



Vidya Vikas Education Trust's

# Lords Universal College of Law

(Permanently Unaided | Affiliated to University of Mumbai | Recognized by Bar Council of India)  
Gujarati Linguistic Minority Institution

## POSH POLICY, IMPLEMENTATION MANUAL & INTERNAL COMMITTEE

*(Prevention of Sexual Harassment of Women at Workplace — Policy, Procedure & College Action Plan)*

### 1. Introduction

Sexual harassment at the workplace undermines dignity, equality and the right to work in a safe environment.

The Internal Committee (IC) is constituted by an Institution under section 4 of the University Grants Commission (*Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions*) Regulations, 2015. The Committee has to function as a Grievance Redressal Mechanism to address all complaints of Sexual Harassment by women students, employees and all other staff in the campus.

#### **What constitutes Sexual Harassment?**

Under Section 2(n) of the **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (hereafter “POSH Act” or “the Act”); sexual harassment means any unwelcome sexually determined behavior (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours, sexually coloured remarks, showing pornography, or any other unwelcome physical verbal or non-verbal conduct of a sexual nature.

- Sexual harassment is a form of violence against women and a human rights violation. It is a violation of fundamental rights as laid down in the Indian Constitution. Such behaviour transgresses common dignity and gender equality and denies equal opportunity.
- Sexual harassment creates an intimidating, hostile, offensive and therefore stressful working environment.
- The first principle of sexual harassment is that it is against the consent of the person concerned.
- This may occur in public with open and even boastful sexist attitudes, comments and behaviour, or only in private, when the aggressor is alone with the victim.

The 2013 Act has been built on the **Vishaka guidelines** (issued by the Supreme Court in case of *Vishaka and others v. State of Rajasthan (1997)*) by adding that the following acts may also amount to sexual harassment:

- creating an intimidating, offensive or hostile learning environment
- presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment;
- threat of detrimental treatment in employment;
- threat about present or future employment;
- interference with work or creating an intimidating or offensive or hostile work environment; or humiliating treatment likely to affect the woman employee's/ student's health or safety.

Though all women and some men can be the targets of sexual harassment, long standing experience of ICCs makes it evident that vulnerability can be compounded, by region, caste, class, sexual orientation, minority identity and by being differently abled.

The Act aims to provide a comprehensive mechanism for the prevention, prohibition and redressal of sexual harassment at all workplaces, including educational institutions such as colleges and universities.

This charter sets out a model POSH Policy as it explains legal foundations, definitions, reporting and inquiry procedures, interim measures, training and awareness, record-keeping, monitoring, and an implementation roadmap that a college should adopt to comply with the law and protect its students, staff and other stakeholders. The policy balances legal compliance with practical steps to create an inclusive and safe campus environment.

**2. Scope:** This policy applies to:

- All students, faculty, administrative staff, contract staff, visiting scholars/students, ad-hoc employees, vendors, contractors, guests, and any person present on campus.
- Conduct on campus, during college-related activities off campus, on official transport, or arising from college-related and or digital/online interactions (emails, social media groups, messaging) when connected to college.
- Redress victims — while the Act specifically addresses sexual harassment of women, the college commits to address harassment affecting any person and to provide support irrespective of gender.

### 3. Key Definitions (as per the Act)

- **Aggrieved Woman:** A woman, whether an employee or not, or a student, who alleges to have been subjected to sexual harassment. In the college context, this includes students, visiting scholars and employees.
- **Employee:** Any person employed for any work at the college — full-time, part-time, contract, daily-wage, volunteer, trainee, or called by any other name.
- **Employer:** The college authority — principal, director, or other head responsible for management and supervision. For hostels and affiliated/dwelling places where domestic workers are employed, the responsible person is included.
- **Workplace:** College buildings, hostels, libraries, sports centres, transportation arranged by the college, online platforms used for college purposes, and any site where college-related activity occurs.
- **Sexual Harassment:** Unwelcome physical contact; demand or request for sexual favours; sexually coloured remarks; showing pornography; any unwelcome physical, verbal or non-verbal conduct of sexual nature. Contextual acts include threats, promises relating to employment/studies, creating hostile environments or humiliating treatment likely to affect health or safety.

