

## **POLICY FOR SEXUAL HARASSMENT FREE CAMPUS AT BIT, Ballarpur**

### **POLICY STATEMENT**

The Ballarpur Institute of Technology, Ballarpur, is committed to providing a campus that is free of sexual harassment irrespective of gender, race, caste, creed, religion, place of origin, sexual orientation, disability, or economic status. The Institute's students, faculty, and non-teaching staff, and others associated with Institute have the right to be in an environment free from any form of discrimination and conduct which can be considered harassing, coercive, or disruptive, particularly behaviours that are tantamount to sexual harassment as defined in this policy. This policy ("Policy") will assist individuals who believe they have been subjected to sexual harassment seek support and remedial action. The Institute is committed to taking all necessary steps to ensure that none of its members and others associated with it are subject to sexual harassment and will enforce this Policy to the fullest extent necessary. This Policy is also in furtherance of requirements of the legislation – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made to this law in 2013 (collectively referred to as 'law'). In addition, this Policy shall be read with reference to any provisions of the Regulations, rules and other policies of the Institute, as applicable. Relevant guidelines of the Ministry of Human Resource Development, Government of India, and the University Grants Commission, may also be referred in the implementation of this Policy.

### **WHAT CONSTITUTES SEXUAL HARASSMENT**

Sexual harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication):

- (a) physical contact and advances;
- (b) a demand or request for sexual favors;
- (c) making sexually colored remarks;
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further, the following circumstances may also amount to sexual harassment if it occurs or is present in relation to any other act of sexual harassment:

- (a) implied or explicit promise of preferential treatment;
- (b) implied or explicit threat of detrimental treatment;
- (c) implied or explicit threat about present or future;
- (d) interference with work or creating an intimidating or offensive or hostile environment; or
- (e) humiliating treatment likely to affect health or safety.

## **DEFINITIONS**

(a) **‘Campus’** means the location or the land on which the Institute and its related facilities like libraries, laboratories, classrooms, student halls of residence, toilets, health centers, canteen, etc. are situated. It also includes within its scope places visited as a member of the Institute including transportation provided for the purpose of commuting to and from the Institute. Locations outside the Institute including field trips, internships, study tours, excursion, short term placements, places used for camps, cultural festivals, sports meet, online sessions, groups and events, and such other activities where a person is participating in the capacity of an employee or a student of the Institute are also included.

(b) **‘Director’** is the chief executive authority of the Institute.

(c) **‘Faculty’** means persons who are on the regular and contractual rolls of the Institute, and shall include faculty who are full time, contract, ad-hoc, part-time, visiting, adjunct, guest, honorary, or on special duty or deputation.

(d) **‘Non-Teaching Staff’** includes any employee of the Institute, who is not included in the category of Faculty.

(e) **‘Student’** means a person admitted and pursuing a program of study, including short term training programs, in the Institute. Provided that a person who is in the process of taking admission and is not yet admitted, shall be treated for the purpose of this Policy as a student, where any incident of sexual harassment takes place against such person, in the process of admission. Provided that a student of any other institution, who is a participant in any of the activities of the Institute shall also be treated for the purpose of this Policy, as a student of the Institute, where any incident of sexual harassment takes place against such student in the said activities of the Institute.

## **SCOPE AND APPLICABILITY**

The Institute strongly condemns and prohibits sexual harassment against all genders. Sexual harassment is unlawful, and this Policy will apply to all Students, Faculty, Non teaching staff, and individuals engaged by or associated with the Institute and its Campus, regardless of their position, nature, and duration of their involvement.

## **INTERNAL COMMITTEE**

In furtherance to the law, the Institute has constituted an Internal Committee (“IC”) to further gender sensitization (e.g., through regular sensitization workshops for all stakeholders) and to investigate allegations of sexual harassment at the Campus. The Institute reserves the right to add to, remove, or replace the IC members from time to time.

## **PREVENTION**

In order to ensure that the Campus is 'harassment free', as a preventive measure, the IC shall undertake regular sensitization workshops for all stakeholders. Furthermore, the IC shall appoint, in consultation with the respective Programme Chairs, three student representatives as its members, who shall assist only in such matters that involve students. They shall also help the IC in being its ambassadors to ensure a 'harassment free' campus for all the students (each a "Student Member" and collectively "Student Members"). The Student Members shall be an extended arm of the IC and shall take actions which will benefit the student community and prevent any sexual harassment happening on Campus. The Student Members may also be authorised to pursue certain anonymous complaints, whereby the IC is of the opinion that their intervention shall enable credible facts to be collected. Towards this objective, the Student Members may also intervene in the form of (i) coaching specific students or the entire batch; (ii) encouraging the aggrieved person to report to the IC for a formal investigation; and (iii) collection of credible facts to also enable the aggrieved person to lodge a formal complaint before the IC.

## **REPORTING SEXUAL HARASSMENT**

For the IC to consider and initiate any process, a complaint has to be submitted by the aggrieved person(s). Complaints should be made in writing, not later than 3 months from the date of occurrence of the alleged incident (in case of a series of incidents, within a period of 3 months from the date of the last incident). Friends, relatives, colleagues, co-students, student's counsellors, psychologists, faculty and staff members, or any other associate of the aggrieved person may file the complaint in only such situations where the aggrieved person is physically or mentally unable to make a complaint.

