

Silver Oak University

Prevention of Sexual Harassment against Women (as applicable to students) and Internal Complaints Committee (ICC)

Preamble:

Recognizing the fundamental right of every individual to work and study in an environment free from discrimination and harassment, Silver Oak University is committed to preventing and addressing sexual harassment against women. This commitment is in accordance with the guidelines provided by the University Grants Commission (UGC) and other relevant statutes.

Context:

Sexual harassment is a violation of basic human rights and dignity. It undermines the individual's right to education and work in an environment that is free from discrimination, intimidation, and any form of unwelcome behavior. This policy is aimed at fostering a culture of respect, equality, and zero tolerance for sexual harassment within the academic community.

Objective:

The primary objective of this policy is to create a safe and supportive environment that promotes the academic and personal development of women, faculty, staff, and students alike. It seeks to prevent sexual harassment, provide mechanisms for the prompt and impartial resolution of complaints, and ensure that appropriate action is taken against those found guilty of such misconduct.

Key Principles:

1. **Zero Tolerance:** Silver Oak University maintains a zero-tolerance approach towards sexual harassment. Any form of unwelcome behavior, advances, or comments that create an intimidating, hostile, or offensive environment will not be tolerated.
2. **Confidentiality:** The University is committed to treating complaints with the utmost confidentiality. It recognizes the sensitive nature of sexual harassment cases and aims to protect the privacy of the complainant throughout the resolution process.
3. **Prompt and Impartial Inquiry:** Complaints will be promptly and impartially investigated. The

university is dedicated to conducting fair and thorough inquiries, ensuring due process for both the complainant and the respondent.

4. Preventive Measures: In addition to addressing complaints, the university is committed to preventive measures, including awareness campaigns, education programs, and regular training sessions on preventing sexual harassment.

Commitment to Compliance:

Silver Oak University is committed to complying with all applicable laws and regulations related to the prevention of sexual harassment. This policy reflects our dedication to creating an environment that is respectful, safe, and conducive to the holistic development of all members of the academic community.

By establishing and upholding this policy, we affirm our commitment to fostering a culture that values and protects the rights and well-being of every individual associated with Silver Oak University

The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the ICC reserves the right to make exceptions to the procedure stated hereunder.

The Act makes it mandatory to set up a Complaints Committee to deal with incidents of sexual harassment. Accordingly, the University has set up the Internal Complaints Committee (ICC), on 16th January 2016.

The ICC includes in its purview all faculties, departments and centre's of the Silver Oak University. At the University level an ICC has been formed. Apart from this, there are ICCs at each faculty/institution/department level. The objective of each faculty level committee is to take note of the complaint and try to resolve the complaint in an informal setting using reconciliation. However, if it is not possible, the concerned faculty will forward the complaint to the University level committee, where the procedure for investigation will be followed. The institutions/faculty of the University has constituted its own ICCs.

1. What constitutes sexual harassment?

Sexual harassment includes unwelcome sexual behavior of direct or implied nature such as:

- Physical contact and advances
- Requests for sexual favors'
- Sexually colored remarks
- Showing pornography

- Unwelcome physical, verbal, or non-verbal sexual conduct
- 2. How does one prepare a complaint?**
- Write exactly what happened with details, dates, names of witnesses and documents, if any.
 - Be specific about the incident/incidents.
 - Be honest, as false complaints can invite penalties.
- 3. What is the time limit for filing a complaint?**
- You need to file a complaint of sexual harassment within three months of the incident.
 - The period may be extended by another three months, in grave circumstances that may have prevented the complainant from filing the complaint on time.
- 4. How to file a complaint?**
- Submit the complaint in writing:
 - Directly at the office of the ICC
 - Send an Email to: icc@silveroakuni.ac.in
- 5. How does the ICC proceed on your complaint?**
- On receipt of the complaint, the ICC assesses it.
 - If it is a valid case, the ICC will ask for six copies of the complaint with supporting documents, if any,
 - One copy of the complaint will be sent to the respondent (i.e. the person who allegedly committed the harassment) within seven working days.
 - The respondent has to file his/her reply within ten working days.
 - The ICC follows the principles of natural justice during the proceedings which include:
 - Right of hearing to the parties
 - Examination and cross-examination of parties and witnesses
 - Supplying copy of the findings to the parties for their responses
- 6. Is there any provision for conciliation?**
- The ICC can take steps to settle the matter between the victim and the respondent.
 - This option will be used only at the request of the victim.
 - Monetary settlement shall not be the basis of conciliation
 - If the settlement is not reached, the victim can go back to the committee and initiate an enquiry.
- 7. What is the period of enquiry and action?**
- The committee is required to complete the enquiry within 90 days.
 - On completion of the enquiry, the report will be sent to the top management(Provost, DG) of Silver Oak University.

8. What if the complaint is false/malicious?

- If a complaint is false with malicious intent, the person who has made such a complaint can be penalized as per the service rules.

9. Does the Act guarantee protection against disclosure of identity?

- The identity and address of the aggrieved person, respondent, and the witness cannot be disclosed.
- Anyone who discloses the name or identifies the aggrieved or witness will be liable to pay a penalty of Rs.5000.
- However, information regarding justice secured for any victim can be published without disclosing the identity.

10. Ex-Parte decision

- Ex-parte decisions are those that are reached in the absence of the complainant/respondent. The ICC can give an ex-parte decision if the complainant/respondent fails, without sufficient cause, to present her or himself for three consecutive hearings. The ICC can also terminate the enquiry proceedings on these grounds. However, an ex-parte or termination order will not be passed without giving the complainant/respondent a 15-day notice in writing.

11. Disciplinary Action

The Committee may recommend the following penalties on a person found guilty of sexual harassment.

In case of an employee being guilty of Sexual Harassment

Penalties

- Warning, Reprimand or Censure
- Fine
- Withholding of increments or promotion
- Reduction to a post in a lower pay scale or to a lower stage of increment
- Compensation to the victim
- Compulsory retirement
- Termination of Services
- Removal/Dismissal from service

In Case a student is found guilty of Sexual Harassment

Penalties

- Warning
- Written Apology
- Bond of Good Behavior
- Debarring entry into the campus
- Suspension for a specified period of time

- Withholding results
- Compensation to the victim
- Debarring from examination for a specified period of time, as decided by the ICC
- Expulsion from the University

12. Supply of copy of the enquiry report

Parties are entitled to get a copy of the report after the ICC submits the report to the University.

Dr. Khushbu Shah
Chairperson/Presiding Officer,
Internal Complaints Committee,
Silver Oak University