### 4. Institutional Structure: Internal Committee[IC]

#### 4.1 Composition of IC as given in UGC Regulations 2015 [ u/s 4]:

a. A Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution, nominated by the Executive Authority;

- Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o);

- Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;

b Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;

c. Three students, if the matter involves students, who shall be enrolled at the undergraduate courses respectively, elected through transparent democratic procedure;

d. One or more member/s from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

2. At least **one-half of the total members** of the IC shall be **women**.

3. **Persons in senior administrative positions in the HEI**, such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., **shall not be members of IC in order to ensure autonomy of its functioning**.

4. The **term of office** of the members of the **ICC shall be for a period of three years**. HEIs may also employ a system whereby one -third of the members of the ICC may change every year.

5. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.

#### **4.2. Responsibilities of the IC (Section 5):**

- Ensure that a fair dispute/ complaint and dialogue procedure is carried forward which does not undermine the complainant's rights and also minimize the need for purely punitive actions which may cause further resentment, alienation and violence

- Protect the identity of the complainant and also provide safe spaces like relaxation of attendance or transfer of employee to another department till the pendency of the hearing

- Ensure protection of complainant and witnesses for prevention of discrimination and intimidation in any manner

- Ensure prohibition of retaliation and adverse action against the protected individual (complainant)

- Provide aid to the student or employee if an aggrieved person wants to file a complaint to the police (under BNS section 79).

- **Timeline:** Inquiry to be completed within 90 days and recommendations acted on within 60 days.

## **5. Reporting & Grievance Redressal**

**5.1 How to lodge a Complaint:** Aggrieved person may submit grievance in writing to IC (by email, physical submission or via designated portal). If unable due to incapacity or death, legal heir or authorized person may file. The grievance / complaint should be made within 3 months of the incident, or within 3 months of the last incident in cases of recurring acts; however, the IC may extend timelines for valid reasons.

**5.2 Contents of Complaint:** Name and contact details of aggrieved person (if comfortable), respondent's name and designation, date/time/location of incident(s), description of conduct, any witnesses, documentary or electronic evidence, relief sought.

**5.3 Alternate Modes:** If the aggrieved person requests confidentiality, the IC will take steps to protect identity. Where a complainant prefers not to file a formal complaint, IC may offer other support (counselling, mediation — see conciliation rules).

## **6. Conciliation**

Conciliation is permitted only at the request of the aggrieved woman before initiating formal inquiry. Monetary settlement cannot be the basis of conciliation. If settlement is reached, IC will record it and forward it to the employer; upon settlement, no further inquiry will be conducted. Copies of settlement must be provided to the parties.

## **7. Procedure for the IC:**

*Once a complainant files a written complaint the ICC needs to undertake the following procedure:*

1. The Presiding Officer should meet the complainant to explain the procedure of the IC and also ask for any witnesses and evidence that she may want to bring for the hearing.

2. The IC meeting day, date and timing are decided based on the convenience of the external member and the complainant.

### **3. Set up the Committee in the following manner:**

1. If the complaint is by a staff against a faculty, then the IC has to have representative members from the staff, faculty (*women*) and the external member

