



# V. M. SALGAOCAR INSTITUTE *of* INTERNATIONAL HOSPITALITY EDUCATION

## COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

### **A. INTRODUCTION**

Sexual harassment is a form of discrimination which we all have a responsibility to eliminate – it causes major problems in the working environment and can have an adverse effect on the competence, morale and performance of those affected by it.

The Central Government has passed an Act 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act, 2013' (SHOWAW Act, 2013), which provides protection against sexual harassment of women at workplace and for redressal of any complaints connected therewith and incidental thereto.

The SHOWAW Act, 2013 makes it obligatory for every educational institution to combat sexual harassment of women at workplace. Pursuant to the SHOWAW Act, 2013 and Rules made thereunder, V. M. Salgaocar Institute of International Hospitality Education (VMSIHE) has constituted a Committee to deal with cases of sexual harassment at work place which shall apply to all students, faculty staff teaching and non-teaching staff of VMSIHE. The Definition of sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- a) Physical contact and advances; or
- b) A demand or request for sexual favours; or
- c) Making sexually coloured remarks; or
- d) Showing pornographic material; or
- e) Any other unwelcome physical, verbal or non – verbal conduct of sexual nature."

**A1.** The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment–  
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- i) implied or explicit promise of preferential treatment in her employment; or
- ii) implied or explicit threat of detrimental treatment in her employment; or
- iii) implied or explicit threat about her present or future employment status; or
- iv) interference with her work or creating an intimidating or offensive or hostile work environment for her ;or
- v) humiliating treatment likely to affect her health or safety.

#### **B. INTERNAL COMPLAINTS COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN**

- a) In terms of the provisions of SHOWAW Act, 2013 and Rules made thereunder, the management of VMSIHE has constituted, an Internal Complaints committee with following aims and objectives: Sensitize the students, faculty staff, teachers and non-teaching staff about gender issues.
- b) Educate students, faculty, teachers and non-teaching staff about the meaning and forms of sexual harassment.
- c) Create an environment for the prevention of sexual harassment in the Institute.
- d) Receive and resolve, in a fair manner, any complaints regarding sexual harassment in the Institute.
- e) Ensure that the procedures for receiving and dealing with complaints are made known to all.
- f) Ensure that complaints are dealt with seriously, quickly and confidentially.
- g) Ensure that complainants are protected from victimization and retaliation.
- h) Ensure that there will be no intimidation, victimization, or discrimination against those assisting the investigation.
- i) Ensure that appropriate action is taken on the basis of the recommendations of the committee, if the complaint is proven.
- j) Ensure that the college is free from all forms of sexual harassment.
- k) Ensure that sexual harassment is prevented and addressed in the best interests of the victim.

#### **C. COMPOSITION OF THE INTERNAL COMPLAINTS COMMITTEE**

In terms of the Provisions of SHOWAW Act, 2013 and Rules made thereunder, VMSIHE has constituted an Internal Complaints Committee to provide for all women who fall within its jurisdiction free from sexual harassment, intimidation and exploitation. The Members of the Internal Complaints Committee shall hold office for such a period not exceeding three years from the date of their nominations.

#### **Following are the members of the Internal Complaints Committee:**

1. Ms. Martha Rebello – Presiding Officer
2. Dr. Prita Mallya – Advisor/Prominent member of Society

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3. Dr. Bhanumurthy Ivaturi – Member (Administrator)
4. Ms. Sujata Madhavan - Member (Faculty)
5. Ms. Lorraine Fernandes - Member (Faculty)
6. Ms. Valerie Jacques - Member( Counselor)
7. Mr. Hans Colaco - Member (Student)

- ***The committee shall be re-constituted from time to time.***

The members of the said committee shall be made aware of their responsibilities and shall be sensitized about gender issues. In case a complaint is received against a member of the complaints committee, the Management of VMSIHE shall appoint another member by issuing a notification to that effect, till such time that the complaint is addressed

#### **D. COMPLAINTS OF SEXUAL HARASSMENT SHALL BE MADE BY A WOMEN**

- a) about harassment by a student;
- b) about harassment by a member of the teaching or non-teaching staff or faculty staff;

about third party (by an outsider) harassment if such an incident has occurred within or outside the premises of the institute during the course of the employment or any activity of the institute.

