



GOVERNMENT COLLEGE OF ENGINEERING, JALGAON

(An autonomous Institute of Government of Maharashtra)

“Globally Accepted Engineers with Human Skills”

National Highway No-06, Jalgaon- 425002.

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Government College of Engineering Jalgaon

(An Autonomous Institute of Government of Maharashtra)

शासकीय अभियांत्रिकी महा. जळगाव

(महाराष्ट्र शासनाची स्वायत्त संस्था)

**Policy on the Prevention, Prohibition and
Redressal of Sexual Harassment in the
Workplace with its attendant rules and
procedures**

**Women's Grievances Redressal
Committee/Vishaka
Committee/ICC (AICTE/UGC)**



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In view of the Section 4 (1) of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013',

And/or

As per guidelines of All India Council for Technical Education (AICTE) in Handbook 2021-22 (will be applicable to subsequent years, if there is no changes in the constitution of the committees or revised guidelines from concerned body), an establishment of Internal Complaint Committee (ICC) (As per Section 4 All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 vide No. F.AICTE/WH/2016/01 dated 10th June, 2016. The Institute hereby constitutes an Internal Complaints Committee (hereinafter referred to as 'Internal Complaints Committee (ICC)' or 'Committee').

1. PREAMBLE:

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, and TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time, It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions, Regulations, 2016 vide No. F.AICTE/WH/2016/01 dated 10th June, 2016. (hereinafter referred to as the 'act') requires every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the ICC

ICC is abide by such an act which is revised from time to time as per guidelines from AICTE/University Grants Commission(UGC)/KBC North Maharashtra University (KBCNMU) Jalgaon/Government of Maharashtra(GoM)/Government of India(GoI) or orders received from legal/concerned authorities through proper channels. In due respect, compliance of the act, the Government College of Engineering Jalgaon (hereinafter referred to as 'the Institute ' or GCOEJ) has adopted the policy formulated as per norms of concerned authority(ies).

2. APPLICABILITY & SCOPE:

- 1. This policy is applicable to all employees of institute including faculty/staff/contract members/students/visiting faculty/clock-hour faculty(CHB) faculty AND/OR**
- 2. The members should have a working type relation (at the workplace) with the institute.**

3. DEFINITIONS:

Sexual Harassment at workplace:

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**
- Vi. implied or explicit threat of detrimental treatment in employment**
- vii. coerced sexual intercourse, including date rape;**
- viii. physically blocking passages or walkways;**
- ix. sexual assault or physical assault with sexual intent;**
- x. unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching or unnecessary close proximity;**
- xi. physical contact or attempt thereof when the victim is under the influence of any intoxicating substance, drugs or alcohol and thereby is not fit to withhold consent or refuse to participate in any activity of sexual nature;**
- xii. physical contact or attempt or preparation thereof by rendering a person directly or abetting in so rendering a person under the influence of any intoxicating substance, drugs or alcohol and thereby prevent the person from withholding consent or refusing to participate in any activity of sexual nature;**
- xiii. physical violence, including sexual assault;**
- xiv. sharing sexist jokes, letters, messages either by electronic mail, mobiles or otherwise that may cause humiliation or offense to the complainant and despite requests by the complainant or others to desist from sharing the same, are still carried out by the offender or even without such advice, when they are, by their nature, humiliating, offensive or vulgar;**
- xv. any unwelcome messages, images, video clips sent via mobiles, emails, or any links to webpages/sites, and which cause or are likely to cause either awkwardness, offense, embarrassment or harassment will also amount to sexual harassment.**
- xvi. display of sexually offensive pictures, materials or graffiti;**
- xvii. unwelcome inquiries or comments about a person's sex life;**

xviii. comments on personal appearance, comments on physical features, age, sexual orientation, etc. and spreading rumours about an individual's sexual behaviour;

xix. unwelcome sexual flirtation, advances, propositions including continued expressions of sexual interest after the recipient has made it clear that such invitations are not welcome

xx. making offensive gesticulations, at the complainant or verbal abuse with sexual overtones;

xxi. persistent unwanted attention with sexual overtones or watching, stalking or contacting a person physically or virtually or unwanted touching or brushing against a complainant's body;

xxii. implied or explicit promise of preferential treatment in employment by grant of promotion, local or foreign travel, favorable working conditions/ assignments, or in education by giving a passing grade, granting of honors or scholarship, participation or engagement of the complainant in any of the Institute's activities or the grant of benefits or payment of a stipend or allowance etc.

xxiii. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;

Xxiv. meting out of humiliating treatment which is likely to affect the complainant's health or safety;

Xxv. interference with the work of the complainant and creating an intimidating or offensive or hostile work environment for the complainant;

Xxvi implied or explicit threat about a complainant's present or future employment status;

xxvii. implied or explicit promise of preferential treatment in employment as quid pro quo for sexual favors;

xxviii. implied or explicit threat of detrimental treatment in employment;

NOTE: The above instances of sexual harassment are illustrative and not exhaustive.

where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

Word and Expressions used and not defined in this policy shall have the meanings respectively assigned to them in Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, as amended from time to time.

