

SCMS School of Architecture

Policy For Sexual Harassment Free Campus

The **SCMS School of Architecture**, Karukutty, herein referred to as 'School' 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 school's students, faculty, and non-teaching staff, and others associated with school 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 intends to assist persons who believe they have been subjected to sexual harassment, seek support and remedial action.

The school is committed to taking all necessary steps to ensure that none of its faculty, students, non-teaching staff or any associate of the school are subject to sexual harassment and will enforce this policy to the fullest extent necessary.

This policy is also in line with the 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 school, 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.

1. Definition of Sexual Harassment:

Sexual Harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication), namely

- 1.1. Physical contact and advances, or
- 1.2. A demand or request for sexual favours, or
- 1.3. Making sexual coloured remarks, or
- 1.4. Showing pornography, or
- 1.5. Any other unwelcome physical, verbal, non-verbal conduct of sexual nature

If any of the following circumstances occurs or is present in relation to or connected with, any act or behaviours of sexual harassment among other circumstances, it may amount to sexual harassment:

- 1.6. Implied or explicit promise of preferential treatment in her employment, or
- 1.7. Implied or explicit threat of detrimental treatment of her employment, or
- 1.8. Implied or explicit threat about her present or future employment status, or
- 1.9. Interference with her work or creating an intimidating or offensive or hostile work environment for her, or humiliating treatment likely to affect her health or safety.

2. Internal Compliance Committee (ICC):

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules 2013 and section 4(1) of the Act, SCMS School of Architecture has constituted an Internal Compliance Committee (ICC).

In order to provide a conducive environment for growth unbiased and devoid of any gender prejudices and sexual harassment, the committee will aim to achieve,

- 2.1. Prevention of sexual orientation one-sided disposition with regards to the settling of the viability of work dispensed inside working hours.
- 2.2. Protection of the basic privileges of women and protect them against any harassment at the institution at any level.

3. PREVENTION

In order to ensure that the Campus is 'harassment free', as a preventive measure, the ICC shall undertake regular sensitization workshops for all stakeholders.

Furthermore, the ICC shall appoint, three student representatives as its members, who shall assist only in such matters that involve students. They shall also help the ICC in being its ambassadors to ensure a 'harassment free' campus for all the students.

The Student Members shall be an extended arm of the ICC 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 ICC 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

- 3.1. Coaching specific students or the entire batch

- 3.2. Encouraging the aggrieved person to report to the ICC for a formal investigation.
- 3.3. Collection of credible facts to also enable the aggrieved person to lodge a formal complaint before the ICC.

4. REPORTING SEXUAL HARASSMENT

- 4.1. For the ICC to consider and initiate any process, a complaint has to be submitted by the aggrieved person(s). Complaints should be made in writing or via email, 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).
- 4.2. 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.
- 4.3. 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 ICC 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.
- 4.4. The ICC is restricted under the law from considering any complaint which is more than 6 months after the alleged incident of sexual harassment has occurred.
- 4.5. It is also the duty of the school to necessarily assist the complainant, if the complainant chooses to initiate action under the Indian Penal Code ("IPC").

5. RESOLUTION PROCESS

- 5.1. **Conciliation:** Before the ICC initiates an inquiry into the complaint, the complainant may request the ICC (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 ICC, further inquiry shall not be conducted.
- 5.2. **Inquiry:** All claims of sexual harassment will be promptly and thoroughly investigated by the ICC 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 ICC.
 - 5.2.1. Process of conducting Inquiry shall broadly comprise of the following steps:

- 5.2.2. The ICC 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.
- 5.2.3. 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.
- 5.2.4. As mandated by the law, the inquiry has to be completed within a period of ninety (90) days from the receipt of the complaint.
- 5.2.5. The inquiry report, with ICC recommendations, if any, has to be submitted within ten (10) days from the completion of the inquiry to the Director/ Vice Chairman.
- 5.2.6. A copy of the findings and/or recommendations shall also be provided to the complainant and the respondent.
- 5.2.7. The Director/ Vice Chairman shall act on the recommendations of the ICC 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.
- 5.2.8. An appeal against the findings and/or recommendations of the ICC may be filed before the Director/ Vice Chairman by either complainant or the respondent, within a period of thirty (30) days from the date of the recommendations.
- 5.2.9. If the Director/ Vice Chairman decides not to act as per the recommendations of the ICC, it shall be only on the basis of reasons recorded and conveyed to the ICC, complainant, and the respondent.
- 5.2.10. If on the other hand the Director/ Vice Chairman decides to act as per the recommendations of the ICC, then a show cause notice, answerable within ten (10) days, shall be served on the person(s) against whom action is decided to be taken.
- 5.2.11. The Director/ Vice Chairman shall proceed only after considering the due reply or hearing the aggrieved person.
- 5.2.12. Towards ensuring that this policy and its provisions for the protection of employees and students from sexual harassment do not get misused, the ICC may make any provisions against false or malicious complaints. In the event the ICC determines that the complaint is false or malicious, or that false or misleading information was provided during its proceedings, the ICC 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.

5.3. Interim redressal: Even while an inquiry is pending, the ICC may, on considering the request of the complainant, recommend to the Director/ Vice Chairman for certain interim measures, including, whereby the school may,

- 5.3.1. Transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction.
- 5.3.2. Grant leave to the aggrieved with full protection of status and benefits for a period up to three months.
- 5.3.3. Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- 5.3.4. 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.
- 5.3.5. 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.
- 5.3.6. The Director/ Vice Chairman shall act on any such recommendations of the ICC within a period of thirty (30) days.

6. PROTECTION AGAINST RETALIATION

The School forbids any form of retaliation against, or victimization of, anyone who has filed a complaint of sexual harassment or has cooperated with the ICC 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 School, as applicable. Individuals are encouraged to promptly report to the Director/ Vice Chairman if faced with such victimization or retaliation.

7. 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 ICC and the action taken by the School 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 ICC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the Regulations, rules and other policies of the School, as applicable.

8. CORRECTIVE ACTIONS

8.1. A. Corrective action for students, where the respondent is a student of the School and is found guilty of sexual harassment, depending upon the severity of the offence, the ICC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

- 8.1.1. Warning, reprimand, or censure.
- 8.1.2. Community service such as assisting the librarian, cleaning litter on campus such as the football field, cleaning classrooms, etc.
- 8.1.3. Award reformatory punishments, including any form of mandatory counselling.
- 8.1.4. Curtailment of privileges, including denial of access to certain facilities; denial of scholarships; etc.
- 8.1.5. Bar on representing the school in any co-curricular/extra-curricular activities.
- 8.1.6. Removal and/or bar on holding any positions of responsibility.
- 8.1.7. Suspension or expulsion from the School.
- 8.1.8. Criminal proceedings as per the rule of law.

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

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

- 8.2.1. Warning, reprimand, or censure.
- 8.2.2. Award reformatory punishments, including any form of mandatory counselling.
- 8.2.3. Transfers.
- 8.2.4. 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.
- 8.2.5. Withholding increments and promotions.
- 8.2.6. Suspension.
- 8.2.7. Termination of employment.
- 8.2.8. Criminal proceedings as per the rule of law

9. GENERAL

All Students, Faculty, and Non-Teaching Staff at the School have a responsibility in contributing to a mature and respectful Campus. All Students, Faculty, and Nonteaching Staff are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or inadvertently.

The school 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 School, as applicable, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the School 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.

