

## Policy on Prevention of Sexual Harassment

SMS Lucknow has zero tolerance policy for any type of harassment by any of its stakeholders: faculty; staff or students. Any incidence of harassment is a contravention of the smooth functioning of the organization and may be liable for legal consequences in case found proven. The anti-harassment policy of the college runs in accordance with the student Grievance Policy and Anti Ragging Policy

As per the POSH Act 2013 pertaining to the **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal Act, 2013)** SMS Lucknow, has established a mechanism for dealing with sexual harassment complaints in work place.

**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE  
(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

**ACT NO. 14 OF 2013 [22nd April, 2013]**

An Act to provide 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. WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment; AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India; it is expedient to make

**provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.**

SMS Lucknow, has established a mechanism for dealing with sexual harassment complaints in work place.

**A Women Anti-Harassment Committee was established in 2016 at SMS Lucknow with a stated purpose of -**

- Prevention of Sexual Harassment
- Promotion of gender equity
- Creating awareness of the POSH Act 2013 & related issues
- Creating a secure social and physical environment
- To foster a more tolerant and congenial environment within and outside the college.

#### **Harassment Constitutes-**

Any intimidating, hostile or offensive behavior violating the individual's dignity, it can be perpetrated through

- Accosting
- Physical contact or advances
- Stalking
- A demand or request for physical/sexual favours
- Showing Pornography
- Any unwelcome, physical, verbal or non-verbal conduct of sexual nature
- Psychological intimidation
- Any other type of Victimization

In case any of these acts are committed, the offended party has a right to approach the Women Anti-Harassment Committee to lodge their written complaint. This complaint is kept confidential and a subsequent enquiry is conducted by the Women Anti- Harassment Committee

### Examples of behaviour that is likely to constitute bullying are:

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague, peer or student
- Asserting a position of superiority in an aggressive, abusive or offensive manner, including via electronic media
- Preventing access to resources
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets in work
- Abuse of power or behaviour that causes fear or distress for others
- Acting unreasonably by failing and refusing to listen, reflect and take appropriate account of the position or needs of other

### Cyber Bullying

Online behaviour is considered equivalent to face-to-face behaviour. Employees and students must not engage in any conduct online that would not be acceptable in the workplace or that is unlawful.

- Making derogatory remarks,
- Bullying
- Intimidating
- Harassing other users
- Using insults
- Posting content that is hateful, slanderous, threatening, discriminatory or pornographic.
- This includes conduct that impacts work using social media (e.g. Twitter, Facebook).

Bullying and harassment are unfair and LSME regards them as unacceptable.

### Victimization

Victimization is defined as occurring when an employee is treated unfairly because they have made or supported a complaint or raised a complaint under the Equality Act or have indicated their intention to do so.

Staff and students are protected from victimization under the Equality Act 2010. Victimization can be described as subjecting an employee to unfavorable treatment because in good faith they have:

- Taken out court proceedings under the Equality Act, other similar legislation or they have indicated their intention to do so;
- Given evidence or information in connection with the proceedings;
- Participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation
- Made an allegation that a person has harassed or unlawfully discriminated against them;

### **Jurisdiction**

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

By and against any member of the institution against any other member irrespective of their status and position in the organization, whether the harassment is alleged to have taken place within or outside the campus.

### **Composition of the Anti – Sexual Harassment Committee**

1. The Committee shall be headed by a senior woman faculty of the college and shall be designated as the “**Chairperson**”
2. The committee shall have two teaching faculty members, at least one senior male teaching faculty member. The committee shall have two nominated girl student representatives.
3. The committee shall have. one NGO member

### **Powers of the Committee**

1. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
2. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person,

summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.

3. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
4. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
5. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
6. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

## **Functions of the Committee**

### **Preventive steps**

It will be the endeavour of the committee:

1. To facilitate a safe environment that is free of sexual harassment
2. To create awareness of harassment issues
3. To promote behaviours that create an atmosphere that ensures gender equality and equal opportunities

### **Remedial steps**

1. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.

2. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
3. To advise the competent authority(Directory SMS) to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
4. To seek medical, police and legal intervention with the consent of the complainant.
5. To make arrangements for appropriate psychological, emotional and physical support (in form of counseling, security and other assistance) to the victim if so desires.

#### **PROCEDURE TO BE FOLLOWED BY THE COMMITTEE**

1. The Committee shall meet as and when any complaint is received by it. Complaint may be received by any member of the committee.
2. 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 two (2) days from such direction or such other time period that the Committee may decide.
3. 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 four (4) days from such direction or such other time period as the Committee may decide.
4. Each party shall be provided with a copy of the written statement(s) submitted by the other.
5. The Committee shall conduct the proceedings in accordance with the rules of college. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue *ex parte*.
6. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
7. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.

8. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
9. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
10. The Committee shall make all endeavor to complete its proceedings within a period of fifteen (15) days from the date of receipt of complaint.
11. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Director SMS, within a period of five (5) days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.

**Disciplinary action could be initiated in the form of:-**

1. Warning
2. Written apology
3. Bond of good behaviour
4. Adverse remarks in the confidential report
5. Debarring from supervisory duties
6. Denial of membership of statutory bodies
7. Denial of re-employment/re - admission
8. Stopping of increments / promotion/denying admission ticket
9. Reverting, demotion
10. Suspension
11. Dismissal
12. Any other relevant mechanism
13. Police Action
14. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Director of the Institute with reasons and with recommendations of the action to be taken against such person.
15. In all cases, complainant will be informed of the outcome.

  
**Director**  
**School of Management Sciences**  
**Lucknow**