4. RESPONSIBILITIES:

All concerned individuals must follow this policy and shall coordinate for effective implementation of this policy..

5. PURPOSE OF THE POLICY:

Sexual Harassment at workplace:

GCOEJ wishes to maintain a work environment that fosters personal and professional growth for all employees. Maintaining such an environment is the responsibility of every staff person. The Institution is committed to provide a harassment- free environment for its employees and volunteers. Mutual respect, along with cooperation and understanding, must be the basis of interaction between members and staff. The Institution will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment.

All the employees of the Institution have a personal responsibility to ensure that their behaviour is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

DISSEMINATION OF THE POLICY:

A copy of this Policy shall be given to all employees and to all new joiners and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

6. COMPOSITION OF THE INTERNAL COMPLAINT COMMITTEE:

Constitution of Committees : As per guidelines of AICTE/UGC/University/Government of Maharashtra's rules and regulations and/or The Gazette of India. At least 50 per cent shall be women, among which a senior woman faculty as Chairman of Committee(Presiding Officer). Principal/Director may appoint next-to-senior women and/or women with legal knowledge as invited member(s), but at any stage for fair justice, 50% members shall be women. The institute has to appoint a member from male faculty on the basis of seniority (at least one from seniority 1 to 5, preferably from reserved category: SC/ST/OBC or Open). The institute and committee abide to follow all guidelines for NATURAL JUSTICE. In case of students complain, three students, of Pre-Final/Final year at Undergraduate, out of which at least one girl students shall be included. The committee details with contact numbers shall be uploaded on institute webpage and shall be displayed in administrative building or any other suitable location in the campus/building.

The term of office of the members of the ICC shall be a period of three years. Institutions may also employ a system whereby one-third of the members of the ICC may change every year.

7. ROLE OF ICC COMMITTEE:

- a) The ICC/Committee shall decide whether the facts contained in the complaint make out a case of "sexual harassment" in light of the definition contained in the Policy.
- b) The ICC/Committee shall look into the truth of the allegations contained in the complaint.
- c) The ICC shall look into the truth of any allegation of retaliation against / victimization of the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.

- d) The Committee shall recommend the penalties / action to be taken against any person found guilty of having sexually harassed the complainant, up to and including proposal/comments about termination, to the institute.
- e) The Committee shall recommend the penalties / action to be taken against any person found guilty of having retaliated against / victimized the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.
- f) The Committee shall recommend appropriate psychological, emotional, mental and physical support (counseling, security and other assistance) for the victim from the institute/management.
- g) The Committee shall monitor the follow-up action to be taken by the Institute/ management on receipt of the Report of the Committee. The Committee may ask for clarification about action initiated by the institute in due time, as per laws.
- h) The committee has to submit an annual report to AICTE through the head of institute and AICTE institute coordinator. This includes number of cases received, number of cases resolved and number of cases where penalties/action recommended/implemented etc till June 30th of every year (Ref. Handbook of AICTE)
- i) Any other as per regulations and within the boundary of ICC.

8. OBJECTIVE OF COMMITTEE:

The objectives of the Committee are:

- a) Prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees;
- b) Make recommendations to the GCOEJ authority for changes/elaborations in the Rules for students in the Prospectus and the Bye-Laws, to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women.
- c) Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- d) Support to ensure discrimination and sexual harassment free environment against women in campus.

DOCUMENTATION:

The committee shall keep complete and accurate documentation of the complaint, its investigations and the resolution thereof. The incident would be documented in both the complainant's and the accused files with the full report of the Complaints Committee. The documentations shall ensure appropriate proofs, if the same as required by laws and legal authority. It should be noted that the recommendations shall be as per purview of law and as per right authorized to ICC. The proof shall be used and authenticated in the next step of legal activity, if required.

