

PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY OF

MADRAS SCHOOL OF SOCIAL WORK (MSSW)

This Policy is adapted in 2022 from the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

PREAMBLE

MSSW seeks to provide equal opportunity to all the students and employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, ethnic origin or disability. MSSW is therefore committed to creating a safe and conducive environment that enables students and employees to work without fear of prejudice, gender bias and sexual harassment. MSSW has a zero-tolerance policy towards sexual harassment.

This Policy applies to all categories of students and employees of MSSW, including permanent, temporary, contract workers, visitors, trainees, interns, and students and staff at the project or work site, as may be applicable.

WHAT IS SEXUAL HARASSMENT?

Sexual Harassment means,

1. Unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behavior (whether directly or by implication), namely;-
 - (a) Unwelcome sexual advances (verbal, written or physical),
 - (b) Demand or request for sexual favours,

- (c) Making sexually coloured remarks,
- (d) Any other type of sexually-oriented conduct,
- (e) Showing pornography.

2. Anyone (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

- (a) Implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- (b) The implied or explicit threat of detrimental treatment in the conduct of work;
- (c) The implied or explicit threat about the present or future status of the person concerned;
- (d) Creating an intimidating, offensive or hostile learning environment;
- (e) Humiliating treatment is likely to affect the health, safety, dignity or physical integrity of the person concerned;

WHAT IS THE WORKPLACE?

The location or the premises on which MSSW and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, resting places, canteens etc., are situated. And it also includes an extended campus which covers within its scope of places visited as a student of MSSW, the locations outside the institution on fieldtrips, internships, study tours, excursions, short-term placements, places used for camps, out-bound training, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of MSSW.

WHO CAN FILE A COMPLAINT?

The victims, whoever falls under the definition of 'student', 'employee', 'staff' and 'third party' in this policy document, can file a complaint.

AGAINST WHOM CAN THE COMPLAINT BE FILED?

A complaint can be filed against the perpetrators, whoever falls under the definition of 'student', 'employee', and 'third party' in this policy document.

WHAT CAN THE COMPLAINANT DO IF SEXUAL HARASSMENT OCCURS?

- Ask the accused person to stop his unwelcome behaviour.
- Document details such as dates, time, locations, and witnesses (if any).
- File a complaint with the Internal Committee of the Institution formed for this purpose.

WHAT IS THE PROCEDURE FOR FILING A COMPLAINT

An aggrieved person must submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing;

Provided further that the ICC may, for the reasons to be accorded in writing, extend the time limit not exceeding three months if it is satisfied that the circumstances prevented the person from filing a complaint within the said period.

Friends, relatives, colleagues, co-students, psychologists, or any other associate of the victim may file the complaint in situations where the aggrieved person cannot make a complaint on account of physical or

mental incapacity or death.

The Complaint must be filed in writing. An oral or anonymous complaint or any other types of complaints are not mandated to be handled by the Internal Committee. In case of such oral or anonymous email or social media complaints, the complainant may be urged and guided to identify herself and file a formal written complaint.

THE INTERNAL COMPLAINTS COMMITTEE

MSSW constitutes an Internal Complaints Committee (ICC) with an in-built mechanism for gender sensitization against sexual harassment.

(1) The ICC shall have the following composition:-

- a. A Presiding Officer who shall be a woman faculty member employed at a senior level (not below an Associate Professor) at MSSW, nominated by the Executive Authority;
- b. two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have the legal knowledge, nominated by the Executive Authority;
- c. Four students, if **the matter involves students**, who shall be enrolled at the undergraduate, master's, research scholar levels and a hosteller, respectively, elected through the transparent democratic procedure;
- d. One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the MSSW.

(2) At least one-half of the total members of the ICC shall be women.

- (3) Persons in senior administrative positions such as Principal, Vice-Principals, Deans, Heads of Departments, etc., shall not be members of ICCs to ensure the autonomy of their functioning.
- (4) The term of office of the members of the ICC shall be for three years. MSSW may also employ a system where one-third of the members of the ICC may change every year.
- (5) The Member appointed from the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee by the Executive Authority of MSSW as may be prescribed.
- (6) Where the Presiding Officer or any member of the Internal Committee:
 - (a) Contravenes the provisions of section 16 of the Act; or
 - (b) Has been convicted for an offense or an inquiry into an offense under any law for the time being in force is pending against him/her; or
 - (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
 - (d) has so abused his/her position as to render his/her continuance in office prejudicial to the public interest,such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination under the provisions of this section.

PROCEDURE FOR HANDLING COMPLAINTS

- (1) The ICC shall, upon receipt of the complaint, send one copy of the

complaint to the respondent within five working days of such receipt.

(2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, names and addresses of witnesses within 10 working days.

