

Policy on Prevention of Sexual Harassment (POSH) and Guidelines for Redressal

Oceanik Education Society

Policy on Prevention of Sexual Harassment (POSH) and Guidelines for Redressal

Oceanik Education Society is committed to providing a safe work and learning environment based on respect for individual dignity.

Sexual Harassment refers to any unwelcome and unlawful sexually determined behaviour directly or by implication when submission to such conduct creates an unpleasant and offensive work/learning place for any employee/student or is made a condition for a person's employment or enrolment in a programme.

The College will actively raise awareness of this issue and offer counselling services regarding sexual attitudes and behaviour. In accordance with the law, the College has a sensitive and strong redressal process in cases of sexual harassment.

1. The College prohibits sexual harassment at the work/learning place and any individual found guilty of such behaviour will be liable for action under this Policy. Wherever sexual harassment occurs, the College will act to stop the harassment, prevent its recurrence, and take appropriate action against those responsible.
2. Sexual Harassment means any behaviour which constitutes **unwelcome** sexual conduct - acts of physical intimacy, oral/textual requests for sexual favours, graphic representations of a sexual nature, other visual, verbal or physical conduct of a sexual nature and includes all conduct in the detailed list of behaviours provided in the **Annexure** to this document.
3. Encouragement or assistance (abetment) in an act of sexual harassment will be deemed to be sexual harassment.
4. The Policy and Guidelines apply to all members (Students, Faculty and Staff – both full-time and part time) of the College, all persons working for the College but not directly employed by the College and all persons who participate in programmes of the College. It is also applicable to consultants, part-time, temporary, contractual or casual employees, trainees, persons on probation while on an engagement with the College as well as any other third party.
5. The Policy and Guidelines apply to all instances of sexual harassment occurring:
 - a. On the premises of the College, irrespective of the persons involved.
 - b. Between or among members of the College, irrespective of the location.
 - c. At the extended workplace e.g. while travelling, at the place of stay and work or venue of work-related events.

- 6.** The College will strive to prevent any acts of this nature by communicating with all members through communication material and awareness programmes.
- 7.** The College has constituted a Prevention of Sexual Harassment (POSH) Committee by the law. This Committee will ensure proper and effective implementation of the POSH Policy.
- 8.** The Committee shall be reconstituted every three years. The Member-Secretary will be responsible to call meetings and, together with the Presiding Officer, identify the investigating team and help conclude the investigations. He/She will also be responsible for maintaining records.
- 9.** The Committee will:
 - a.** Spread awareness about the Policy within the College regularly by conducting sensitization workshops for all members.
 - b.** Counsel members (faculty, staff and students) on issues of sexual harassment.
 - c.** Be authorised to receive complaints of sexual harassment and conduct inquiries on such complaints in the manner prescribed in this Policy.
 - d.** Be responsible for assisting victims of sexual harassment and eyewitnesses through the process of inquiry.
 - e.** Recommend necessary action to protect victims/eyewitnesses who have reported any instance of retaliation or threats of retaliation.
 - f.** Ensure that all discussions with the POSH Committee are kept confidential.
- 10.** Any person to whom this Policy is applicable who believes that she or he has been a victim of sexual harassment may submit a complaint by email to poshoceanik@gmail.com or directly contact any of the POSH Committee members who will render all reasonable assistance to the victim to make the complaint in writing.
- 11.** It may be helpful to make a written record of the date, time and nature of the incidents and the names of any witnesses along with any document or other evidence in support of the complaint.
- 12.** The complaint must be registered within a period of three months from the date of the incident or, in the case of a series of incidents, within a period of three months from the date of the last incident.
- 13.** The POSH Committee may extend this time limit for another three months for reasons given in writing if it is satisfied that circumstances prevented the complainant from filing within the stipulated period. If there is a compelling reason to accept a complaint beyond this extended period, the POSH committee will do so after filing the rationale behind the decision.
- 14.** Any person may approach the members of the POSH Committee to seek information on sexual harassment or to clarify whether or not a particular incident is one of sexual harassment.

15. An eyewitness to any conduct amounting to or implying sexual harassment may also report the incident in the manner prescribed under this Policy.

16. Anonymous complaints will not be accepted.

17. On receiving a complaint, the Committee may do the following:

- a. Conciliation:** At the request of the complainant, the Committee will attempt to settle the matter between the complainant and the respondent through conciliation before initiating an inquiry. If this is successful, the Committee will forward the settlement arrived at to the Registrar for implementation and provide copies of the settlement report to the parties involved. If there is any complaint by the complainant that the terms and conditions of the settlement arrived at have not been complied with by the respondent, an inquiry will be instituted.
- b. Inquiry:** An inquiry into a complaint of sexual harassment will be completed within 90 days from the date of receipt of the complaint. An inquiry into a complaint will be conducted in a way that ensures confidentiality. In general, the POSH Committee will adhere to the principles of natural justice including:
 - Giving reasonable opportunity to both parties to be heard as well as taking on record any relevant documents.
 - Upon completion of the inquiry providing a summary of its findings to both parties.
 - Taking all actions necessary to ensure a fair and equal process including ensuring that neither the complainant nor supporting witnesses nor any other person cooperating with the inquiry process is victimized or discriminated in any way.
- c. Actions pending Inquiry:** During the pendency of an inquiry the POSH Committee shall have the discretion to make appropriate interim recommendations upon a written request by the complainant to:
 - Transfer the complainant or respondent to any other team (or any other class/section in case of students).
 - Grant leave to the complainant of up to three months provided this shall be in addition to the leave he/She would normally be entitled to.
 - Grant such other relief to the complainant as may be necessary.
- d. Retaliation:** Any kind of retaliation or threat of retaliation by either of the parties concerned is forbidden and strong action will be initiated if such incidents occur.
- e. Completion of Inquiry:** The Committee on completion of an inquiry shall provide a report of its findings within 10 days from the date of completion to the Registrar. Necessary action based on the report must be taken within 60 days of the receipt of the report.

