



PATUCK-GALA COLLEGE OF COMMERCE

POSH Policy - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Introduction

Patuck-Gala College of Commerce is firmly committed to fostering a safe, respectful, and inclusive environment for all members of its community. Recognizing the right of every individual to work and learn in an atmosphere free from discrimination and harassment, the College has framed this *Policy on Prevention of Sexual Harassment (POSH)* in accordance with *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. The Policy seeks to ensure that all staff and students are treated with dignity and that their physical and emotional well-being is safeguarded. It establishes a transparent mechanism for prevention, reporting, and redressal of sexual harassment incidents at the workplace and campus. Through this initiative, the College reaffirms its zero-tolerance stance towards any form of sexual harassment. The Policy extends to all employees and students, including visiting faculty, interns, and contractual staff. The document further elaborates on the procedures, responsibilities, and institutional mechanisms to handle complaints effectively. Overall, the Policy serves as both a preventive and corrective framework to promote gender equity and mutual respect within the institution.

Objectives

The objectives of this Policy are to:

- Ensure compliance with *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* and related rules.
- Provide every woman at the workplace with a safe, secure, and dignified environment.
- Promote awareness and understanding among staff and students regarding sexual harassment and gender sensitivity.
- Establish a clear and accessible system for lodging and addressing complaints of sexual harassment.
- Ensure timely redressal of complaints through fair and confidential procedures.
- Prevent any form of victimization or retaliation against complainants or witnesses.
- Reinforce the College's commitment to equality, human rights, and professional integrity.



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Applicability

This Policy statement and the rules and procedures made hereunder is applicable to all staff members (regular / temporary/ contractual / full-time / part-time / visiting) and the students associated with Patuck-Gala College of Commerce.

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Definitions

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal, and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related/ academic threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a woman's appearance, age, private life, etc.
- Sexual comments, stories, and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the staff/ student
- Sending sexually explicit messages (by phone or by email)



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Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering

Patuck-Gala College is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. The College operates a *zero-tolerance policy* for any form of sexual harassment in the Institution, treat all incidents seriously and investigate all allegations of sexual harassment. Any staff/student found to have sexually harassed another will face disciplinary action, up to and including dismissal from the Institution.

All sexual harassment is prohibited whether it takes place within Patuck-Gala College premises or outside, including at social events, educational trips, training sessions or conferences sponsored by the College.

Procedures for Resolution, Settlement or Prosecution of Acts of Sexual Harassment:

Manner of Complaint of Sexual Harassment

1. Any aggrieved female staff member/ adult student may make, in writing, a complaint of sexual harassment at the College campus to the Internal Committee (IC) 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. The aggrieved can file a complaint against any student, staff and/ or Management member, whoever has sexually harassed.
2. The complaint can be e-mailed to ic@patuck.edu.in
3. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee, as the case may be, shall render all reasonable assistance to the staff member/ student for making the complaint in writing.
4. Provided further that the Committee for the reasons to be recorded in writing extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the the staff member/ student from filing a complaint within the said period.



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5. Where the aggrieved female staff member/ adult student is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

- The IC may, before initiating any inquiry and at the request of the aggrieved female staff member/ adult student take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived at, the IC shall record the settlement so arrived and forward the same to the Principal and the Board Members of the College for the purpose of record and reference.
- The IC shall provide the copies of the settlement as recorded to the aggrieved and the respondent.
- Where a settlement is arrived at, no further inquiry shall be conducted by the Committee. Provided that where the aggrieved informs the Committee, as the case may be, that any term or condition of the settlement arrived at has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Proceedings of the Inquiry

- (i) The IC will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, IC will record this finding with reasons and communicate the same to the complainant.



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- (ii) If the IC determines that the allegations constitute an act of sexual harassment, investigation into the case will be initiated.
- (iii) Both the parties, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- (iv) Where such conduct on the part of the accused amounts to a specific offence under the law, the College shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- (v) At the time of the conduct of the inquiry, the IC shall consider the impact of sexual harassment on the aggrieved and not the intention of the respondent.
- (vi) The IC shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Principal and the Board Members of the College.
- (vii) For the purpose of making an inquiry as mentioned above, the IC 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: -
 - a) summoning and enforcing the attendance of any person and examining him on oath;
 - b) requiring the discovery and production of documents; and
 - c) any other matter which may be prescribed.
- (viii) The aforesaid inquiry shall be completed within a period of ninety days.

Action that may be taken by the IC during pendency of the Inquiry

During the pendency of an inquiry, on a written request made by the aggrieved staff member/ adult student, the IC may take the following actions:-

- a. grant leave to the aggrieved up to a period of three months; or
- b. grant such other relief to the aggrieved as may be prescribed.



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Inquiry Report and Action

- (i) On the completion of an inquiry, the IC shall provide a report of its findings to the Principal and the Board Members of the College within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- (ii) Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, then no action is required to be taken in the matter.
- (iii) Where the IC arrives at the conclusion that the allegation against the respondent has been proved, it may recommend the following actions depending upon the circumstances to the Principal and the Board Members of the College:
 - a. Formal apology
 - b. Counselling
 - c. Written warning to the Respondent and a copy of it maintained in the employee's file.
 - d. Change of work assignment / transfer for either the Respondent or the Complainant.
 - e. Suspension or termination of services of the employee found guilty of the offence
 - f. Granting of compensation or damages to the Complainant

The Principal and Board Members are required to take action in 60 days from the date of recommendation by the IC.

False or Malicious Complaint

- (i) Where the IC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved or any other person making the complaint has made the complaint knowing it to be false or the aggrieved or any other person making the complaint has produced any forged or misleading document, the complainant shall, be liable for appropriate disciplinary action by the Principal and the Board Members.



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Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further 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

- (ii) Where the IC 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 Principal and Board Members to take necessary actions in this regard.

Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- reduction in emoluments
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

Compensation

For the purpose of determining the sums to be paid by the respondent, if any to be paid to the aggrieved staff/ student, the IC shall consider the following while arriving at the compensation:

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- ii. the loss in the career opportunity due to the incident of sexual harassment;
- iii. medical expenses incurred by the victim for physical or psychiatric treatment



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Implementation of this Policy

The College will ensure that this Policy is widely disseminated to all relevant persons. It will be posted on the College website. Every year, the College will require all its staff members and students to attend a training (refresher)/ orientation on the content of this Policy.

Internal Committee

The Internal Committee of the College is formed to govern the Policy.

Composition

The composition of the Committee is as under:

1. Presiding Officer – Senior faculty
2. Two faculty members
3. Two non-teaching teaching members
4. Student representatives from each Program
5. External Member – from NGO

Tenure

The tenure of the Committee is for three years.

Functions

- 1) To comply with the provisions of the PoSH Act, 2013.
- 2) To organize sessions on gender sensitization for the students and staff.
- 3) To create awareness on prevention of sexual harassment at the campus.
- 4) To acknowledge cases of sexual harassment and provide redressal.
- 5) To conduct quarterly meetings of IC members.
- 6) To maintain all the necessary records of the meetings and the cases.



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Confidentiality

The College understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

Any person involved in the investigation process, who breaches the confidentiality clause may face strict disciplinary action.

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