

# REGIONAL COLLEGE OF MANAGEMENT AUTONOMOUS

## Policy and Procedures dealing with Sexual Harassment



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## Regional College of Management Autonomous, Bhubaneswar

### **Policy and Procedures dealing with Sexual Harassment**

#### **Preamble**

The Supreme Court of India in its 1977 judgment in Vishakha & others Vs. State of Rajasthan & others makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the court and to evolve a specific policy to combat sexual harassment in the workplace. Educational institutions are bound by the same directives.

In compliance with the mandate of the aforementioned Supreme Court judgment, RCM adopts this policy w.e.f. **02.08.2010** to prevent, prohibit and punish sexual harassment of women at the workplace. RCM is committed to providing for all women who fall within its jurisdiction including its academic, non-academic staff and students a place of work and study free from sexual harassment, intimidation and exploitation. Every woman shall have a Right to be free from Sexual Harassment and the Right to work in an environment free from any form of Sexual Harassment.

#### **I. Policy/Procedures**

The policy document is intended to inform the faculty, staff and students including guests and visitors about sexual harassment and the procedures they should follow if they encounter or observe it. The institute prohibits sexual harassment by any student staff member or faculty member; encourages reporting of sexual harassment before it becomes severe or pervasive; identifies persons to whom sexual harassment may be reported; prohibits retaliation against persons who bring sexual harassment complaints; assures confidentiality to the extent possible consistent with the need to address and resolve harassment appropriately; assures all members of the institute that each complaint of sexual harassment will receive an adequate; reliable and impartial investigation; and provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment through education and the development of a sense of community. However if sexual harassment occurs, the institute will respond firmly and fairly, and in a timely manner. As befits an academic community, the institute's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

## **II. What Sexual Harassment is**

The institute has adopted the following definition of sexual harassment based on the guidelines laid down by the Hon'ble Supreme Court of India in Vishaka & Others Vs. State of Rajasthan & others (Jt 1977 (7) Sc 384). For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a. Physical contact or advances;
- b. A demand or request for sexual favours;
- c. Sexually coloured remarks;
- d. Showing pornography;
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

## **III. Complaint Redressal Committee**

- a) Composition: It shall be composed of a total of 7(seven) members drawn from the following categories.
  - Chairperson (women).
  - Five Academic Staff Members of which 3(three) shall be from women category.
  - One person either from NGO or other body which is familiar with the issue of sexual harassment.
- b) Tenure: The term of the Committee shall be two years. The previous Committee will however continue till the new Committee is constituted.
- c) Meeting: The Committee shall meet at least twice a year. All meetings of the Committee will be called by the Chairperson and a notice of at least

2 to 5 working days must be given for the meeting.

- d) Quorum: A quorum of 3 (three) members is required for the proceedings of the meeting to take place. The quorum shall include the chairperson and at least 2(two) members, one of whom shall be a lady.

#### **IV. Redressal Process**

1. Any employee/student who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with her signature within 10 days of occurrence of incident.
2. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
3. The Committee will hold a meeting with the complainant within five days of the receipt of the complaint, but not later than a week in any case.
4. At the first meeting, the Committee members shall hear the complainant and record her allegations. The complainant can also submit any corroborative material with a documentary proof, oral or written material etc. to substantiate her complaint.
5. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, whereafter, an “Enquiry” shall be conducted.
6. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
7. In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

## **V. Enquiry Process**

1. The Committee shall immediately proceed with the Enquiry and communicate the same to the complainant and person against whom complaint is made.
2. The Committee shall prepare and handover the statement of allegation to the person against whom complaint is made and give him an opportunity to submit a written explanation if he so desires within 7 days of receipt of the same.
3. The complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
4. If the complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
5. 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 their signature on the respective documents to certify these to be original copies.
6. The Committee shall call upon all witnesses mentioned by both the parties.
7. The Committee shall provide every reasonable opportunity to the complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
8. The Committee shall complete the “Enquiry” in the shortest possible time, not exceeding 3 (three) months from the date on which the complaint is made and communicate its findings and

its recommendations for action to the Head of the institute. The report of the Committee shall be treated as an enquiry report on the basis of which an erring person can be awarded appropriate punishment straightaway.

9. The Head of the institute will direct appropriate action in accordance with the recommendation proposed by the Committee within one month of the receipt of the report from the Committee.
10. The disciplinary action will be commensurate with the nature and impact of the sexual harassment.

## **VI. Other points to be considered**

1. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
2. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Institute shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
3. The Committee shall analyse and put up report on all complaints of this nature at the end of the year for submission to Head of the Institution.
4. In case the Committee find the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.