.7. Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

## **11. Punishment for false/ malicious complaints**

- 11.1. Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, the committee may recommend to the employer to take action against the woman or the person who has made the complaint, in accordance with the provisions of the POSH Policy as the case may be.
- 11.2. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- 11.3. The malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended. Where the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action in accordance with the provisions of the POSH Policy.

## **12. Compensation**

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Complaints Committee, shall have to consider the following and the committee shall decide the sum to be paid after studying the severity of the situation-

12. 1. The mental trauma, pain, suffering and emotional distress caused by the aggrieved women;
12. 2. The loss in the career opportunity due to the incident of sexual harassment;

12. 3. Medical expenses incurred by the victim for physical or psychiatric treatment;
12. 4. The income and financial status of the respondent;
12. 5. Feasibility of such payment in lump sum or in instalments.

### **13. Duties of Management:**

- 13.1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- 13.2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the internal committee.
- 13.3. Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal C Committee in the manner as may be prescribed.
- 13.4. Provide necessary facilities to the Internal Complaint Committee for dealing with the complaint and for conducting an inquiry.
- 13.5. Assist in securing the attendance of respondent and witnesses before the internal committee.
- 13.6. Make available such information which the aggrieved persons might have intimated to it in confidence and not to the Internal Committee.
- 13.7. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian penal code or any other law for the time being in force.
- 13.8. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force against the perpetrator or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- 13.9. Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- 13.10. Monitor the timely submission of reports by the Internal Complaint Committee.

### **14. Confidentiality**

Every effort will be made to protect the Complainant's identity, subject to legal constraints.

## **15. Reports and Registers**

15.1. The Committee shall analyze and put up report on all complaints of this nature before 31st March each year for submission to Principal of the College.

15.2. The committee shall maintain a Register entering the details of the analysis of the complaint received confidentially and the same shall be placed before the Principal of the College on or before **31st March** of each year.

## **16. Committee Members:**

1. **Dr. Barbara S. Sangma - Coordinator**
2. Ms. Rehny A. Sangma – Assistant Coordinator
3. Dr. Jacqueline R. Marak - External Member
4. Ms. Anse Wanne Momin - External Member
5. Mr. Sanggra A. Sangma
6. Ms. Anitha Ch. Momin
7. Mr. Siddhartha Roy
8. Dr. MeullerBeul M. Sangma
9. Ms. Judalin Kharshandi
10. Mr. Chekam Ch. Marak
11. Ms. Arantxa Shannon R. Marak
12. Dr. Uma Roy Bhowmik