

**Indira Gandhi National Open University**

# SAFE WORKPLACE



• Prevention of •  
**Sexual Harassment**  
(POSH)

• Quick Reference Handbook •



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### Vice Chancellor's Message

Millions of Indian women are enrolling in universities as a result of improved access to education and work. On a regular basis, many working women and students suffer sexual harassment at work. As a university, it is critical that we seek to prevent workplace sexual harassment since women have the right to work in a safe and secure setting. This would help them achieve their right to gender equality while also promoting economic development and inclusive growth.

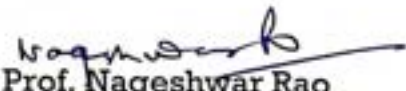
I am delighted to introduce this Quick Reference Handbook on Workplace Sexual Harassment Prevention. It contains important details concerning our university's 'Policy on the Prevention, Prohibition, and Redress of Sexual Harassment of Women at Work, 2018'.

The handbook has been developed with the aim to ensure that the staff and the students of the university are aware of their rights and obligations in terms of creating safe workplace. The handbook reflects our commitment to empower women and having inclusive safe workplace.

I congratulate the Committee against Sexual Harassment of IGNOU for developing this handbook.

Best Wishes,

Dated: 04.03.2022

  
Prof. Nageshwar Rao  
4/3/22

कुलपति कार्यालय  
Vice Chancellor's Office

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It is woman's right to work in a safe environment. Sexual harassment is a serious breach of women's right to equality and respect. It has its origins in patriarchy and the associated belief that males are superior to women and that some types of violence against women is acceptable.

One such type of gender violence is sexual harassment at workplace, which refers to a violation of the fundamental rights of a woman to equality and liberty. Sexual harassment in the workplace, like other forms of violence, is not innocuous.

Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013, was enacted with the objective to guarantee that women have safe working conditions and provide enabling work environments that respect women's right to equality of status and opportunity.

The Act's proper implementation will help women realise their right to gender equality, life of dignity and liberty, and equitable working conditions everywhere. Women's engagement in the workforce will improve as a result of their increased sense of security at work, resulting in economic empowerment and inclusive growth. All organisations in India are now required by law to provide a safe and secure working environment free of sexual harassment for all female employees.



## University Policy

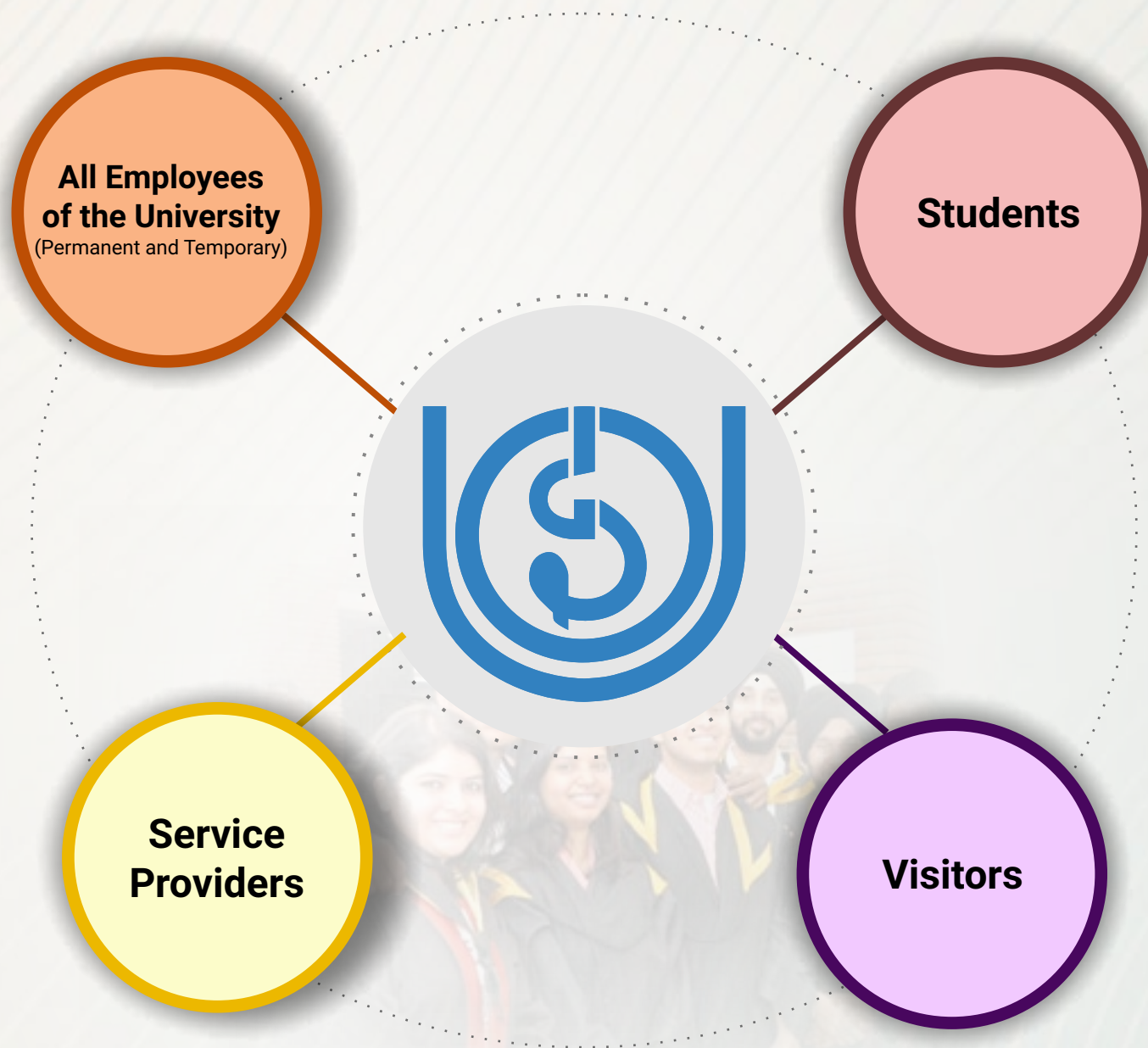
The Indira Gandhi National Open University (IGNOU) is committed to provide all women, who fall within its jurisdiction, a place of work and study which is free from sexual harassment, intimidation and exploitation. It already has a policy in place to this effect- '**The University Policy on the Prevention, Prohibition and Redressal of Sexual Harassment of Women at the Workplace, 2018.**'

