

**POLICY**

**ON**

**PREVENTION OF SEXUAL HARRASMENT  
AT THE  
WORKPLACE / INSTITUTIONS**

**GUIDELINES**



**THE JAIPURIA GROUP OF EDUCATIONAL INSTITUTIONS**

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*Shishir Jaipuria*

# **POLICY AGAINST SEXUAL HARASSMENT AT THE WORKPLACE**

## **I. PREAMBLE**

The Parliament of India passed the "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act," in the year 2013. The ACT provides protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto.

The guidelines explicitly state the following:

*"It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps require."*

Educational institutions are also bound by the Supreme Court's directive and the Act. **The Jaipuria Group of Educational Institutions** is committed to creating and maintaining an environment which is free of all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Following this, the institute is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction. As directed by the act we have constituted 2 committees called

1. "Internal Complaint Committee (ICC) to Prevent Sexual Harassment at the Workplace."
2. Corporate Complaints Committee (CCC) to monitor and support implementation of policy at the corporate level.

***Though the act addresses the cases of any sexual harassment against women, we at the Jaipuria group of Institutions are extending the same protection to men too.***

## **II. OBJECTIVES**

The objective of both the committees is to Prevent Sexual Harassment at the Workplace through the following mechanism:

1. To develop a policy against sexual harassment for the Institutes.
2. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the Institutes.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To uphold the commitment of the Institute to provide an environment free of gender-based discrimination.
5. To create a secure physical and social environment to deter any act of sexual harassment.
6. To promote a social and psychological environment to raise awareness on sexual harassment in its various forms.

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### III. DEFINITION OF SEXUAL HARRASMENT

According to THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT 2013, sexual harassment includes any one or more of the following **unwelcome acts or behavior** (whether directly or by implication) namely:

1. Physical contact and advances
2. A demand or request for sexual favors
3. Making sexually colored remarks
4. Showing pornography
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Any act falling under the purview of following cases will be considered as an incident of sexual harassment (Clarification of Unwelcome acts or behavior):

- a) When submission to unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made on term or condition of teaching/guidance, employment, participation, or evaluation of a person's engagement in any activity.
- b) When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature.
- c) Interfering with work or creating an intimidating, offensive, or hostile environment of the aggrieved.
- d) When a person uses the body or any part of it or any object as an extension of the body with a sexual purpose in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
- e) When deprecatory comments, conduct or any such behavior is based on the gender identity/sexual orientation of the person and/or when the premises or any public forum of the institute is used to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.
- f) When a person shows any humiliating treatment that is likely to affect health and safety of the aggrieved.
- g) Teaching activities or explanation of various issues related to fertility, reproductive health and other research topics in a scientific manner will not be considered as harassment.

### IV. JURISDICTION

The policy and the rules & regulations would apply to all students, faculty and non-teaching staffs on active roles of the institutions. The policy and the rules & regulations would also apply to service providers and outsiders who may be within the territory of the institute at time of commission of the act coming under the purview of the policy.

1. The policy would apply inside the campus but also on off-campus official duty (workshops, field work, group holidays/excursions organized by the institution.

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interviews/meeting with outside people and any other activity organized by the institution outside the campus including the period of travelling for such activity).

2. In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of sexual harassment made:
  - I. By a student against a member of the academic or non-teaching staff or a co-student or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
  - II. By a service provider or an outsider against a student or a member of the academic or non-teaching staff or by a student or a member of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

