

JAIPURIA INSTITUTE OF MANAGEMENT

NOIDA



Anti Sexual Harassment Policy

Preamble

The Jaipuria Institute of Management 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. Institute value the right of all employees to be treated with dignity and sexual harassment in any form violates this tenet. These rules and regulations have been framed to prevent any kind of sexual harassment within the institute/office premises or outside, involving its employees / students / vendors / customers / any other persons who in any form deals with the institute.

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 coworker , 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 behavior (whether directly or by implication) namely:-
 - a. Physical contact and advances or
 - b. A demand or request for sexual favors or
 - c. Making sexually colored 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 behavior 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 environment for her, or
 - e. Humiliating treatment likely to affect her health or safety
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4. Employer means Director in the case of Management Institute(s) & Director General for corporate office

5. 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).

Prevention of Sexual Harassment

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

Internal Complaints Committee (ICC)

The Internal Complaints Committee, known as ICC, 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.

The Presiding Officer and every Member of ICC 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 ICC shall have one vote each and all issue at ICC 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 ICC shall work on honorary basis.

Complaint

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at the institute to the ICC 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 ICC shall render all reasonable assistance to the woman for making the complaint in writing.
2. The ICC 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 ICC.
4. The ICC will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.

Conciliation Proceedings

1. The ICC 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 ICC 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 ICC 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 ICC.

Inquiry into the Complaint

1. In case no conciliation is desired or the terms of conciliation are violated, the ICC, 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 ICC that any term or condition of the settlement arrived at earlier has not been complied with by the respondent, the ICC 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 ICC.
4. For the purpose of making an inquiry, the ICC 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.

Action during pendency of Inquiry

1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the employer to :-
 - i) Transfer the aggrieved woman or the respondent to any other department ; or
 - ii) Grant leave to the aggrieved woman up to a period of three months; or
 - iii) Grant such other relief to the aggrieved woman as ICC may consider desirable.
2. On the recommendation of the ICC, employer, wherever he feels that recommendation is appropriate, shall proceed to implement the same and send a report about such implementation to the ICC. However, wherever, in his opinion, recommendations are not appropriate, he shall discuss and finalize recommendation in consultation of ICC and thereafter proceed to implement the same.

Inquiry Report

1. On the completion of an inquiry under this Act, the ICC 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 ICC 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 ICC arrives at the conclusion that allegation against the respondent has been proved, it shall recommend to the employer :-
 - i) To take action for sexual harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the respondent.
 - ii) 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.
 - iii) The employer shall act upon the recommendation of ICC 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 ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer.

Punishment for False or Malicious Complaint and False Evidence

1. Where the ICC 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 ICC 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 .

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

Others

1. The ICC 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 ICC or publication or making known contents of Complaint or any inquiry proceedings may prefer an appeal to the court .