

Policy on Prevention of Sexual Harassment at Workplace

Last Updated On: 2025-09-12

1. Preamble & Commitment

PATAN COLLEGE FOR PROFESSIONAL STUDIES (hereafter known as “PCPS College”, “we”, “our”, “us”) is committed to providing a safe, respectful, and inclusive work environment for all its employees, free from any form of discrimination, intimidation, or harassment. We have a zero-tolerance policy towards sexual harassment.

This policy is framed in accordance with and in adherence to the laws of Nepal, particularly the **Sexual Harassment at Workplace (Prevention) Act, 2071 (2015)** and the **Sexual Harassment at Workplace (Prevention) Regulation, 2072 (2016)**. The objective is to promote a positive work culture, ensure the dignity of all individuals, and provide a clear mechanism for the resolution of complaints.

2. Definition of Sexual Harassment

Sexual harassment includes any unwelcome act, behaviour, or conduct of a sexual nature, whether verbal, non-verbal, physical, or visual, that:

- Creates an intimidating, hostile, or offensive work environment.
- Interferes with an individual's work performance.
- Is used implicitly or explicitly as a basis for employment decisions (e.g., hiring, promotion, termination).

Such behaviour is unacceptable whether it is a single severe incident or a series of persistent pervasive acts.

Examples include, but are not limited to:

- **Physical:** Unwanted touching, hugging, kissing, assault, or blocking movement.
- **Verbal:** Unwelcome sexual advances, requests for sexual favors, sexually colored remarks, jokes, comments about a person's body or clothing, whistling.
- **Non-Verbal:** Staring, leering, displaying sexually suggestive objects, pictures, posters, or emails.
- **Quid Pro Quo ("This for That"):** Making submission to sexual conduct a condition of employment, promotion, salary increase, or threatening detrimental action if sexual advances are rejected.

3. Scope and Applicability

This policy applies to all individuals working at PCPS College, regardless of their position or employment type, including:

- Permanent, temporary, and contract employees.
- Interns and trainees.
- Consultants and contractors.
- Visitors and clients on company premises.

The policy covers conduct within the workplace, at company-sponsored events (e.g., conferences, workshops, office parties), during work-related travel, and in virtual spaces (e.g., online meetings, email, company chat platforms).

4. Internal Complaints Committee (ICC)

As mandated by the Act, PCPS College has constituted an Internal Complaints Committee (ICC) to prevent sexual harassment and to address all complaints.

Composition of the ICC:

- **Presiding Officer:** Ms. Sarala Shrestha (Head of Operations)
- **Members:** Ismaran Duwadi (Director), Laxmi Jha (HR Manager), Company Lawyer
- **External Member:** External Lawyer based on the incident

The names and contact details of the current ICC members are displayed on the contact list available to every department and reception.

5. Complaint Procedure

A. Informal Resolution (Optional)

If the complainant feels comfortable, they may choose to resolve the issue informally by:

- Clearly and firmly communicating to the harasser that the behaviour is unwelcome and must stop.
- Seeking guidance from the ICC or a trusted supervisor on how to address the situation.

B. Formal Complaint

1. **Submission:** A written complaint must be submitted to any member of the ICC within **30 days** from the date of the last incident. The complaint should detail the incident(s), including date, time, place, and any witnesses.

2. **Confidentiality:** The complaint and all related proceedings will be treated with strict confidentiality.
3. **Interim Relief:** Upon receiving a complaint, the ICC may recommend interim measures to protect the complainant during the investigation, such as temporary transfer of the respondent, paid leave, or restraining instructions.

6. Investigation Process

1. Upon receipt of a formal complaint, the ICC will initiate a fair and impartial investigation.
2. The respondent (the person accused) will be provided with a copy of the complaint and given a full opportunity to respond.
3. Both parties are entitled to present witnesses and evidence.
4. The investigation will be completed within **60 working days** of receiving the complaint, and a report with findings will be submitted to the employer.

7. Action and Consequences

Based on the ICC's findings and recommendations, management will take appropriate disciplinary action. If the allegations are proven, actions may include:

- A formal written warning.
- Mandatory counseling or training.
- Withholding of promotion or increment.
- Suspension.
- Termination of employment.
- Legal action may be pursued in cases that constitute a criminal offense under Nepalese law.