### The main objectives of the policy are the following:

- ♦ To prevent and prohibit sexual harassment of women at the work place.
- ♦ To promote a workplace having safe and congenial work environment based on equality, free from discrimination and violence against women.
- ♦ To conduct enquiries into complaints of sexual harassment.
- ♦ To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women within the jurisdiction of the University.
- ♦ To determine the implication of sexual harassment on the duties, responsibilities and rights of various stakeholders involved in the process.
- ♦ To actively promote a social, physical and psychological environment that will raise awareness about and deter the acts of sexual harassment of women.
- ♦ To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Internal Complaints Committees.



## Applicability/Scope of the Policy



## Let us understand what constitutes Sexual Harassment



**The following circumstances, among other circumstances, if they occurs or are present in relation to or is connected with any act or behavior of sexual harassment may amount to sexual harassment:**

- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in her employment.
- Implied or explicit threat about her present or future employment status.
- Interference with work or creating an intimidating/ offensive/ hostile work environment for her.
- Humiliating treatment likely to affect her health or safety.
- Publish or cause to publish or transmit any information in electronic form or by means of a computer resource or a communication device, which is obscene, offensive, humiliating or has menacing character.

## Internal Complaints Committees (ICC) at different levels

### 01 Regional Centre Committees against Sexual Harassment (RCCASH)

These Committees are set up in each Regional Centre or for a group of Regional Centres of the University have jurisdiction over all complaints received at the Regional Centre and all Study Centres within the supervisory jurisdiction of the Regional Centre(s) concerned.

### 02 Regional Services Division Committee against Sexual Harassment (RSDCASH)

This committee is set up at the University headquarter, as a supervisory complaints and redressal body. This Committee shall oversee all RCCASH committees within its supervisory jurisdiction. It also functions as the overseeing body for all awareness and preventive work related to this Policy at all Regional Centres and Study Centres.

### 03 IGNOU Committee against Sexual Harassment (ICASH)

This committee is set up at the University headquarter. The Committee has jurisdiction over all complaints at the University headquarter.

### 04 Apex Committee against Sexual Harassment (ACASH)

This committee is set up at the University headquarter. This committee functions as the appellate body for all complaints filed with RCCASH/ RSDCASH and ICASH.





## Procedure for filing of Complaint Against Sexual Harassment

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee concerned within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident (Form 1).

In cases where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

### The following exceptions will be admitted:

- i. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may do so.
- ii. The aggrieved woman can also file a complaint through email/ online grievance portal on account of her physical incapacity.
- iii. In case of forced confinement of the person, a complaint can be brought by another person on behalf of the complainant.
- iv. In exceptional cases, third party/witness complaints may also be entertained.