- f. After a preliminary internal investigation, if the committee feels further investigation and action is required, a case may be reported to the police with the approval of the complainant.
- 18. Penalties:** Depending on the gravity of the situation and offence, the POSH Committee may recommend to the Registrar one or more of the following illustrative penalties for any individual/s found guilty of sexual harassment.
- 19. a.** Written apology
- b.** Warning or reprimand
- c.** Transfer to another team (with or without a change in role)
- d.** Withdrawal of residential facilities/financial support/academic honours
- e.** Suspension/Dismissal/ Rustication/Expulsion
- f.** Where an alleged instance amounts to a cognizable offence under the Bharatiya Nyaya Sanhita, 2023 or any other applicable law, the College may, in addition to imposing one or more of the above penalties, initiate appropriate proceedings according to law.
- 20. Confidentiality:** The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the Committee, or action taken by the Foundation are considered as confidential. These should not be disclosed by any member or discussed within teams or shared on any media. The complainant, respondent, witnesses, Committee members and person/s who action the recommendation are bound by this obligation. Any breach of confidentiality is subject to penalties including but not limited to those mentioned in point 19 above.
- 21. Appeal:** If any of the parties to the complaint is/are dissatisfied with actions taken for resolution of a complaint, they can file an appeal with the Pro-Vice chancellor, Richa Govil, within 90 calendar days of the communication of the decision to the parties.
- 22.** In the event of a complaint made against the Chief Executive Officer (CEO) of Oceanik Education Foundation and/or the Vice-Chancellor (VC) of Oceanik Education Society:
- a.** The investigating team for this kind of case will necessarily include an external member of the Committee.
- b.** All roles/powers to be performed by the CEO/VC in the case of other complaints will be performed by a nominee of the Board of Oceanik Education Foundation. Currently, the Chief Endowment Officer has been nominated for this purpose. Any further change will be notified by the Board.
- c.** This nominee shall also keep the Chairman of the Board informed of the investigation.
- d.** The final decision on the complaint shall be taken by the Chairman of the Board on the advice of the nominee.
- 23. Consensual Relationships:** This section applies to consensual relationships (romantic or sexual) between two members in a reporting relationship.

The College recognises and respects members' rights to privacy and has no stance on consensual relationships among peers. However, in the case of members who have a direct reporting relationship (e.g. Supervisor and Member; Member - teaching/non-teaching, full time/visiting - and Student), the person in an organizational position of relatively higher authority/ seniority has the ability to influence the life and career of the other. Such consensual relationships are discouraged.

If such a consensual relationship exists, the members must report it to the Registrar and People Function. The onus of reporting is with the person in an organizational position of relatively higher authority/ seniority. If the members concerned express an intention to continue in their relationship, one of them must choose to move to a different role so that the reporting relationship ceases to exist.

In cases where the relationship is not reported, necessary action due to violation of code of conduct may be initiated against both parties.

Any relationship with a minor, even when consensual, is prohibited by law.

- 24.** The College will review these guidelines from time to time and communicate changes if any.

ANNEXURE

- A.** Sexual Harassment means any behaviour which constitutes **unwelcome** sexual conduct including but not limited to the following:

- a. Leering
- b. Comments about people's bodies/clothes
- c. Sexist and insulting graffiti
- d. Sexist cartoons, jokes and songs
- e. Obscene phone calls/text messages/emails
- f. Lewd and threatening letters/emails/text messages
- g. Verbal abuse or comments that put down people because of their sex
- h. Inappropriate gifts
- i. Repeated sexual invitations when the person invited has refused/ignored similar invitations
- j. Material that is sexual, sexist, sexually explicit and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer or fax machine or the Internet or any other public display system or public place on the premises of the College.
- k. Graphic descriptions of pornography
- l. Displaying pornography on the premises of the College.
- m. Touching and hugging
- n. Pressing or rubbing up against a victim
Brushing against sexual parts of the body
Insisting that individuals wear revealing clothing
- o. Sexually explicit gestures
- p. Indecent exposure

- q. Sexual sneak attacks
- r. Subtle or overt pressure for sexual favours
- s. Soliciting or demanding sexual services
- t. Sexual or physical contact, such as slapping, kissing or touching
- u. Coerced sexual intercourse
- v. Sexual assault

Any act which constitutes an offence under the Bharatiya Nyaya Sanhita, 2023 or any other prevalent law

The following acts would also be considered as acts of sexual harassment if the same occur about or connection with any act of sexual harassment described in this annexure:

1. Implied or explicit promise of preferential treatment in employment
2. Implied or explicit threat of detrimental treatment in employment
3. Implied or explicit threat about present or future employment
4. Interference in work or creating an intimidating or offensive or hostile work environment
5. Humiliating treatment likely to affect health or safety

B. Definition of Consent: Consent in a relationship is when both parties **consciously** and **voluntarily** agree to the activity they want to engage in. It is important to note that consent given at one point can be withdrawn at a later stage. Not expressing views or withholding views should not be mistaken as consent. It is advisable to seek affirmative consent at each stage of a relationship.