

POLICY

JAYPEE INSTITUTE OF INFORMATION TECHNOLOGY NOIDA

Policy and Guidelines for prevention of sexual harassment of women and women employees at their work place

PREAMBLE

The Supreme Court of India, in a judgment delivered in 1997, on the writ petition (Criminal) No. 666-70 of 1992, has, interalia, issued the following directive:

“Duty of the Employer or other responsible persons in work place and other institutions:

It shall be the duty of the employer or other responsible person in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required”

In pursuance to the above directive, the Jaypee Institute of Information Technology, Noida has decided to formulate the policy and guidelines to deal with the problem and cases of sexual harassment

DEFINITION

Consistent with the definition of the sexual harassment, given by the Supreme Court, the Institute has adapted it to its academic environment as under:

“Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature whether between members of the same or opposite sex constitutes sexual harassment:

- (i) when submission to such conduct is made either explicitly or implicitly, a term or condition of an individual’s academic-advancement or employment;
- (ii) when rejection of such conduct is used for negative academic evaluation or adversely affects employment decision;
- (iii) when such conduct interferes with an individuals academic/work performance or creates an intimidating or hostile working campus environment; or
- (iv) any other conduct amounting to sexual harassment.

Sexual harassment as set out above may include, but is not limited to the following:

- (i) pressure or demands for sexual favors accompanied by open or veiled:
- (ii) promises of preferential treatment or threats relating to work and student status;
- (iii) displaying showing or communicating pornography, obscene letters;
- (iv) posters, cartoons, photographs, contraceptives;
- (v) physical or verbal harassment or abuse;
- (vi) disparaging sexual remarks and gestures even in a jocular tone;
- (vii) unwelcome touching;
- (viii) suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one’s academic evaluation and work status etc; and
- (ix) harassment through telephone calls of E-mail, uninvited following, blackmailing in or outside the campus.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms subtle and indirect, or blatant and overt. For example:

- (i) it may occur between peers or between individuals in a hierarchical relationship;
- (ii) it may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance;
- (iii) it may consist of repeated actions or may even arise from a single incident if sufficiently egregious; and
- (iv) sexual harassment may or may not include sexual assault.”

POLICY

It is the policy of the Institute to provide working and study environment for staff and students free of sexual harassment of all forms of sexual intimidation and exploitation as defined above. All staff and students should be aware that the Institute strongly disapproves of any conduct that constitutes sexual harassment and will take all measure disciplinary and legal to ensure compliance. All complaints will be thoroughly investigated and appropriate action will be taken promptly as per guidelines enunciated below:

GUIDELINES

Anyone subject to unwelcome and or offensive behavior is advised to pursue the matter through the informal and formal procedures described below. The informal procedures are intended to afford an opportunity to explore and consider alternative means for its resolution before resorting to the formal procedures

INFORMAL PROCEDURES

Anyone subject sexual harassment is urged to make it clear to the offending party that such a conduct is offensive and contrary to Institute policy. If this does not have the desired effect, the matter should be reported to one of the following Institute officials, through Head of Department / Section, or directly:

- Teaching Staff : Dean (A&R) / Director JBS
- Non-Teaching Staff :
 - Institute Staff : Registrar, Admin Manager
 - Outsourced Employees : By their Employer
- Students : Dean of Student welfare, Warden, Faculty In charge or Proctor

The complaint may be made by the individual concerned, or a third party. It must be prompt and unpremeditated. The official to whom the complaint is made must take a formal note of the complaint, and make an effort to resolve the matter through personal discussion with the persons concerned. In this effort, if possible, complainant’s identity need not be disclosed and the complainant need not be cross-examined before the person against whom the complaint has been made. The official must keep in mind that there may be fake cases for character assassination.

FORMAL PROCEDURES

If the information reformative procedure, as above, proves inadequate, an individual or the official may pursue the matter through a formal procedure as under:

STANDING COMMITTEE:

There shall be an Institute Standing Committee for inquiring into complaints against Sexual Harassment, consisting of the following members

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| (i) | Dr. Alka Sharma, Dean, HSS | - Chairperson |
| (ii) | Dr. D.K. Rai, Professor, PMSE &
Chairman Proctorial Committee | - Member |
| (iii) | Dr. Neeraj Wadhwa, Dept. of Biotech &
Warden, Girls Hostel | - Member |
| (iv) | Sh. S.B. Upadhyay, Sr. Advocate
Supreme Court of India, Chamber No. 30
Legal Advisor | - Member |
| (v) | Ms. Savita Singh
32, Lawyers' Chambers
Supreme Court of India
New Delhi – 110001
- Served as NGO representative
(Centre for Legislative Research and Advocacy)
for Gender Sensitization against Sexual harassment
at work place in 2009-2010 of Jawaharlal Nehru University
New Delhi.
- Advocate-on-record for Lawyer's Collective HIV Aids Unit
- Member: RPLS : Res Publica Law Society
- Member Manav Seva Sansthan. | - Member |

Formal complaints in cases of alleged sexual harassment must be made in Institute by the individual concerned to the Registrar, with supporting documents, and evidence, if any. All such cases will be placed before the Standing Committee. After due consideration, the Standing Committee will make its recommendations to the Vice Chancellor, which may, interalia, include:

- (i) counseling and/or dropping of the complaint;
- (ii) initiation of disciplinary proceedings against a Institute staff as per provisions in the regulations;
- (iii) initiation of disciplinary proceedings against a student, as per Standing Orders;
- (iv) legal action by complainant or the Institute; and
- (v) initiation of disciplinary proceedings against employees who are found to have made false allegations.
- (vi) Any other suggested action.