The procedure of Conciliation:

Before initiating an inquiry, the Internal Committee may, at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through Conciliation, provided no monetary settlement is made based on such conciliation. In case a settlement has arrived, the Internal Committee shall record the settlement and forward the same to the Management to take action as specified in the recommendation of the Internal Committee. The copies of the settlement will be provided to the Complainant and the Respondent. If Conciliation has been reached, the Internal Committee will not be required to conduct any further inquiry.

Procedure of Inquiry

- The Internal Committee shall inquire into the Complaint following the principles of natural justice. It must notify the Complainant and the Respondent in writing the time and dates of its meetings not less than five days before the meeting.
- The Internal Committee shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and/ or any other matter which may be necessary for the inquiry process.
- The Internal Committee shall have the right to terminate the inquiry proceeding or to give an ex-parte decision on the complaint, if the Complainant or the Respondent fails without sufficient cause to present themselves for three (3) consecutive hearings convened by the

Presiding Officer. Such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance to the party concerned.

- The inquiry will be completed within ninety days of receiving the complaint.

INTERIM REDESSAL TO PROTECT THE AGGRIEVED PERSON

In the interest of the aggrieved person, MSSW may,

- (a) Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction if the ICC makes such a recommendation;
- (b) Grant leave to the aggrieved with complete protection of status and benefits for a period of up to three months with work from home/online classes option;
- (c) Restrain the respondent from reporting on or evaluating, or supervising the work or performance or tests or examinations of the complainant;

PROCEDURE FOR PREPARING INQUIRY REPORT AND MAKING RECOMMENDATIONS

- (1) The inquiry report, with recommendations, if any, has to be submitted within ten working days from the completion of the inquiry to the Executive Authority of the MSSW. Copy of the findings or recommendations shall also be served on both parties of the complaint.
- (2) The Executive Authority of MSSW shall act on the recommendations of the committee within thirty days from the receipt of the inquiry report with recommendations unless an appeal against the findings is filed within that time by either party.

- (3) The inquiry report shall specify the details of the charges against the Respondent, the statements made and evidence presented by the parties, and a statement giving reasons for the findings arrived at by the Internal Committee.
- (4) If the Internal Committee concludes that the allegation against the Respondent has not been proved, it shall recommend to the Executive Authority of MSSW that no action is required to be taken. A mere inability to prove the Complaint shall not be deemed to be a false or malicious complaint.
- (5) When the Complaint has been proved, the Internal Committee shall recommend in writing to the Executive Authority of MSSW to take action against the Respondent (if employee), which may include,
 - Deduction from salary or wages
 - A written apology from the Respondent
 - Reprimand or censure the Respondent
 - Withholding the promotion
 - Withholding of increments
 - Immediate transfer or suspension without pay
 - Termination from service
 - Undergoing a counselling session
 - Carrying out community service

ACTION TO BE TAKEN IN CASE OF MALICIOUS COMPLAINTS

To ensure that the provisions for the protection of employees and students from sexual harassment not getting misused, conditions against false or malicious complaints have to be made and publicized within MSSW. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (1) of regulations IO, if the complainant happens to be

an employee and as per sub-regulation (2) of that regulation, if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention to the complainant. The malicious intention on the part of the complainant shall not be established without an inquiry, under the procedure prescribed, conducted before any action is recommended.

DETERMING PUNISHMENT AND COMPENSATION

(1) Any proven act of Sexual harassment of an employee shall be treated as misconduct, and disciplinary action will be taken based on the service rules of MSSW/Private Colleges Regulation Act or Vishaka Guidelines.

(2) Where the respondent is a student, depending upon the severity of the offense, MSSW may-

(a) Withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;

(b) Suspend or restrict entry into the campus for a specific period;

(c) Expel and strike off the name from the rolls of the institution, including denial of readmission, if the offense so warrants;

(d) Award reformatory punishments like mandatory counseling and or the performance of community services.

(3) The aggrieved person is entitled to the payment of compensation. MSSW shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

- (a) Mental trauma, pain, suffering, and distress caused to the aggrieved person;
- (b) The loss of career opportunity due to the incident of sexual harassment;
- (c) The medical expenses incurred by the victim for physical, psychological and psychiatric treatment;
- (d) The income and status of the Respondent and victim; and
- (e) The feasibility of such payment in a lump sum or installments.

PROCEDURE FOR FILING APPEAL

Either party may file an appeal against the findings or recommendations of the ICC before the Executive Authority of MSSW within thirty (30) days from the date of receiving the recommendations.

RESPONSIBILITY OF ICC

- (a) Assist if an employee or a student chooses to file a complaint with the police;
- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining the complainant's rights and minimize the need for purely punitive approaches that lead to further resentment, alienation, or violence;
- (c) Protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- (d) Ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment; and

- (e) Ensure prohibition of retaliation or adverse action against a covered individual.

