



# NETAJI SUBHAS OPEN UNIVERSITY

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Memo No. 06/4736

Date: 15.09.11

## Notice

In pursuance of the Supreme Court Mandate and UGC Directive, Netaji Subhas Open University has constituted **Women Harassment Prevention Cell** on 07.09.2011 to deal with the complaints of sexual harassment of women in the University. This Cell is duly approved by the Hon'ble Vice Chancellor, Netaji Subhas Open University. The members of the Cell are following:

- Professor Kajal De, Chairperson
- Dr. Chandan Basu, Member
- Smt. Anamika Das, Convenor
- Smt. Indrani Sinha, Member
- Smt. Nilanjana Chatterjee, Member
- Shri Sarbajit Chowdhuri, Member

In its first meeting held on 07.09.2011 the Cell has prepared a **Guideline** for the prevention of sexual harassment in the work place. This guideline is attached with this letter.

All the heads of the departments are hereby requested to make the employees of the concerned department aware about the **Guideline**.

Cooperation of all is earnestly solicited in this regard.

**Professor Kajal De,**  
Professor of Mathematics &  
Chairperson, Women Harassment Prevention Cell, NSOU

Encl: Copy of Document entitled "Prevention of Sexual Harassment of Women at the Work Place."

Copy to:

1. The Registrar (acting)
2. The Director, Study Centre
3. The Finance Officer (acting)
4. The Controller of Examinations (acting)
5. Director, School of Humanities & Social Sciences
6. Director, School of Sciences
7. In-charge, Non-conventional Courses
8. Regional coordinator, Kalyani Campus
9. Station Manager, Gyan Vani
10. P.A.to V.C.

## Prevention of Sexual Harassment at the Work Place

The Women Harassment Prevention Cell (hereafter WHPC) is constituted in the Netaji Subhas Open University (NSOU), 1 Woodburn Park, Kolkata – 700020 in order to deal with the complaints of sexual harassment in the University. It promotes the Right to Equality as mentioned in the Constitution of India in the work place.

This document is a clear and articulated expression of the guiding principles of functioning of the WHPC in Netaji Subhas Open University. The guiding principles are following:

1. Assist the WHPC in its functioning.
2. Sensitize all the departments of the University about the Constitutional Rights and Supreme Court Mandate of prohibition of gender discrimination and sexual harassment at work place.
3. Inform all employees of the Netaji Subhas Open University about functioning of the WHPC.
4. This document includes the objective, definitions, functions, complaint redressal procedures, punitive action, disqualification, tenure, meeting and ethical responsibilities of the WHPC of the University in the work place.

### **Objective**

The WHPC is constituted with the following objectives:

1. Prevent gender discrimination and sexual harassment by promoting gender amity amongst all employees of NSOU.
2. Make recommendations to the Vice Chancellor/Executive Council to change/modify/ elaborate the rules, orders and circulars of NSOU to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of sexual harassment by and of NSOU employees.
3. Deal with the cases of sexual harassment, in a time bound manner, to extend quick support to the victimized and termination of harassment.
4. Recommend appropriate punitive action against the guilty party to the Vice Chancellor/Executive Council.

### **Definitions**

The WHPC defines that the gender differences are social and cultural constructions, evolved historically, and nothing to do with the biological differences between man and woman. It further expresses that it goes against equality in the relationship between man and woman. At

the work place, the gender discriminations are effects of the gender differences producing unequal relationships and sexual harassment of the women.

### ***Sexual Harassment***

According to the Supreme Court Judgment, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implications), such as the following:

- Physical contact and advances
- A demand or request for sexual favours
- Showing pornography
- Any other unwelcome, physical, verbal or non-verbal conduct of sexual nature.

The Judgment further states that "Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension, that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary whether any Government, public or private enterprise, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory, for instance, when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment that adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto".

According to the Code of Conduct at Work Place prepared by the National Commission for Women in 1998, sexual harassment includes such unwelcome sexually determined behaviour by any person either individually or in association with other persons or by any person in authority, whether directly or by implications, such as the following:

- Eve Teasing
- Unsavoury remarks
- Jokes causing or likely to cause awkwardness or embarrassment
- Innuendos and taunts
- Gender based insults or sexist remarks
- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and/or sms, mms, e-mail and the like
- Touching or brushing against any part of the body and the like
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings
- Forcible physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy

### ***Gender amity***

Gender amity includes gender sensitivity and gender justice.

### ***Gender sensitivity***

is awareness and insight into the state of the other sex, with reference to historical roots of sexist stereotyping, discrimination and violence. It leads to empathy, which is the expression of placing of credence on what women feel and experience. Gender sensitivity helps to develop non-judgmental attitude to women. It leads to acceptance or appreciation of the individuality and dignity of women.

### ***Gender justice***

is ensuring sexual equity and equality, non-hierarchy and non-discrimination, and protective safeguards.

### ***Employees***

means any person employed by the NSOU, inclusive of academic staff, officers, non-teaching staff and persons appointed in temporary, part-time, honorary, visiting, ad-hoc, contractual or casual capacity.

### ***Victim***

- Complainant

### ***Accused***

- Alleged Perpetrator

### ***Work Place***

The work place means all the existing campuses of NSOU (and the future campuses) explicitly mentioned in the website of NSOU, that is, [www.wbnsou.ac.in](http://www.wbnsou.ac.in). It does not include the study centres as these are part of separate authorities like under graduate college or other academic bodies. Consequently the learners and the employees of the study centres do not come under the purview of the instant WHPC.