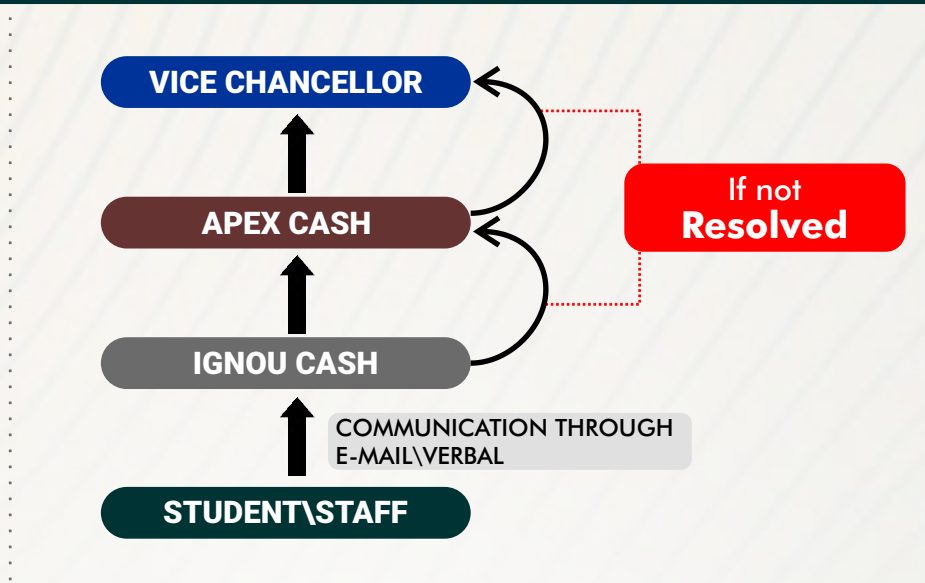
In the case of third party/ outsider harassment, with the consent of the aggrieved woman, the University can take immediate steps and initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further, the University and the committee will actively assist and provide available resources to the complainant woman in pursuing the complaint.

Complaints can be lodged directly with any member of the relevant Committee against sexual harassment, or through existing channels for lodging grievances, such as the University authorities, teachers, academic and non-academic staff association, etc. If the complaint is made through any such channel, the person to whom the

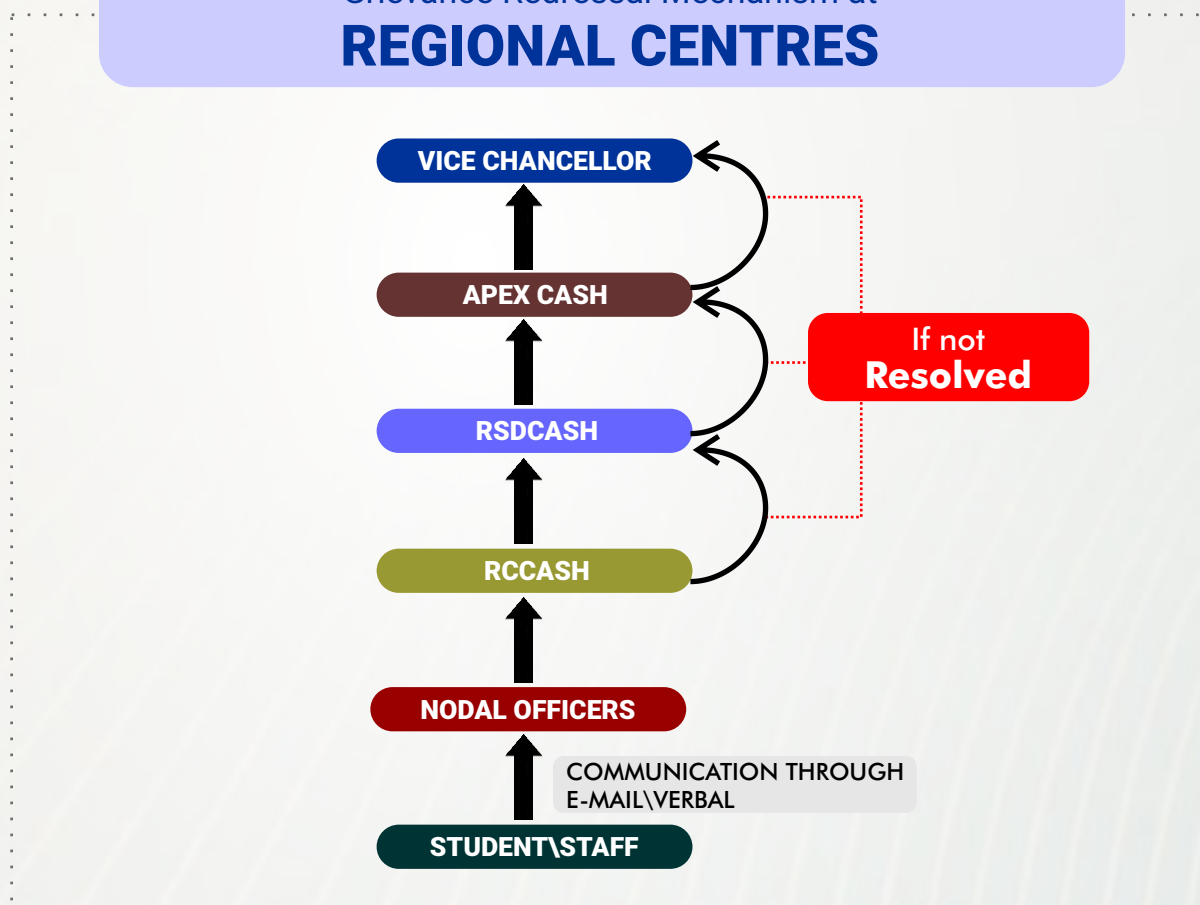
complaint is made should bring it to the notice of the Committee within two working days of its receipt.