9. PROCEDURE FOR APPROACHING COMMITTEE:

The ICC deals with issues relating to sexual harassment at the GCOEJ. It is applicable to all Employees. A complaint of discrimination or sexual harassment may be lodged by those who feels. A written complaint may be addressed to the Chairman of the Committee or to Head of Institute with/without request to forward to ICC(In this case, complainant shall be provided sufficient time and possible counseling will be made, the prime facie information and consequences will be informed to victim/complainants. And complaints will be forwarded to ICC in confidential mode, without knowing to anyone other than complainants). If the complainant is ready to mutually compromise, accordingly the matter will be resolved. If the complaint is made to any of the Committee members, they may forward it to the Chairman of the Committee against Sexual Harassment or Head of Institute, immediately, with following outh of confidentiality. It is optional to forward to Principal/Head Of Institute (But due to lack information of rights of ICC, many members/staffs feel to forward to Principal, instead of approaching directly to ICC)

Here it should be noted that according to the Supreme Court guideline Sexual harassment can be defined as “unwelcome” sexually determined behaviour

(whether directly or by implication) as:

- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography; and
- Other unwelcome physical, verbal or non-verbal conduct of a sexual nature. (Vishaka judgment by Supreme Court)

10. REDRESSAL OF COMPLAINTS:

The Institute is committed to providing a supportive environment to resolve concern sexual harassment as under:

a) When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. If the harassment does not stop or if the victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Committee for redressal of their grievance through proper channels. Committee for redressal abide by natural justice rules and applicable to all persons involved. The harassment for repeated instant either with the same woman or any other woman/women, within or outside the campus or any other place of work/public places, may be treated as a serious matter.

b) The earlier history of the complainant’s and harrasher may be verified, but it should not impact the investigation of ongoing matters and rule of natural justice. Stictictly, it should not be used, under any circumstances, to give any judgment or recommendations on harassers or complaints.

c) In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Committee.

d) 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.

e) The institute shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

f) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive ac

DISCIPLINARY ACTION:

Where any misconduct is found by the ICC Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding promotion, withholding annual increment, or any other action as may deem fit by the Committee. This action shall be in addition to any legal recourse sought by the Complainant. The disciplinary action shall be implemented and is role concerned authority. The institute will forward the recommendations of the committee to concerned authorities, in due time..

CONFIDENTIALITY:

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action. The committee Chairman and members or any other person can make a written/oral complaint to the Head of Institute or higher office(s) if there is anyone who breaches confidentiality. Breaches confidentiality by any one or more members (including either ICC or outside ICC members such as witnesses, office supportive members), complainant or harrasher or any other member who related either directly or indirectly to confidential section(s)/office of the institute shall be subject to disciplinary action.

PROTECTION AGAINST RETALIATION:

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the committee shall ensure that the Complainant or the witness are not victimized or discriminated by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the complainant while the investigation is in progress should be reported by the complainant to the committee as soon as possible. Disciplinary action will be taken by the Complaints Committee against any such complaints which are found genuine. As Institute ICC, rights as per law shall be with ICC to ensure a fear free environment. Any pressurized message, phone calls from any of higher authorities(including internal seniors, Heads, Principal) or politicians or anyone or member/members of unions or else shall be recorded, if deemed fit by ICC.

If a complainant or witness feels the experience of retaliation, victimization or discrimination in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the proceedings, the complainant or witness should immediately report the matter by sending an email or letter to the Chairman of the ICC and/or Principal. The Institute strictly prohibits retaliation/ victimization/discrimination against any complainant for filing a complaint or against anyone helping to address the complaint. Any retaliation or reprisals shall be subject to immediate corrective action by the employer, up to and including suspension and termination in case of any physical assault. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of sexual harassment.

11. MISCELLANEOUS:

All proceedings, including the statements and other material adduced as evidence before the Committee shall be strictly confidential. The Committee shall take all steps to ensure that the parties before it and their representatives shall maintain strict confidentiality in all respects.

a) The decision of the Committee on any matter within its competence shall be considered final and no appeal / challenge to the same shall lie to any person.

b) The institute shall scrutinize the report and recommendations of the ICC Committee and proposal shall be brought to the notice of the Regional Office, Director, Directorate of Technical Education and Government of Maharashtra (through RO/DTE) to take appropriate action against the guilty person in accordance with the Guidelines, Policy, and gravity of the behavior disclosed in the Committee's report.

c) In case the conduct disclosed in the Committee's report is of a nature that amounts to a criminal offense under the law of the land, appropriate action shall be initiated by the institute with and as per procedure and within the purview of institute by permissions from concerned authorities, for making a police complaint in respect of the same.

d) The institute shall scrutinize the report and recommendations of the Committee and take appropriate action to provide the complainants with necessary psychological, emotional and physical support.

e) In case of sexual harassment of any woman employee by any person not employed by GoM, the institute shall take all steps necessary and reasonable to assist the affected woman employee in terms of providing her with psychological, emotional and physical support and enabling her to take recourse to the law.

