

# Policy on Prevention of Sexual Harassment at Workplace

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## 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.)