

## **Policy for Prevention of Sexual Harassment at Indian Institute of Management Sirmaur**

### **Policy Statement**

The Indian Institute of Management Sirmaur (IIM Sirmaur) (henceforth, 'the Institute') is committed to ensure a safe, respectful and productive environment, which is free from any gender-based discrimination, coercion, disruption or harassment to its employees, students and others associated with it. This policy of the Institute is in accordance to the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (collectively referred to as 'the Law') notified by The Ministry of Women and Child Development which has come into force with effect from December 9, 2013. The policy provides the guidelines for assisting students, employees and others associated with Institute by creating awareness, sensitization, counselling, and educating about gender issues and supporting the individuals who believe they have been subjected to sexual harassment by providing appropriate remedial action.

The Institute is committed to taking all necessary steps to ensure that none of its members and others associated with it are subject to sexual harassment and will enforce this Policy to the fullest extent necessary.

### **Objective**

To fulfil the object and directives of the Law by providing an effective learning and working environment to students, faculty, non-teaching staff, and others associated with Institute, which is free of sexual harassment irrespective of gender, race, caste, creed, religion, place of origin, sexual orientation, disability, or economic status

### **Definitions**

- (a) "Campus" means the physical location of the Indian Institute of Management SIRMAUR (IIMS) and its related 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, Post Office, milk booth etc., visited by the students, workers and employees. Campus also includes extended campus and covers within its scope places visited by the students and employees of the IIMS 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, participating in meetings and conferences, and such other activities.
- (b) "Director" is the chief executive authority of the Institute.
- (c) "Faculty" means persons who are on the regular and contractual rolls of the Institute, and shall include faculty who are full time, contract, ad-hoc, part-time, visiting, adjunct, guest, honorary, or on special duty or deputation.
- (d) "Non-Teaching Staff" includes any employee of the Institute, who is not included in the category of Faculty.
- (e) "Employee" is a Faculty or non-teaching staff of the Institute;
- (f) "Student" means a person admitted and pursuing a program of study, either regular mode or distance mode, including short term training programs, in the Institute. Provided that a person who is in the process of taking admission and is not yet admitted, shall be treated for the purpose of this Policy as a student, where any incident of sexual harassment takes place against such person, in the process of admission. Provided that a student of any other institution, who is a participant in any of the activities of the Institute shall also be treated for

the purpose of this Policy, as a student of the Institute, where any incident of sexual harassment takes place against such student in the said activities of the Institute.

(g) "Sexual Harassment" means:

An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:

- i. any unwelcome physical, verbal or non-verbal conduct of sexual nature;
- ii. demand or request for sexual favours;
- iii. making sexually coloured remarks;
- iv. physical contact and advances;
- v. showing pornography

Also, any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones:

- vi. implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- vii. implied or explicit threat of detrimental treatment in the conduct of work;
- viii. implied or explicit threat about present or future status of the person concerned;
- ix. creating an intimidating offensive or hostile learning environment;
- x. humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

(h) "Victimization" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

(i) "Workplace" means the campus of the Institute including:

- i. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Institute;
- ii. Any sports facility, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in the Institute;
- iii. Any place visited by the faculty, staff or student arising out of or during the course of employment or study, cultural or any field trips organized by IIMS community including transportation provided for undertaking such journey.

### **Scope of the Policy**

Sexual harassment is unlawful, and this Policy will apply to all Students, Faculty, Non-teaching staff, and individuals engaged by or associated with the Institute and its Campus, regardless of their position, nature, and duration of their involvement.

### **Internal Complaints Committee**

In furtherance to the Law, the Institute has constituted an Internal Complaints Committee ("ICC") to further gender sensitization (e.g., through regular sensitization workshops for all stakeholders) and to investigate allegations of sexual harassment at the Campus.

The composition of the ICC shall be as follows:

- a) A Chairperson who shall be a woman faculty member at the IIMS, nominated by the Director;
- b) Provided that in case a woman faculty is not available, the Chairperson shall be nominated from other offices or administrative units of the workplace;
- c) Two faculty members and at least one 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 Director;
- d) One student from each of the regular programmes of the Institute nominated by the Chairs of each programme students (each a “Student Member” and collectively “Student Members”);
- e) Student members shall assist only in such matters that involve students. They shall also help the ICC in being its ambassadors to ensure a ‘harassment free’ campus for all the students;
- f) One member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Director;
- g) At least one-half of the total members of the ICC shall be women;
- h) The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the ICC as may be prescribed;
- i) The term of office of the members of the ICC shall be for a period of three years;
- j) To the extent feasible, the outgoing Chairperson of the ICC continues as a member for up to a year with the new Chairperson to ensure proper functioning of the committee;

The Institute reserves the right to add to, remove, or replace the ICC members from time to time.

