Redressal, Prevention & Prohibition of Sexual Harassment at Workplace Policy

14.1 Preamble

Jaipuria Institute of Management (JIM) embodies the concept of equality and prohibits all kind of discrimination on the grounds of religion, race, caste, sex or place of birth or any of them. The objective is to create a healthy environment that enables employees to work and students to learn, grow and nurture without fear of prejudice, gender bias and sexual harassment and to be treated with dignity and utmost respect. These rules and regulations have been framed to prevent any kind of sexual harassment within Jaipuria Institute of Management campus/ office premises/Corporate Office or outside, involving its employees / students / vendors / customers / any other persons who in any form deals with the Institute.

14.2 Definitions

1. Aggrieved woman - 'Aggrieved woman' in relation to a workplace means, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

2. Employee – 'Employee' for this policy means a person employed in the institute for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer , whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name .

3. Sexual Harassment – 'Sexual Harassment' shall mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: -

   a. Physical contact and advances or

   b. A demand or request for sexual favours or

   c. Making sexually coloured remarks or

   d. Showing pornography or

   e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

   The following circumstances, among others, if it occurs or is present in relation or connected with any Act or behaviour of sexual harassment may amount to sexual harassment: -

   a. Implied or explicit promise of preferential treatment in her employment, or

   b. Implied or explicit threat of detrimental treatment in her employment, or

   c. Implied or explicit threat about her present or future employment status, or

   d. Interference with her work or creating an intimidating or offensive or hostile work

   e. environment for her, or

   f. Humiliating treatment likely to affect her health or safety

4. Employer means Director, VP - HR & Vice Chairman

5. Student means a person duly admitted and pursuing a programme of study through either regular mode or distance mode, including short-term training programmes at JIM. Provided that a student who is in the process of taking admission in JIM campus, although not yet admitted, shall be treated, for the purposes of this policy, as a student of JIM, where any incident of sexual harassment takes place against such student. Provided that a student who is a participant in any of the activities in JIM other than the Institute where such student is enrolled shall be treated, for the purposes of this policy, as a student of JIM where any incident of sexual harassment takes place against such student

6. Campus means the location or the land on which JIM campuses are located and includes institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of JIM including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps , cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or student.

7. Any term which has not been defined explicitly in this Policy, shall be construed as defined in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (WSHA, 2013).

14.3 Prevention of Sexual Harassment

No woman shall be subject to sexual harassment in the Institute.

14.4 Internal Committee (IC)

The Internal Committee, known as IC, consisting of four Members from the employees of the institute shall be constituted, out of which at least one-half of total Members of the committee including Presiding Officer shall be women. Presiding Officer is of Associate Professor or above designation/ grade.

The Presiding Officer and every Member of IC shall hold office for a period for which he or she is appointed and such period in any circumstances shall not exceed three years from the date of his / her nomination.

All members of the IC shall have one vote each and all issue at IC shall be decided by Majority vote only. If members are equally divided, then presiding officer shall have an extra or casting vote. All members of IC shall work on honorary basis.

14.5 Complaint

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at the institute to the IC within a period of three months from the date of the incident and in case of series of incidence within a period of three months from the date of the last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any other Member of the IC shall render all reasonable assistance to the woman for making the complaint in writing.

2. The IC for reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within said period.

3. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or close relative can make a complaint to the IC.

4. The IC will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.

14.6 Conciliation Proceedings

1. The IC may before initiating an inquiry and at the written request of aggrieved woman 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.

2. Where a settlement has been arrived at as mentioned above, the IC shall record the settlement so arrived and forward the same to the Director of the concerned Institute to take action as specified in the recommendation.

3. The IC shall provide the copies of the settlement as arrived at to the aggrieved woman and the respondent.

4. Where a settlement is arrived at as above, no further inquiry shall be conducted by the IC.

14.7 Inquiry into the Complaint

1. In case no conciliation is desired or the terms of conciliation are violated, the IC, where the respondent is an employee, shall proceed to make inquiry into the complaint in accordance with applicable service rules.