2. If the complaint is by student against a staff member then the IC has to include student representatives

3. If the complaint is of a faculty against the staff IC composition will be similar to (a)

4. At no point of time the male members will be more than women members in the IC. It is imperative that at least half of the members are women.
5. Share the copy of the complaint with the respondent, inform the day, date, time & venue of the hearing, give time of 10 days to prepare his defense and also ask him to submit documents, names and contact details of witnesses.
6. The respondent should be asked to come for the IC hearing after having met the complainant, examined all evidence provided by her and heard her witnesses.
7. All narratives by complainants, respondents and witnesses during the process should be recorded and signatures taken on that day itself hence each IC needs to ensure that all required equipment is available during the proceedings.
8. A final report of the entire proceedings should be prepared after the hearing and recommendations finalized with all members of the IC. The final report should have signatures of all members.
9. The copy of the recommendations should be sent to both the complainant and the respondent for their information. Both parties can appeal (Sec 8 (3)) to the Higher authorities in case they are unhappy with the recommendations.
10. The final report is to be submitted by the IC to the HEI on campus and to the Director / Higher Authority.
11. In case the Director or HEI wants to reduce the actions recommended they would need to send a formal letter to the IC members, complainant and respondent explaining the reasons for the same (Sec 8 (6)).
12. The final action taken notification shall be shared with both the complainant and the respondent officially either through email or by post by the Higher Authority i.e., the Director's Office in case of Mumbai campus and Deputy Directors in case of the off - campuses.
13. The IC shall adhere to principles of natural justice in conducting the inquiry.
14. Any person aggrieved by IC's recommendations, or by non-implementation of such recommendations, may appeal as per service rules or to courts/tribunals as prescribed [Section 18 of POSH Act, 2013]. Appeals should be filed within 90 days of the recommendations. The college must share required documents to facilitate appeal proceedings.

## **8. Interim Measures & Reliefs**

During inquiry, IC may recommend:

- Transfer of aggrieved person or respondent to other duties/locations to avoid contact;
- Grant leave or extended leave to aggrieved person (in addition to entitled leave);
- No adverse action against the complainant for filing complaint;
- Counselling, medical support, security arrangements;
- Temporary changes to class schedules, mentoring or exam accommodations where needed.

Employers/colleges must implement interim reliefs promptly to ensure safety and dignity during the pendency of inquiry.

**9. Disciplinary Action:** If allegations are proved, IC may recommend:

- Disciplinary action under service rules (warning, censure, withholding promotion/increment, suspension, termination).
- Deduction from respondent's salary/wages as compensation to the aggrieved woman (as determined by IC).
- Where salary deduction is not possible due to termination/absence, the IC may direct respondent to pay; failure to pay may lead to recovery as arrears of land revenue.
- Action must be implemented by the employer within 60 days of receiving IC recommendations.

**10. False or Malicious Complaints:** If IC finds a complaint false or malicious, or based on forged/misleading documents, IC may recommend action against the complainant [section 14 of POSH Act 2013] in accordance with service rules. Mere inability to substantiate a complaint does not automatically attract action against the complainant. The malicious intent must be established after inquiry.

**11. Confidentiality & Non-Publication:** All aspects of the complaint and inquiry — identity of parties, witnesses, documents and recommendations — are confidential. Publication of such details by the college, press, or media is strictly prohibited and may attract legal consequences. The college must ensure strict controls over disclosure and communication.

**12. Duties & Obligations of the College (Employer):** The college must:

1. Provide a safe environment across all campus locations and activities.
2. Constitute IC in writing with prescribed composition; display IC composition conspicuously.
3. Organize periodic training and awareness for students, faculty, staff and security personnel.
4. Assist aggrieved persons to file complaints under BNS or other laws if desired.
5. Treat sexual harassment as misconduct in service rules and take prompt action.
6. Maintain records, annual reports, and ensure timely submission of IC reports to District Officer.
7. Monitor implementation of IC recommendations and ensure non-retaliation.

**13. Training, Awareness & Preventive Measures:** Training and awareness are central to prevention:

- Induction training for new students, faculty and staff covering POSH policy, reporting channels, and rights.
- Annual refresher sessions and targeted training for IC members (investigation skills, trauma-informed interviewing, gender sensitization).
- Workshops and seminars for supervisors, hostel wardens, security, counselors.
- Public displays: Notices, posters, contact details of IC, helpline numbers, and short codes in common areas.
- Online modules: e-learning for remote participants and documented completion records.