#### **E. PROCEDURE TO BE FOLLOWED BY THE INTERNAL COMPLAINTS COMMITTEE**

- a) Complaints are to be received in writing from the aggrieved women; no oral complaints are to be considered. In the event the aggrieved women is unable to make a complaint on account of her physical or mental capacity or death or otherwise, her legal heir or such other person as prescribed in the SHOWAW Rules, 2013 may make a complaint.
- b) The Internal Complaints Committee shall take cognizance of all complaints put before it.
- c) The wishes of the complainant must be respected at all times.
- d) Strict confidentiality is to be maintained.
- e) The Internal Complaints Committee before initiating an inquiry, at the request of the aggrieved women take steps to settle the matter between her and the respondent through conciliation as mentioned in the SHOWAW Act 2013 .
- f) The Complaints Committee shall make inquiry into the complaint in accordance with the provisions of SHOWAW Act 2013 and Rules made thereunder. For the purpose of making an inquiry the Internal Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely –
  - i) summoning and enforcing the attendance of any person and examining him on oath;
  - ii) requiring the discovery and production of documents; and

- iii) any other matter which may be prescribed
- g) Conduct of hearing of both parties separately and record all proceedings.
- h) For all offences, ensure that the complainant does not face retaliation from the alleged accused.
- i) The respondent shall file his reply to the complaint along with his list of documents and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the complaint.
- j) On completion of an inquiry, the Internal Committee shall submit the report of its findings to the Management of VMSIHE and the concerned parties within a period of ten days from the date of completion of the inquiry.
- k) In the event the allegations against the respondent has been proved, the Internal Complaints Committee shall recommend to the Management for appropriate action, suggesting a time frame within which action has to be taken as per the provisions of the SHOWAW Act 2013 and Rules made thereunder , which are as follows:

#### **E 1 TEACHING AND NON-TEACHING STAFF, SUPPORT STAFF**

- a) Deduct from the salary or wages such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs;
- b) written apology;
- c) warning;
- d) reprimand or censure;
- e) Withholding of promotion;
- f) withholding of pay rise or increments;
- g) terminating the respondent from service;
- h) undergoing a counselling session;
- i) Carrying out community service.

#### **E2. STUDENTS**

- i) Warning
- ii) Written apology
- iii) Bond of good behaviour
- iv) undergoing a counselling session
- iv) Debarring entry into a hostel/ campus
- iv) Suspension for a specific period of time
- vi) Withholding results
- vii) Debarring from exams
- viii) Debarring from contesting elections.

**E3.** The contents of the complaint, the identity of the parties and witnesses, information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and action taken by the Management of VMSIHE shall not be published, communicated or made known to the public and media in any manner.

The Management of VMSIHE shall recover an amount of Rupees five thousand from person who makes any information known to the others in any manner with regard to such complaint filed by the party.

#### **F. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE**

In the event the Internal Complaints Committee arrives at a conclusion that the allegations against the respondent is malicious or false or the aggrieved woman or any other person has produced any forged or misleading documents, it may recommend to the Management of VMSIHE to take action against such woman or other person as mentioned in clause D above .

#### **G. APPEAL**

Any person aggrieved from the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations or malicious complaint or penalty for publication of contents of the complaint and inquiry proceedings, may prefer an appeal to such Authority under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1964, as may be notified under Rule 11 of the Sexual Harassment of Women at Workplace Rules, 2013

#### **H. PREPARATION OF AN ANNUAL REPORT**

The Internal Complaints Committee shall prepare an Annual Report mentioning number of complaints received, number of complaints disposed of, number of cases pending for more than ninety days, number of workshops and awareness programme against sexual harassment carried out, nature of action taken by the employer in a year.

As a part of its duties, the committee shall

- a) Keep a complaint's box in the girls common room to receive complaints; the box shall be opened once a week;
- b) Conduct awareness programmes in the Institute for the faculty and students.
- c) Ensure that the guidelines, procedures and preventive measures are made known to all by the conducting workshops, debates, skits etc.

**Prof. Irfan.S. Mirza**  
**DIRECTOR/PRINCIPAL**