### **Responsibilities of the ICC**

The ICC shall

- 1) provide support for dispute redressal and address Sexual Harassment issues through just and fair conciliation without undermining complainant’s rights;
- 2) protect the safety of the complainant by not divulging the person’s identity and provide the 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; and
- 3) ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

### **Activities of the ICC**

- 1. To take proactive actions to curb all forms of sexual harassment of employees and students;
- 2. To create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- 3. To organize gender sensitization programmes and workshops for students, faculty, non-teaching staff, and others associated with Institute, to impart the knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act, Rules, Regulations, and under this Policy;
- 4. To investigate the complaints of sexual harassment received against any student, faculty, non-teaching staff and others associated with the Institute;
- 5. To take decisive actions against all gender based harassment perpetrated against employees and students primarily women employees and students;

6. To initiate all proceedings as required by law to punish those guilty of sexual harassment within the Campus.

### **Prevention of Sexual Harassment**

In order to ensure that the Campus is 'harassment free', as a preventive measure, the ICC shall undertake regular sensitization workshops for all stakeholders.

The Student Members shall be an extended arm of the ICC and shall take actions which will benefit the student community and prevent any sexual harassment happening on Campus. The Student Members may also be authorised to pursue certain anonymous complaints, whereby the ICC is of the opinion that their intervention shall enable credible facts to be collected. Towards this objective, the Student Members may also intervene in the form of (i) coaching specific students or the entire batch; (ii) encouraging the aggrieved person to report to the ICC for a formal investigation; and (iii) collection of credible facts to also enable the aggrieved person to lodge a formal complaint before the ICC.

### **Reporting Sexual Harassment**

- 1) For the ICC to consider and initiate any process, a complaint has to be submitted by the aggrieved person(s) by writing to [icciimsirmaur@iimsirmaur.ac.in](mailto:icciimsirmaur@iimsirmaur.ac.in) or to any member of the ICC. Complaints should be made in writing or via email, not later than 3 months from the date of occurrence of the alleged incident (in case of a series of incidents, within a period of 3 months from the date of the last incident).
- 2) The ICC may extend the time limit not exceeding an additional three months, if it is satisfied that there were unavoidable circumstances which prevented the aggrieved person from filing a complaint within the said period. It is to be noted that the ICC is restricted under the Law from considering any Complaint which is more than 6 months after the alleged incident of sexual harassment has occurred.
- 3) Friends, relatives, colleagues, co-students, student's counsellors, psychologists, faculty and staff members, or any other associate of the aggrieved person may file the complaint in only such situations where the aggrieved person is physically or mentally unable to make a complaint.
- 4) The complaints submitted should be clear and include details of the incident(s), supporting facts and related documents, names of individuals involved and the names, addresses and details of the witnesses, if any.
- 5) If anyone becomes aware of any incident of sexual harassment, one can inform the ICC, which shall then render all reasonable assistance to the aggrieved in submitting a complaint.
- 6) It is also the duty of the Institute to necessarily assist the complainant, if the complainant chooses to initiate action under the Indian Penal Code, 1860 ("IPC").

### **Conciliation**

Before the ICC initiates an inquiry into the complaint, the complainant may request the ICC (in writing/email) to the willingness for settling the matter between the complainant and the respondent through conciliation. However, the conciliation should not be a fraud or due to coercion or influence or any monetary benefit. In the event, a settlement has been reached, and duly recorded by the ICC, further inquiry shall not be conducted. If Complainant feels that the terms of settlement are not being complied with by the Respondent, Complainant can make a written request to the ICC to conduct an inquiry into the complaint

## **Complaint Resolution Process**

Inquiry: All claims of sexual harassment will be promptly and thoroughly investigated by the ICC in accordance with the principles of natural justice and the provisions of law. Neither the complainant nor the respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

Process of conducting Inquiry shall broadly comprise of the following steps:

1. The ICC shall, upon receipt of the valid complaint, send one copy of the complaint to the respondent within a period of seven (7) days of such receipt.
2. Upon receipt of the copy of the complaint, the respondent shall file a reply along with the list of documents and names, addresses, and details of witnesses within a period of ten (10) days.
3. As mandated by the law, the inquiry has to be completed within a period of ninety (90) days from the receipt of the complaint. The inquiry report, with ICC recommendations, if any, has to be submitted within ten (10) days from the completion of the inquiry to the Director. A copy of the findings and/or recommendations shall also be provided to the complainant and the respondent.
4. The Director shall act on the recommendations of the ICC within a period of thirty (30) days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
5. An appeal against the findings and/or recommendations of the ICC may be filed before the Director by either complainant or the respondent, within a period of thirty (30) days from the date of the recommendations.
6. If the Director decides not to act as per the recommendations of the ICC, it shall be only on the basis of reasons recorded and conveyed to the ICC, complainant, and the respondent. If on the other hand, the Director decides to act as per the recommendations of the ICC, then a show cause notice, answerable within ten (10) days, shall be served on the person against whom action is decided to be taken. The Director shall proceed only after considering the due reply or hearing of the aggrieved person.

## **Interim redressal**

During the period of inquiry, if the complainant requests so, the ICC may recommend to the Director for certain interim measures, including, whereby the Institute may, (a) transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction; (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months; (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant; (d) ensure that respondent(s) are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus; (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment. The Director shall act on any such recommendations of the ICC within a period of thirty (30) days.

## **Action against frivolous complaint**

Towards ensuring that this Policy and its provisions for the protection of employees and students from sexual harassment do not get misused, the ICC may make any provisions against false or malicious complaints. In the event the ICC determines that the complaint is false or malicious, or

that false or misleading information was provided during its proceedings, the ICC shall recommend strict disciplinary action against such person, even including termination of employment or expulsion. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not by itself imply a false or malicious complaint.

### **Recommendations on Findings**

The ICC may recommend all the following but not limited to actions:

1. Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Institute, if the offender is an employee. The ICC may recommend:
  - (a) a written apology
  - (b) a letter of warning
  - (c) removal and/or disbarment from holding an administrative position
  - (d) withholding the promotion
  - (e) compulsory retirement
  - (f) withholding of pay rise or increments
  - (g) immediate transfer or suspension without pay
  - (h) suspension from service for a limited period
  - (i) termination from service
  - (j) undergoing a counselling session
  - (k) carrying out community service; and
2. Where the respondent is a student, depending upon the severity of the offence, the ICC may recommend:
  - (a) a written apology
  - (b) a letter of warning
  - (c) removal and/or disbarment from holding an administrative position
  - (d) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances and identity card;
  - (e) suspend or restrict entry into the campus for a specific period;
  - (f) award reformatory punishments like mandatory counselling and, or, performance of community services;
  - (g) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
3. Where the respondent is a third party, depending on the severity of the offence, the ICC may recommend:
  - (a) Warning, reprimand or censure
  - (b) a letter of warning to the respondent
  - (c) a letter communicating their misconduct to his / her place of education, employment or residence
  - (d) withhold privileges of the third party such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances and identity card;
  - (e) suspend or restrict entry into the campus for a specific period; and / or a bar on appearing for the entrance examination / interview to any program of study offered by the Institute
  - (f) cancellation of contract with the Institute.

### **Protection against retaliation**

The Institute forbids any form of retaliation against, or victimization of, anyone who has filed a complaint of sexual harassment or has cooperated with the ICC in any investigation of a complaint of sexual harassment. Retaliation and/or victimization shall constitute a misconduct and shall warrant disciplinary action as per the Regulations, rules and other policies of the Institute, as applicable.

Individuals are encouraged to promptly report to the Director if faced with such victimization or retaliation.

### **Confidentiality**

All incidents/grievances reported will be treated seriously, sensitively and with utmost confidentiality as is practically possible. Contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Institute must be treated as confidential by all involved parties.

If any person entrusted with the duty to handle the complaint, inquiry or any recommendations of the ICC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the Regulations, rules and other policies of the Institute, as applicable.

### **Amendments in Policy**

All Students, Faculty, and Non-Teaching Staff at the Institute have a responsibility in contributing to a mature and respectful Campus. All Students, Faculty, and Non-Teaching Staff are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or inadvertently.

The Institute reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, Regulations, rules and other policies of the Institute, as applicable, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the Institute from time to time. If any of the provisions contained herein are found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.