**In the above, the following definitions will apply:**

- a. Institution refers to all academic units that are under the Jaipuria group not limited to schools, under graduate, post graduate colleges of any discipline, the franchise institutions or any other academies and institutions which join the Jaipuria Group in future.
- b. Faculty refers to any person or the staff of the Institute who is appointed to a faculty position, whether full time/temporary/ad-hoc/ part-time/ visiting/ honorary or on special duty /deputation and shall also include faculty employed on a casual or project basis.
- b. Staff refers to any person in the Institute who is not included in the category of faculty. It shall also include contract workers and daily wagers.
- c. Students of the Institute include all students at the school or management institution from the junior most class onwards including the visiting students attending internship programs or holiday workshops/camps.
- d. Any other visitor refers to any person visiting library / faculty members / any other place in campus; or appearing /participating in interview/ entrance tests /seminars/ workshops/conferences.
- e. Campus refers to all places of work and residence within the Institute territory. It includes all administrative section, academic section, library & computer centre, project offices as well as hostel & mess, guest house, staff quarters, security cabin and public places, etc. within the institute's campus.
- f. Aggrieved refers to the person who alleges to have been subjected to any act of sexual harassment.
- g. Respondent refers to the person against whom the complaint has been filed.

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## V. COMPLAINTS COMMITTEE

The Group has instituted two types of Complaints Committee that is Corporate Complaints Committee (CCC at the corporate level) and Internal Complaints Committee (ICC at the Institutions level) for redressal of sexual harassment complaints (made by the aggrieved) and for ensuring time bound treatment of such complaints, in accordance with **the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. Any case at the institutional level will be raised to the ICC which will investigate and give their recommendations in the matter. The case can be escalated to the CCC if the aggrieved is not satisfied with the decision of the ICC or if the ICC does not feel equipped to handle a case at their level.

### a) Corporate Complaints Committee

SNO	Designated Position	Designation in CCC	Email id
1	Vice President - HR	Chairperson	<a href="mailto:anjali@jaipuria.edu.in">anjali@jaipuria.edu.in</a>
2	Director cum Principal - SAJS, GZB	Member	<a href="mailto:gzb.jaipuria@gmail.com">gzb.jaipuria@gmail.com</a>
3	Principal - SAJS, Kanpur	Member	<a href="mailto:sundark.g.sajskanpur@jaipuria.edu.in">sundark.g.sajskanpur@jaipuria.edu.in</a>
4	Principal - SAJS, Lucknow	Member	<a href="mailto:principallko@jaipuria.edu.in">principallko@jaipuria.edu.in</a>
5	Chairperson ICC- JIM, GZB	Member	
6	Chairperson ICC- JSB, GZB	Member	
7	General Manager - Franchise	Member	<a href="mailto:kavitamathur@jaipuria.edu.in">kavitamathur@jaipuria.edu.in</a>
8	External Consultant		

### Role, responsibilities and powers of CCC:

- Review all the cases in proceeding with ICC as they are in progress and give necessary recommendation to the ICC on the course of action.
- Will have bi annual meeting with the ICC to review the cases and judgments made.
- Will be the point of escalation for cases not resolved satisfactorily by ICC for the aggrieved.

### b) Internal Complaints Committee

SNO	Designated Position	Designation in ICC	Email id
1	Senior most female employee of the institutions	Chairperson	
2	Teaching staff (M)	Member	
3	Teaching Staff (F)	Member	
4	HR at the Institution	Member	
5	External Consultant		

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The ICC will be formed at every institution with:

- The senior most female employee of the institution will be the chairperson
- Representatives from male and female employees
- HR at the institution.
- One member of the Committees shall be from amongst non-governmental organizations or associations committed to the cause of women or person familiar with the issues relating to sexual harassment which may include any of the following:
  - (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favorable towards empowerment of women and in particular in addressing workplace sexual harassment;
  - (b) a person who is familiar with labor, service, civil or criminal law.

Both committees shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 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.

#### **Removal or Replacement of Committee members or Presiding Officer**

In the event that the Presiding Officer and / or any Member:

1. Contravenes any provisions of the Policy
2. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him / her
3. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her
4. Has so abused his / her position as to render his / her continuance in office prejudicial to public interest.

Such Presiding Officer or Member as the case may be, shall be removed from the Committee and the vacancy so created or any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the Group in accordance with the provisions of the Act.