12. Report on Findings and Recommendations and Action Taken

i. On the completion of an inquiry, the ICC shall provide a report of its findings to the Principal/Director, GCOE Jalgaon within a period of seven days from the date of completion of the inquiry, and will also send a copy of the findings and recommendations to both the parties. Where the Principal/Director of GCOEJ is not the Disciplinary Authority or Executive Authority as per UGC and/or AICTE guidelines (for public funded institutions or Govt. institute), the Principal/Director shall place the report before the Board of Governors/Director, Directorate of Technical Education, Maharashtra State, Principal Secretary, Higher and Technical Education, Government of Maharashtra for appropriate action.

ii. The Report shall have two parts: (A) A summary of the findings of ICC and recommendations based on the findings. This document shall contain the names of only the respondent and complainant and all witnesses shall be anonymized. This is the part of the report that will be provided to both the parties. (B) The second part of the report will contain documentation of the complete timeline starting from the receipt of the complaint to the final recommendations, including names of all witnesses examined by the ICC, all evidence considered by ICC, and signed copies of the statements of witnesses, committee noted points of witnesses, as well the original complaint submitted by the complainant and the response submitted by the respondent. After being discussed with the Principal/Director, the second part of the report should be given to the Principal/Director under sealed cover. This may be viewed only by the Chairman, Board of Governors/Society and/or Director, Directorate of Technical Education, Maharashtra State and/or Principal Secretary, Higher and Technical Education, Government of Maharashtra and shall be opened by the Principal/Director of GCOEJ in their presence or kept it under sealed cover.

- iii. The findings and recommendations of the ICC shall be a single combined document based on the joint deliberations of all the members of the ICC who participated in the inquiry and any disagreements and dissenting notes shall be a part of the single document. The final findings shall be as per the majority with the dissenting notes of any member/s recorded in the combined document.
- iv. Where the ICC arrives at the conclusion that the allegation has not been proved, it shall recommend to the Principal/Director of the Institute that no action is required to be taken in the matter.
- v. Where the ICC arrives at a conclusion that the allegation against the respondent has been proved, the Principal/Director of GCOEJ shall forward the same to the Director, Directorate of Technical Education, Maharashtra State and/or Principal Secretary, H&TE, GoM and/or The Principal Secretary(H&TE, GOM) (in consultation with the Director, DTE, Maharashtra state). The Director, Directorate of Technical Education, Maharashtra State and/or Principal Secretary, H&TE, GoM has to recommend and impose either major or minor punishment in accordance with the gravity of the misconduct and in terms of the Maharashtra Civil Services Rules(MCSR) if the respondent is a GoM employee/institute's regular employee.

13. QUARTERLY & ANNUAL REPORT:

The chairperson of committee shall furnish consolidated quarterly report after the meeting held by the committee members on every quarter with the below details:

- Number of cases,
- Date of complain,
- Allegation in brief,
- Present status of case
- Any order pass by the disciplinary authority with date
- or if not, Nil report

The committee shall in each calendar year, prepare & submit report to the employer with the following details:

- Number of complaints of sexual harassment received in the year
- Number of complaints disposed of during year
- Number of cases pending
- Submission of reports with no issue raised during the year.

14. Online complaints can be addressed after due verification only. The complaint received with insufficient details such as (No name of complainants or harrasher etc) may not be considered.

15. Appeal:

The complainant and the respondent shall have the right to appeal if they are dissatisfied with the decision to the Disciplinary Authority(BoG/BoS/employer) as per the provisions.

References

1. AICTE Handbook 2021-22
2. UGC Guidelines and The gazette of India, 2nd May 2016.
3. Act called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', Section 4 (1)
4. IIT Bombay, GC-ICC Guidelines (As a premier institute of country)
5. "Vishaka Guidelines" by the Supreme Court of India, in Vishaka and others v State of Rajasthan case in 1997.
6. Other legal resources from webpages/books/articles etc