The action taken will be commensurate with the severity of the offense. Knowingly making a false or malicious complaint will also be subject to disciplinary action.

8. Protection Against Retaliation

PCPS College strictly prohibits retaliation against any individual for:

- Filing a complaint in good faith.
- Participating in an investigation as a witness or ICC member.
- Supporting a complainant.

Any act of retaliation will be treated as a serious violation of this policy and will lead to disciplinary action, up to and including termination.

9. Responsibilities of Employees & Management

- **All Employees** are responsible for understanding this policy, contributing to a respectful workplace, and reporting any observed or experienced sexual harassment.
- **Managers and Supervisors** have a heightened responsibility to model appropriate behavior, ensure their teams are aware of this policy, and promptly report any complaints or concerns to the ICC.

10. Guidance on Freedom of Speech and Academic Freedom

PCPS College upholds the fundamental importance of freedom of speech and academic freedom as pillars of higher education.

- **Protection of Academic Discourse:** Course materials, and statements or views expressed in the context of teaching, research, or academic debate, are **unlikely to amount to harassment** and are protected, even if they are controversial or challenging.
- **Limitation:** This protection does not extend to speech that constitutes unlawful harassment, incitement to violence, hatred, or is personally targeted in a way that violates an individual's dignity.

11. Policy on Prohibition of Non-Disclosure Agreements (NDAs)

Effective as of **September 2024**, PCPS College **prohibits the use of Non-Disclosure Agreements (NDAs)** or any other confidentiality clauses in settlement agreements that would prevent or restrict a student from disclosing information relating to an allegation of harassment or sexual misconduct

12. Provision for Training and Awareness

1. **Objective:** To ensure all employees understand what constitutes sexual harassment, their rights and responsibilities under this policy and the law, and the procedures for reporting and addressing complaints.
2. **Mandatory Orientation Training:**
 - a. All new employees will undergo mandatory training on this policy as part of their induction program.
 - b. This training will cover the definition of sexual harassment, examples of inappropriate behavior, the company's zero-tolerance stance, and the complaint procedure.
3. **Annual Refresher Training:**
 - a. All employees, including senior management, will be required to participate in annual refresher training sessions.
 - b. These sessions will reinforce key concepts, address new scenarios (e.g., virtual harassment), and provide updates on any legal changes.
4. **Specialized Training for ICC Members and Managers:**
 - a. ICC members will receive specialized, in-depth training on conducting sensitive and impartial investigations, legal frameworks, trauma-informed approaches, and maintaining confidentiality.
 - b. Managers and supervisors will receive additional training on their specific responsibilities in preventing harassment, recognizing early warning signs, and appropriately responding to complaints.
5. **Training Methods and Content:**
 - a. Training will be conducted through a mix of:
 - b. Interactive workshops and seminars.
 - c. Case studies and role-playing exercises relevant to the Nepali context.
 - d. E-learning modules.
 - e. Presentations by legal experts and counsellors.
6. **Record keeping:**
 - a. The Human Resources department will maintain records of all training sessions and participant attendance to ensure compliance and identify any gaps.

13. Support and Welfare Provision

Comprehensive and impartial support is available to **any staff and student** involved in an incident, including complainants, respondents, and witnesses. Support is coordinated by the HR Officer, Student Support Officer and may include:

- Confidential counselling and mental health services.
- Academic support (e.g., deadline extensions, module changes).
- Guidance and support throughout the investigatory and decision-making processes.
- Referrals to external, specialist agencies.

14. Policy Review and Communication

This policy shall be reviewed every two years, or sooner in response to legislative changes or institutional learning. The updated policy and a summary is kept at the HR Office, Student Support Office.

Acknowledgment

I have received, read, and understood the **Policy on Prevention of Sexual Harassment at Workplace** for PCPS College.

Employee Name: _____

Signature: _____

Date: _____

(This signed acknowledgment must be returned to the Human Resources Department and will be placed in the employee's personnel file.)