### ***Functions***

The main functions of the WHPC are

1. Deal with the cases of sexual harassment at work place.
2. Promote the awareness of the women employees about the gender amity and right to equality as directed by the Constitution of India and Supreme Court verdict.

3. Sensitize about the right of the women employees in the work place to all the departments of NSOU through seminar, workshop, symposia, interactive radio counseling, posters and all other applicable methods time to time.
4. Documenting the rules, orders, mandates, verdicts etc regarding the right to equality and prevention of sexual harassment against the women time to time.

### **Complaint Redressal**

#### ***Procedure for the Complaint***

- A complaint of gender discrimination/sexual harassment may be lodged with WHPC through the stipulated e-mail id [whpc.nsou@gmail.com](mailto:whpc.nsou@gmail.com) of the Cell or complaint may be dropped in the 'Drop Box' available in the NSOU Headquarter, 1, Woodburn Park, Kolkata – 20 in writing by the complainant.
- Under special circumstances an individual, who may be a friend/colleague/teacher/parent of the complainant, may make a written complaint on behalf of the complainant.
- Any complaint to the WHPC may be addressed to the Chairperson of the WHPC. If a written complaint is made to the Director, Registrar or any of the WHPC members, the complaint shall be forwarded to the Chairperson of the WHPC.

#### ***Immediate Action***

- The member of the WHPC, to whom the complaint has been made, should immediately provide initial support and consultation to the victim.
- On receipt of the written complaint, the WHPC shall initially try to resolve the dispute through informal discussions. However, if the dispute cannot be resolved through such means, an Enquiry Committee shall be set up by the WHPC Chairperson preferably within the next ten working days. The Enquiry Committee thus set up will consist of at least three persons from the WHPC, co-opting other members from NSOU, or outside NSOU, if necessary. At least 50% members of this WHPC shall be women. The Enquiry Committee will be headed by a woman and will have one outside member (preferably a member of NGO).
- During the pending enquiry, the complainant shall be protected against the accused. If the complainant and the accused are both employees, either may be temporarily transferred. If the accused is an outsider, he/she may not be allowed to enter the Institute, during this period.
- The victim may be referred to a lawyer, doctor and/or a counsellor, if necessary.

#### ***Procedure for the Enquiry***

- The Enquiry Committee shall investigate into the issue, by laying down its own procedure, to find out if the accused is prima facie guilty and the nature and extent of the guilt. It shall interview the complainant, the accused and others related to the case, and

investigate relevant documents or evidence that may be referred to. Determining what constitutes sexual harassment will depend upon the specific facts and circumstances of each case. The Enquiry Committee may consult a lawyer, doctor and/or a counsellor, as the need may be.

- The Enquiry Committee shall submit its report to the WHPC Chairperson within four weeks of its appointment. In case the enquiry has to be extended beyond this period, the Enquiry Committee may give reasons for the delay in writing to the Chairperson of the WHPC.

### ***Procedure for Redressal***

- If there is a prima facie case against the accused, the WHPC may recommend immediate suspension till the person is proved innocent or the issue is settled.
- Efforts must be made to resolve the dispute through counselling and mediation.
- In case the accused is found guilty, the WHPC may recommend appropriate punitive action (see below) to be undertaken by the Executive Council.
- Whenever appropriate, the WHPC will refer the victim (complainant) to a lawyer to lodge a complaint with the concerned police station. The complainant shall then keep the WHPC informed about progress with the complaint.
- The victims of sexual harassment should have the option to seek transfer of the perpetrator or her own transfer.
- The WHPC may submit its report to the Vice Chancellor within eight weeks after the date of receipt of the complaint. In case the enquiry has to be extended beyond this period, the Chairperson of the WHPC shall give the reasons for the delay in writing to the complainant.
- The Vice Chancellor may discuss his/her plan of punitive action against the guilty party with the WHPC. The Cell may request the Vice Chancellor to take the final decision at the earliest.
- A copy of the Vice Chancellor order (or an action taken report) of the punitive action to the perpetrator may be given to the complainant/victim.
- The complainant shall have the right to appeal to the Executive Council if she is not satisfied by the action taken by the Vice Chancellor.
- Nothing in these guidelines shall preclude anybody from simultaneously lodging a complaint with the police in respect of any act amounting to an offence under the law.

### **Punitive Action**

An employee guilty of sexual harassment shall be liable to give a written apology to the victim and any of the following punitive actions:

- *Suitable censure/warning.*
- *Withholding of increments.*
- *Reduction to lower service, grade or post.*
- *Compulsory retirement.*
- *Removal from service, or*
- *Dismissal from service.*

## **Disqualification**

A person shall be disqualified from being nominated to the WHPC if there is a complaint of gender discrimination/sexual harassment against him.

## **Tenure**

The Tenure of WHPC will be three years.

## **Meeting**

The WHPC on principle shall meet twice a year. The meeting will be called by the Convener and chaired by the Chairperson. However the Chairperson may instruct the Convener to call for meeting in any time. The Convener will take the minutes and circulate it among the other members. There shall be a notice of clear seven working days to call for a meeting. However in case of emergency the Convener in consultation with the Chairperson may call for a meeting. Any member of the WHPC may also request to the Convener and/or Chairperson to call for a meeting in writing in case of emergency.

## **Ethical Responsibility**

The WHPC bears the ethical responsibility of all complaints and victims of sexual harassment in the work place and does its best to provide justice in a time bound manner to the complainants to best of its ability.