The complaints submitted should be clear and include details of the incident(s), supporting facts and related documents, names of individuals involved and the names, addresses and details of the witnesses, if any. [The IC may extend the time limit not exceeding an additional three months, if it is satisfied that there were unavoidable circumstances which prevented the aggrieved person from filing a complaint within the said period.] Therefore, the IC is restricted under the law from considering any Complaint which is more than 6 months after the alleged incident of sexual harassment has occurred.

If you become aware of any incident of sexual harassment, please do promptly inform the IC, which shall then render all reasonable assistance to the aggrieved in submitting a complaint.

It is also the duty of the Institute to necessarily assist the complainant, if the complainant chooses to initiate action under the Indian Penal Code, 1860 ("IPC").

## **RESOLUTION PROCESS**

**Conciliation:** Before the IC initiates an inquiry into the complaint, the complainant may request the IC (in writing/email) to settle the matter between the complainant and the respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. In the event a settlement has been reached, and duly recorded by the IC, further inquiry shall not be conducted.

**Inquiry:** All claims of sexual harassment will be promptly and thoroughly investigated by the IC in accordance with the principles of natural justice and the provisions of law. Neither the complainant nor the respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.

### **Process of conducting Inquiry shall broadly comprise of the following steps:**

- (1) The IC shall, upon receipt of the valid complaint, send one copy of the complaint to the respondent within a period of seven (7) days of such receipt.
- (2) Upon receipt of the copy of the complaint, the respondent shall file a reply along with the list of documents and names, addresses, and details of witnesses within a period of ten (10) days.
- (3) As mandated by the law, the inquiry has to be completed within a period of ninety (90) days from the receipt of the complaint. The inquiry report, with IC recommendations, if any, has to be submitted within ten (10) days from the completion of the inquiry to the Director. A copy of the findings and/or recommendations shall also be provided to the complainant and the respondent.
- (4) The Director shall act on the recommendations of the IC within a period of thirty (30) days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- (5) An appeal against the findings and/or recommendations of the IC may be filed before the Director by either complainant or the respondent, within a period of thirty (30) days from the date of the recommendations.
- (6) If the Director decides not to act as per the recommendations of the IC, it shall be only on the basis of reasons recorded and conveyed to the IC, complainant, and the respondent. If on the other hand the Director decides to act as per the recommendations of the IC, then a show cause notice, answerable within ten (10) days, shall be served on the person against whom action is decided to be taken. The Director shall proceed only after considering the due reply or hearing the aggrieved person.

Towards ensuring that this Policy and its provisions for the protection of employees and students from sexual harassment do not get misused, the IC may make any provisions against false or malicious complaints. In the event the IC determines that the complaint is false or malicious, or that false or misleading information was provided during its proceedings, the IC shall recommend strict disciplinary action against such person, even including termination of employment or expulsion. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not by itself imply a false or malicious complaint.

**Interim redressal:** Even while an inquiry is pending, the IC may, on considering the request of the complainant, recommend to the Director for certain interim measures, including, whereby the Institute may, (a) transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction; (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months; (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant; (d) ensure that respondent(s) are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus; (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment. The Director shall act on any such recommendations of the IC within a period of thirty (30) days.

## **PROTECTION AGAINST RETALIATION**

The Institute forbids any form of retaliation against, or victimization of, anyone who has filed a complaint of sexual harassment or has cooperated with the IC in any investigation of a complaint of sexual harassment. Retaliation and/or victimization shall constitute a misconduct and shall warrant disciplinary action as per the Regulations, rules and other policies of the Institute, as applicable. Individuals are encouraged to promptly report to the Director if faced with such victimization or retaliation.

## **CONFIDENTIALITY**

All incidents/grievances reported will be treated seriously, sensitively and with utmost confidentiality as is practically possible. Contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the Institute must be treated as confidential by all involved parties. If any person entrusted with the duty to handle the complaint, inquiry or any recommendations of the IC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the Regulations, rules and other policies of the Institute, as applicable.

## **CORRECTIVE ACTIONS**

### **A. Corrective action for students**

Where the respondent is a student of the Institute and is found guilty of sexual harassment, depending upon the severity of the offence, the IC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

- (i) Warning, reprimand, or censure.
- (ii) Community service such as assisting the librarian, cleaning litter on campus such as the playing ground, cleaning classrooms, etc.

- (iii) Award reformatory punishments, including any form of mandatory counselling.
- (iv) Curtailment of privileges, including denial of access to certain facilities; denial of scholarships; etc.
- (v) Bar on representing the Institute in any co-curricular/extra-curricular activities.
- (vi) Removal and/or bar on holding any positions of responsibility.
- (vii) Suspension or expulsion from the Institute.

**B. Corrective action for Faculty/Non-teaching staff/other employees**

If the respondent is an employee of the Institute and is found guilty of sexual harassment, then the IC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

- (i) Warning, reprimand, or censure.
- (ii) Award reformatory punishments, including any form of mandatory counselling.
- (iii) Declare as ineligible to be course instructor, or to evaluate or administer any program or course or student related academic activities, for a prescribed period not exceeding one year.
- (iv) Withholding increments and promotions.
- (v) Suspension.
- (vi) Termination of employment.

**GENERAL**

All Students, Faculty, and Non-Teaching Staff at the Institute have a responsibility in contributing to a mature and respectful Campus. All Students, Faculty, and Non Teaching Staff are personally responsible for their actions and must ensure that their behavior does not constitute sexual harassment whether it happens deliberately or inadvertently. The Institute reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, Regulations, rules and other policies of the Institute, as applicable, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the Institute from time to time. If any of the provisions contained herein are found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.