#### **Role, responsibilities and powers of ICC:**

The committee is NOT to act as a moral police; neither will it intrude on anyone's privacy. The role of the Committee is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment, and not to curtail sexual expression within the campus. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how an "aggrieved" or "respondent" should dress up or behave) affect their functioning as members of the committee.

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### **A. Preventive**

1. To create and ensure a safe environment that is free of sexual harassment, including safety from persons/visitors coming into contact at the workplace.
2. To publicize the policy in English and Hindi widely, especially through notice boards and mailers to all.
3. To publicize the names landline phone numbers and email ids of members of the Committee.

### **B. Gender Sensitization**

Gender Sensitization involves creating awareness about issues of gender and sexuality and working towards and creating an enabling environment of gender justice where all can work together with a sense of personal security and dignity. Sensitization and Awareness will be a basic function of the Committee formed. The following is a list of methods in which awareness and sensitization of students, staff and faculty will be conducted:

1. Organizing an orientation seminar to discuss the nature and scope of the sexual harassment of women at the workplace (Prevention, Prohibition and Redressal) Act 2013, at the beginning of every academic year.
2. One or more workshops/seminars annually where external experts on the subject will interact with all employees and students
3. Seminars, performances and discussion forums where gender sensitization and gender awareness will be the focus - these will happen during the academic year.
4. Spreading awareness of the policy and implementation of the same through informal sessions, performances, cultural events, etc., about the policy being implemented by the group

### **C. Remedial**

1. The mechanism for registering complaints should be safe, accessible, and sensitive.
2. To take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend punitive action or take immediate action against the harasser, if necessary.
3. To recommend disciplinary action for any complaint registered with the Committee after the enquiry to the Director/administration/or concerned authorities and to follow-up action and monitor the same.
4. To recommend Institute to provide assistance to the complainant if s/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time-being in force.
5. To recommend the Institute to provide the medical intervention with the consent of the complainant or even without consent in such cases where the complainant is physically or mentally incapacitated to give consent.
6. To inform the administration to arrange for appropriate psychological, emotional, and physical support (in the form of counseling, security and other assistance) to the aggrieved if s/he so desires.

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## **VI. MEETINGS OF THE COMMITTEE**

- a) The members of ICC shall meet four times in a year. The Chairperson shall preside over the meeting. In the absence of the Chairperson, the Chairperson of CCC shall preside over the meeting. The Chairperson may upon the request of not less than one third of the total members of the Committee, call a meeting on a date not later than fifteen days after the receipt of such requisition. The minutes of all meetings shall be maintained internally and a copy of the same shall be submitted to CCC
  - b) The members of CCC shall meet twice a year. The meeting will be presided over by the Chairperson. In the absence of the Chairperson the meeting will be presided by a person mutually decided by the committee. The minutes of the meeting shall be maintained internally and a copy of the same shall be shared with ICC for information.
1. The quorum of the meeting of the Committee shall be at least 3 of its members.
  2. All decision in the meeting will be taken through mutual consent from the members of the Committee present in the meeting. In the case of any disagreement among the members regarding any decision, Chairperson of the Committee shall hold the authority to take the final decision

### **I. PROCEDURES FOR SETTLEMENT OR INQUIRY OF THE ACTS OF SEXUAL HARASSMENT:**

#### **A. PROCEDURE FOR INFORMAL GRIEVANCE REDRESSAL:**

When an incident of sexual harassment occurs, the victim of such conduct can communicate disapproval and objections immediately to the harasser and convey in clear terms that such behavior is not appreciated.

#### **B. PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL:**

Any employee/student with a harassment concern, who is not comfortable with the informal grievance redressal or has exhausted such options, may make a formal complaint to the Presiding Officer of the ICC constituted at the institutional level.