RESPONSIBILITY OF MSSW IN PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT MSSW

MSSW shall-

- (a) Wherever required, appropriately subsume the spirit of the definitions in its Policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;
- (b) Publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- (c) Organize training programmes or as the case may be, workshops for the officers, functionaries, faculty, and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements, and responsibilities enshrined in the Act and under these regulations;
- (d) act decisively against all gender-based violence perpetrated against employees and students of all sexes, recognizing that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation, and exploitation;
- (e) publicly commit itself to a zero-tolerance policy towards sexual harassment;
- (f) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation, or sexual assault at all

- levels;
- (g) create awareness about what constitutes sexual harassment, including hostile environment, harassment, and quid pro quo harassment;
 - (h) include in its prospectus and display prominently at conspicuous places or on Notice Boards and on the college website the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints about sexual harassment, contact details of members of Internal Complaints Committee, complaints procedure and so on. MSSW will ensure that the provisions of the regulations shall bind ICC;
 - (i) inform employees and students of the recourse available to them if they are victims of sexual harassment;
 - (j) organize regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc. with sensitivity;
 - (k) proactively move to curb all forms of harassment of employees and students, whether it is from those in a dominant power or hierarchical relationship within MSSW or owing to intimate partner violence or from peers or individuals outside premises of MSSW;
 - (l) be responsible for bringing those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;
 - (m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
 - (n) treat sexual harassment as a violation of the disciplinary rules

- (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) ensure compliance with the provisions of these regulations, including the appointment of ICC
 - (p) monitor the timely submission of reports by the ICC;
 - (q) prepare an annual status report detailing the number of cases filed and their disposal and submit the same to the Commission.
 - (r) Cause to initiate action, under the Indian Penal Code against the Respondent, if the Complainant so desires, where the Respondent is not an employee in the workplace at which the incident of sexual harassment took place.

SUPPORT RENDERED BY MSSW

- (1) The Executive Authority of MSSW will extend full support to see that the ICC's recommendations are implemented promptly. All possible institutional resources are given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as well as a sufficient allocation of financial resources.
- (2) Vulnerable groups are particularly prone to harassment and find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity, and being differently abled. Enabling Gender Equity Cell with sensitivity and student representation from all the programmes must take care of the vulnerabilities and special needs.
- (3) MSSW will have the Guidelines for Ethics for Supervision including Research Supervision in place.
- (4) MSSW will review the efficacy and implementation of their Prevention of Sexual Harassment Policy through ICC.

- (5) Orientation courses for new staff and students in MSSW will have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the MSSW community.
- (6) Counselling services are institutionalised in MSSW with well-trained counselor/s.
- (7) Adequate lighting is made in MSSW as a necessary aspect of infrastructure and maintenance.
- (8) Adequate and well-trained security staff in MSSW are also provided the gender sensitization training.
- (9) Considering the necessity of providing safe accommodation to women students, MSSW has decided to allocate all/most of the residential rooms for women students.
- (10) Campus safety policies will not result in securitization, such as over-monitoring or policing, or curtailing the freedom of movement, especially for women employees and students.
- (11) Access to adequate health facilities is ensured for women students in nearby clinics/hospitals.
- (12) The women's Cell of the college is revived as Gender Equity Cell and funded to carry out the range of activities required for gender sensitization and remain autonomous of the functioning of ICC. At the same time, they shall extend their activities to include gender sensitization programmes in consultation with ICC and help disseminate POSH Policy on campuses regularly.
- (13) All functionaries of MSSW will be brought within the domain of accountability through amendments in the rules or Ordinances where necessary.

RESPONSIBILITY OF STUDENTS AND EMPLOYEES

- Support and co-operate during any investigation as part of the inquiry process and provide complete and truthful information.
- Be aware and abide by the applicable laws and rules and exhibit

proper workplace behaviour and ethical standards.

- Not to discourage anyone from filing a complaint of sexual harassment or trying to solve the problem on his/her own.

GUIDELINES FOR NON-RETALIATION

- (a) Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- (b) 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.
- (c) Complainant and any person providing information or witnesses must be protected from retaliation.

GUIDELINES FOR CONFIDENTIALITY

The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain, especially during the inquiry process.

AMENDMENT

This Policy may be amended from time to time depending upon the change in law or rules, as necessary.

NOTE:

Definitions of the terms will be used as per the UGC guidelines (Prevention, Prohibition and Redressal of Sexual Harassment of Women), 2015.

Contact details of ICC members and the Sample format for complaint letter are given below.

Contact Details of ICC Members are given under ‘Members’ in the college website and the college calendar

Complaint Format - Sample

To

**The Presiding Officer,
ICC, MSSW**

Name & Address of the Complainant

Phone/Mobile Number & Email Id of the Complainant

Particulars of the person against whom the complaint is made:

Details of the alleged harassment with date, place of incident, etc.

Any additional information relating to the complaint (may be attached)

Any urgent protective/interim measures needed

Signature of the complainant with date