**14. Annual Report & Record-Keeping**

- IC must prepare an annual report in prescribed form and submit it to the employer and District Officer.
- Employer must include a summary of complaints and disposal in institutional annual reports, or if there is no annual report, inform the District Officer.
- Records to be maintained: complaint forms, inquiry proceedings, minutes, evidence, settlement agreements, recommendations and follow-up actions. Retention must be secure and for a period mandated by law/regulation.

**15. Penalties for Non-Compliance**

Failure to comply (e.g., not constituting IC, not acting on recommendations, contravening rules) can attract fines (up to ₹50,000), higher penalties for repeat offences, and potential cancellation/withdrawal of license or registration. The college must ensure strict compliance to avoid penalties.

## **16. Implementation Roadmap for the College (Practical Steps)**

### **Phase 1 — Policy Adoption (0–1 month)**

- Approve POSH policy via college governing body.
- Publicly display policy and IC contact details.
- Issue notice explaining rights and complaint channels.

### **Phase 2 — IC Constitution & Capacity Building (1–2 months)**

- Constitute IC in writing, notify staff and students.
- Appoint external member/s and set honorarium.
- Provide training to IC members (investigation, confidentiality, trauma-informed approach).

### **Phase 3 — Awareness & Training (2–6 months, ongoing)**

- Conduct campus-wide sensitization: orientation, workshops, posters, digital campaigns.
- Specialized training for hostel staff, bus drivers, security and mentors.

### **Phase 4 — Reporting Systems & Record-Keeping (2–3 months)**

- Set up multiple complaint channels: email, physical form, online portal, helpline.
- Develop secure storage for records, restrict access.

### **Phase 5 — Mock Exercises & Review (6–9 months)**

- Conduct mock inquiry and tabletop exercises to test procedures.
- Revise SOPs based on feedback.

### **Phase 6 — Annual Review (Yearly)**

- IC submits annual report; governing body reviews policy effectiveness and updates.
- Publish anonymized statistics and action points for transparency.

## **17. Monitoring, Review & Good Practices**

- Independent audits: Periodic external review of compliance and training outcomes.
- Feedback mechanism: Anonymous campus survey to gauge perceptions and incidents.
- Data-led response: Use anonymized trends to guide focused interventions (e.g., high-risk areas or times).
- Victim-centred approach: Prioritize safety, privacy and choice; enable counseling and academic/employment accommodations.
- Community engagement: Student groups, women's cells and clubs to co-create preventive initiatives.

## 18. Role of Key Stakeholders

- **College Governing Body / Management:** Ensure resources, policy adoption, and enforcement.
- **Principal / Head of Institution:** Overall accountability for safety and compliance.
- **IC:** Independent, impartial inquiry and recommendations.
- **Faculty & Staff:** Model respectful behaviour, report violations, complete training.
- **Students:** Participate in awareness; report incidents and support peers.
- **Security & Hostel Staff:** Implement safety measures, patrol, and report suspicious behaviour.
- **Counsellors:** Provide trauma-informed support, available confidentially.

**19. Concluding Note:** The legal machinery provided by the POSH Act (2013), together with the principles from *Vishaka Case*, obliges colleges to act proactively and transparently. This manual provides a practical roadmap to meet those obligations and to build a safer campus for all.

**20.Table - Composition of the Internal Committee:**

<b>Name</b>	<b>Email</b>	<b>Phone Number</b>
<b>1. Dr. Savita Mancherekar (chairperson)</b>	savita.manchekar@universal.edu.in	9819206967
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<b>5. Geeta Nandgaonkar (Member)</b>	geeta.nandgaonkar@universal.edu.in	7021686654
<b>External Experts (NGO's / associations committed to cause of women)</b>		
<b>1. Mrs. Preeti Chatterjee [Advocacy &amp; Capacity Building HOD – Educational Partnerships], The Movement India</b>	preetichatterjee2223@gmail.com	9867977961
<b>Student Representatives</b>		
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