## Grievance Redressal Mechanism at **IGNOU Headquarter**



## Grievance Redressal Mechanism at **REGIONAL CENTRES**





## TIMELINE

<b>Submission of the Complaint</b>	within 3 months of the last incident
<b>Notice to the Respondent</b>	within 7days of compilation of the enquiry
<b>Completion of the Inquiry</b>	within 90 days
<b>Submission of the Report</b>	within 10days of completion the inquiry
<b>Implementation of Recommendation</b>	within 90days of the Recommendations
<b>Appeal</b>	within 90days of the Recommendations

## Appeal

The complainant and the defendant shall have the right to appeal within 90 days if they are dissatisfied with the decision of the concerned Internal Complaints Committee Against Sexual Harassment or the disciplinary authority.

### Punishment for false or malicious complaint and false evidence

Where the Internal Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the University to take action against the woman or the person who has made the complaint of sexual harassment, as the case may be, in accordance with provisions of the service rules applicable to her or him or if no such service rules exist in such manner as may be prescribed.

It is to be noted here that a mere inability to prove the complaint or provide adequate proof need not attract action against the complainant under this clause. Further, it is necessary that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

Where the Internal Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document it may recommend to the employer of the witness, as the case may be, to take action in accordance with provisions of the service rules applicable to the said witness or where, no such service rules exist, in such manner as may be prescribed.

## Penalties

**1) Any member of the University including academic staff, non teaching staff, student, service provider and resident, found guilty of sexual harassment shall be liable for disciplinary action.**

**2) The penalties listed below are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of all members of the University.**

**A. In the case of teachers/academic/administrative/ technical/ non teaching staff/ management, disciplinary action could be in the form of one or more of the following:**

- ♦ Warning
- ♦ Written apology
- ♦ Bond of good behaviour
- ♦ Gender sensitization
- ♦ Counselling
- ♦ Adverse remarks in the confidential report
- ♦ Debarring from supervisory duties
- ♦ Denial of membership of statutory bodies
- ♦ Denial of re-employment
- ♦ Stopping of increments/promotion
- ♦ Reverting, demotion
- ♦ Transfer
- ♦ Dismissal
- ♦ Withdrawal of residential facilities and prohibition from entry on the campus etc.
- ♦ Any other relevant mechanism.

**B. In case of students, disciplinary action could be in the form of:**

- ♦ Warning
- ♦ Written apology
- ♦ Bond of good behaviour
- ♦ Gender sensitization
- ♦ Counselling
- ♦ Debarring entry into a hostel/ campus
- ♦ Withholding results
- ♦ Debarring from exams
- ♦ Debarring from holding posts
- ♦ Expulsion
- ♦ Denial of admission
- ♦ Any other relevant mechanism



### **C. In the case of third party harassment/outsider harassment, or harassment by service provider the Centre/University authorities may issue:**

- i) a warning, reprimand, or censure.
- ii) a letter communicating his misconduct to his place of education, employment or residence.
- iii) a declaration of the campus as out of bounds for him, and/or a bar on appearing for the entrance examination/ interview to any programme of study offered by the University.
- iv) a letter for withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services on the campus.

The person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant

Any other action, as may be necessary.

### **3). Penalty in case of a second offence**

A second or repeated offence, may, on the recommendation of the Internal Complaints Committee Against Sexual Harassment concerned, attract an enhanced penalty.





## Important Links

**Policy:** <http://ignou.ac.in/userfiles/ICASH.pdf>

**Proforma:** <http://ignou.ac.in//userfiles/proforma%20ICASH.pdf>

**CASH Committees:** <http://ignou.ac.in/userfiles/CASH%20-%20Nofification.PDF>

**GoI Handbook:** [http://ignou.ac.in//userfiles/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace\(1\).pdf](http://ignou.ac.in//userfiles/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace(1).pdf)

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