1. The aggrieved may make, in writing, a complaint of sexual harassment at the workplace to the ICC, within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of the last incident. The ICC will render all reasonable assistance to the aggrieved for making the complaints in writing. This time limit may further be extended for 3 months if the ICC is satisfied that there were circumstances which prevented the aggrieved from filing a complaint within the said period.
- (i) Where the aggrieved is unable to make a complaint on account of physical/mental incapacity, a complaint may be filed by -
    - (a) legal heir or family
    - (b) an officer of the National Commission for Women or State Women's Commission
    - (c) any person who has knowledge of the incident, **with the written consent of the aggrieved**
  - (ii) Where the aggrieved is unable to make a complaint on account of mental incapacity, a complaint may be filed by -
    - (a) legal heir or family
    - (b) a qualified psychiatrist or psychologist

*Q. Narayan*



(c) the guardian or authority under whose care receiving treatment **with the written consent of legal heir.**

-8-

2. The Committee, before initiating the inquiry, at the request of the aggrieved may take steps to settle the matter between both the parties through conciliation/ mutual settlement, provided that no monetary settlement shall be made as a basis of conciliation/ mutual settlement. Once such settlement has been arrived at, no further enquiry shall be conducted by the ICC. The ICC shall record the settlement so arrived and put this for necessary action through local HR. The ICC shall also provide the copies of the settlement to the aggrieved and the respondent, however the aggrieved can further refer the same to ICC for redressal if the terms or conditions of settlement have not been complied.
3. The complainant shall submit 6 (six) copies of the complaint to the ICC along with supporting documents and the names and addresses of the witnesses in writing. Alternately, the complainant can send complaint through an email. The complainant is required to disclose name, department, division and location of work/study to enable the Chairperson to contact for proceeding.
4. The ICC shall send 1 (one) of the copies received from the aggrieved to the respondent within a period of 7 (seven) working days.
5. The respondent shall file reply to the complaint along with supporting documents and names and addresses of witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of the documents. Both the parties during the course of enquiry shall be given an opportunity of being heard.
6. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the Presiding Officer, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 (fifteen) days in advance, to the party concerned. In conducting the inquiry, a minimum of 3 (three) Members of the Complaints Committee including the Presiding Officer, shall be present.
7. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
8. During the pendency of an inquiry, on a written request made by the aggrieved, ICC may Decide to:
  - i. Transfer the aggrieved or the respondent to any other location of work.
  - ii. Grant leave to the aggrieved up to a period of 3 months (over and above the entitled leave)
  - iii. Restrain the respondent from reporting on the work/academic performance of the aggrieved
9. The ICC shall complete such inquiry within a period of 90 days from the date of initiation of the inquiry and prepare final report for implementation within a period of 10 (ten) working days from the date of completion of inquiry. The recommendation of the ICC shall have to be implemented within 60 days. Such report shall also be made available both to the aggrieved and respondent. Where the ICC arrives at the conclusion that the allegation against the respondent has

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not been proved, it shall recommend to the Institute that no action is required to be taken in the matter.

#### **VII. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:**

Where the ICC arrives at the conclusion that the allegation against the respondents been proved, it shall:

- (i) take action for sexual harassment as a misconduct in accordance with the provisions of the service/institute rules applicable to the respondent.
- (ii) where no such service rules have been made, to take any action including:
  - a. Written apology
  - b. Warning
  - c. Reprimand or Censure
  - d. Withholding of promotion
  - e. Withholding of pay rise or increments
  - f. Terminating the respondent from service/rusticating from the institution
  - g. Undergoing a counseling session or carrying out community service.
- (iii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, having regard to:
  - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
  - (b) the loss in the career opportunity due to the incident of sexual harassment;
  - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
  - (d) the income and financial status of the respondent;
  - (e) feasibility of such payment in lump sum or in installments'.

Provided that in case the deduction from the salary of the respondent is not possible due to his being absent from duty, cessation of employment or in the event of the respondent being a student it may direct to the respondent to pay such sum to the aggrieved.