2. Where the aggrieved woman informs the IC that any term or condition of the settlement arrived at earlier has not been complied with by the respondent, the IC shall proceed to make an inquiry into the complaint.

3. Where both the parties are employees, parties shall, during the course of the 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 IC.

4. For the purpose of making an inquiry, the IC shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908.

5. The inquiry shall be completed within a period of ninety days.

6. Identity of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of inquiry.

14.8 Responsibilities of Internal Committee (IC)

The Internal Committee shall:

a) Provide assistance if an employee or a student chooses to file a complaint with the police;

b) Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just

c) Protect the safety of the complainant by not divulging the person's identity, and provide mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;

d) Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and

e) Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity

f) IC shall maintain the records of the complaints, inquiry process, minutes of the proceedings. The presiding officer shall handover the record to the new person after the tenure is over and such records should be maintained for 5 years at least.

14.9 Action during Pendency of Inquiry

1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the IC may recommend to the employer to:-

   - Transfer the aggrieved woman or the respondent to any other department; or
   - Grant leave to the aggrieved woman up to a period of three months; or
   - Grant such other relief to the aggrieved woman as IC may consider desirable.
   - Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus / premise.
   - Take strict measures to provide a conducive environment of safety and protection to the complainant.

2. On the recommendation of the IC, employer, wherever he feels that recommendation is appropriate, shall proceed to implement the same and send a report about such implementation to the IC. However, wherever, in his opinion, recommendations are not appropriate, he shall discuss and finalize recommendation in consultation of IC and thereafter proceed to implement the same.

14.10 Inquiry Report

1. On the completion of an inquiry under this Act, the IC shall provide a report of its findings to the employer within a period of ten (10) days from the date of completion of the inquiry and such report shall also be made available to the concerned parties.

2. Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

3. Where the IC arrives at the conclusion that allegation against the respondent has been proved, it shall recommend to the employer:-

   a) To take action for sexual harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the respondent.

   b) 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 heirs.

   c) The employer shall act upon the recommendation of IC within 60 days of its receipt.

4. However, where employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, it may direct to the respondent to pay such sum to the aggrieved woman directly.

5. In case respondent fails to pay the sum referred to in clause (4) above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer.

6. Wherever the respondent is a student, depending upon the severity of the offence, the Institute may

   a. with hold privileges of the student such as access to the library, auditorium, transportation, scholarship or identity card.

   b. suspend or strict entry into the campus for a specific period.

   c. expel and strike off the name from the rolls of the institution, including denial of readmission if the offence warrants so

   d. award reformative action like mandatory counselling or performance of community services

14.11 Punishment for False or Malicious Complaint and False Evidence

1. Where the IC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or any misleading document , it may recommend to the employer to take action against the woman or the person who has made the complaint in accordance with the provisions of service rules. However, mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

2. 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 employer of the witness to take action in accordance with the provisions of the Service Rules applicable to said witness or where no such rules exist, in such manner as may be prescribed by the Govt. in this regard.

14.12 Employee Support

1. An employee filing a bonafide harassment complaint shall be protected from reprisals or retaliation as a result of filing the complaint. Investigators will make every effort to strike a balance between the parties' desires for privacy and the need to conduct a fair and effective investigation.

2. The employer shall take all necessary steps to ensure that the contents of the complaint made, the identity and address of the aggrieved woman, respondent and witness, any information related to conciliation and inquiry proceedings, recommendations of the committee and, as the case may be, the action taken on them, shall not be published, communicated and made known to the public, press and media in any manner.

3. Sexual harassment shall be treated as a misconduct under Service Rules

   a) To take action for sexual harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the respondent.

   b) 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 heirs.

14.13 Others

1. The IC shall in each calendar year shall prepare, in such form and at such time as may be prescribed by Government in this regard, an annual report and submit the same to the employer and the District Officer.

2. Any person aggrieved from the recommendation of IC or publication or making known contents of Complaint or any inquiry proceedings may prefer an appeal to the court.