#### **VIII. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where the ICC 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, it may take any action against the complainant including:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the complainant from service; or
- g. Undergoing a counseling session or carrying out community service.



A mere inability to substantiate a complaint or provide adequate proof will not attract action against the complainant. Further the malicious intent on the part of the complainant shall be established after an inquiry, before any action is recommended.

#### **IX. NON-RETALIATION**

The Group will not accept, support or tolerate retaliation in any form against any employee/student who, acting in good faith, reports suspected misconduct, asks questions or raises concerns. Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.

- Retaliation against those reporting sexual harassment is prohibited by this Policy and will be treated as a major misconduct.
- Retaliation means and includes any hurtful action against an individual/s.
- Anyone suspecting or experiencing retaliation or anyone feeling that a retaliation complaint did not get a prompt response can contact the Chairperson of the CCC directly.
- Retaliation cases are treated as seriously as an alleged case of sexual harassment even if the original harassment complaint is not proven.

#### **X. APPEAL**

Any person aggrieved from the recommendations of ICC or breach of confidentiality or non-implementation of such recommendations will have to refer the case to the CCC and subsequently can appeal to the court or tribunal in accordance with the provisions of the rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force.

**XI. CONFIDENTIALITY** The contents of the complaint, the identity and addresses of the aggrieved, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC, CCC and the action shall not be published, communicated or made known to the public, press and media in any manner, however information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

#### **XII. REDRESSAL**

1. The Committee will submit a report along with recommended disciplinary actions to the DIRECTOR.
2. The Director of the THE INSTITUTION upon receipt of the enquiry report shall implement the disciplinary action on the basis of the recommendations of the Committee under relevant service rules within two months.
3. The disciplinary action will be commensurate with the nature of the violation.
4. In case the complaint is not proved, the Committee shall recommend that no action is required to be taken in the matter. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.



5. In such cases that are likely to be rare, where the Committee arrives at the conclusion that the allegation by the complainant is malicious or false with the full knowledge of the complainant or where the complainant has produced any forged or misleading document, the Committee may recommend punitive action against such COMPLAINANT.
6. If the Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend punitive action against the said witness,
7. Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour etc.
8. The victim of sexual harassment/COMPLAINANT will have the option to seek adjustments such as change of the room/location of the office room, change of the quarter, etc.
9. The Committee, in exceptional cases, can ask the institute to allow the complainant to proceed on leave for a period of up to three month (the leave will not be deducted from her leave account).
10. Grant such other relief to the complainant as may be prescribed.

### **XIII. OBLIGATIONS OF THE INSTITUTION AUTHORITIES**

1. Provide a safe working environment at the workplace which shall include safety from persons coming into contact at the workplace.
2. Display at any conspicuous place at the workplace, the penal consequences of sexual harassment, and the order constituting the THE INSTITUTION.
3. Assist the Committee to organise two or more workshops annually to sensitise the employees and students with the provisions of the Act and orientation programmes for members of the Committee.
4. Institute should organize gender orientation session/ human processing lab at the beginning of each academic session.
5. There is a need to have a counselling centre at THE INSTITUTION. At least once a week counselling services should be made available to the students on the issues of adjustment, harassment, any other issue related to education and stay at THE INSTITUTION/Mumbai.
6. The Institute through its authorities would ensure necessary facilities to the Committee and the process of an inquiry. It would assist in securing the attendance of the accused and witnesses before the Committee or its sub-committee, as the case may be. It would also make available such information to the Committee as it may require having regard to the complaint.
7. Provide assistance to the individual to file a complaint under the IPC
8. Treat sexual harassment as misconduct under the service rule and initiate action against misconduct.
9. RTIs are not applicable for sexual harassment complaints.

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**XIV. AMENDMENTS IN THE POLICY**

1. The policy will be suitably amended as per modifications in the prevailing laws.
2. In case of need, committee may amend the policy time to time.

**As per the Supreme Court of India Directive, It is mandatory to ensure safety of women at workplace**

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