

Policy on Prevention of Sexual Harassment
Mahindra University

Version 1.0



**Mahindra
University**
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1. POLICY STATEMENT

As a premier university, we are committed in conducting and governing ourselves with ethics, transparency and accountability and to this, we have developed governance structures, practices and procedures that ensure ethical conduct at all levels. It is thus in acknowledgement of and consonance with these values, that we are dedicated to ensuring that the work environment at our university is conducive to fair, safe and harmonious relations, based on mutual trust and respect, between all the employees of the university. Discrimination and harassment of any type is strictly prohibited. We wish to promote and maintain this culture to ensure that employees of the university do not engage in practices that are abusive in any form or manner whatsoever.

The university aims to provide a safe working environment and prohibits any form of sexual harassment. Hence any act of sexual harassment or related retaliation against or by any employee or student is unacceptable. This policy therefore intends to prohibit such occurrences and also details procedures to follow when an employee or student believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of the policy.

Violation of this policy will call for strict disciplinary action leading to (in worst case) termination in case of employees and rustication in case of a student.

2. ACRONYMS

Term/ Acronym	Explanation
HR	Human Resources
RM	Reporting Manager
POSH	Prevention of Sexual Harassment
ASH	Anti-Sexual Harassment

3. APPLICABILITY

This policy will extend to all teaching and non-teaching employees of the university including those employed on regular, temporary, ad-hoc or daily wage bases, either directly or through an agent, including a contractor, whether for the remuneration or not, or working on a voluntary bases or otherwise, whether the terms of employment are express or implied (hereinafter referred to as “Employees”).

The policy also extends to those who are not employees of the university, such as, visitors, vendors, suppliers, contract workers, probationers, trainees, volunteers, teaching assistants, research assistants, including those in field studies, short project visits, apprentices or called by any other such name, who are subjected to sexual harassment at the premises (defined hereinafter) of the university.

This policy is further extended to Project Specific Students.

4. SCOPE

The scope of the Policy is restricted to the following for all employees and project specific students:

- i. within the “Campus”
- ii. any external location visited by employees due to or during the course of their employment with the university such as business locations of other companies/entities, guest houses etc.
- iii. any mode of transport provided by the university (or a representative of the university) for undertaking a journey to and from the aforementioned locations
- iv. any external location visited by project specific students due to or during the course of their program with the university such as business locations of other Companies/entities, guest houses etc.

Exclusions for scope:

The scope of this policy does not include non- project students as any such action performed by them would come under the jurisdiction of disciplinary committee of the university.

5. DEFINITIONS

“Campus” means the location or the land on which the university and its related institutional facilities like laboratories, lecture halls, guest houses, lodging, toilets, student centers, hostels, dining halls, stadiums, parking areas, parks like settings and other amenities like health centers, canteens, bank counters, etc.;

“Aggrieved Employee” means in relation to a workplace, any individual, of any age whether employed in the university or not, who alleges to have been subjected to any act of Sexual Harassment by another employee(s) of the university.

“Aggrieved Student” means in relation to Mahindra university studying in any of the programs and is working on any project, who alleges to have been subjected to any act of Sexual Harassment by the employee(s) of the university.

“Complainant” means an Aggrieved Employee or an Aggrieved Student who has been subjected to sexual Harassment.

“Respondent” means a person including an employee, student or third party against whom the complaint has been made.

“Member” means the member of Internal Complaints Committee.

“Employer” means in any workplace, any person responsible for the management, supervision and control of the workplace.

“Sexual harassment” includes any unwelcome sexually determined behavior (direct or implied) such as physical contact and advances, unwelcome communications or invitations, demand or request for sexual favors, sexually cultured remarks, showing pornography, creating a hostile work environment and any other unwelcome “sexually determined behavior” (physical, verbal or non-verbal conduct) of a sexual nature.

“Sexual Harassment” would mean:

- i. Quid pro quo sexual harassment, which means something in return or an exchange of one thing for another.
 - In the workplace, quid pro quo sexual harassment takes place if sexual favors are asked in exchange for any kind of special treatment on the job. Threatening an employee about his/her present or future employment status if he/she does not consent to such sexual advances or

a favor also amounts to sexual harassment. The act of 'asking' may either be verbal or implied and the 'sexual conduct' may be verbal or physical. But, in either case, it must be unwelcome.

- For e.g. direct or implied requests or offers by any employee for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increase, promotions, increased benefits, or continued employment constitutes sexual harassment.

ii. Hostile work environment includes

- Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place, and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more employees.
- Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals.
- It will also mean related retaliation which includes marginalizing someone in the workplace with regard to his / her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically, and emotionally or someone close to or related to the complainant, to the extent that the humiliation or intimidation affects the health or safety of the complainant.
- Using any medium of communication such as mails, SMSs and social media platforms such as Whatsapp, Facebook, Instagram, Snapchat etc. to send unwelcoming messages, pictures or videos.

This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

In countries where local laws / regulations have clearly defined 'sexual harassment' and procedure to address any complaint relating to it, the interpretation of 'sexual harassment' & the investigation procedure shall be guided in accordance with the local laws / regulations as applicable.

"Third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the university, but a visitor to the university in some capacity or for some other purpose or reason;

"Workplace" means the campus of MEC including –

- a. Any department, organization undertaking, establishment enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by the funds provided directly or indirectly by the university.
- b. Any sports center, stadium, sports complex or competition games venue whether residential or not used for training sports or other activities relating thereof to the university.

"Project Specific Student" means any student who is associated with the university and is working on a project under the supervision of MEC employee.

6. PREVENTION ACTION

The university will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies and other relevant information to all employees.

7. INTERNAL COMPLAINTS COMMITTEE (ICC)

The university shall have an Internal Complaints Committee (“Committee”) to specifically address any complaints of sexual harassment. The Committee will be constituted by the university and would be headed by a Presiding Officer, who shall be a woman employee employed at a senior level at workplace from amongst the employees.

The Internal Complaints Committee shall comprise of at least one-half of the total members nominated as woman.

In addition to handling complaints of sexual harassment, the committee will also co-ordinate preventive activities to create a sexual harassment free atmosphere via:

- common information mailers
- display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Committee.
- provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainants’ rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;

Inclusion of Committee Members:

- The Vice Chancellor of the university will appoint a senior woman Employee as the chair of committee and both jointly shall appoint a team.
- The Committee shall comprise of a team of five (5) of which three (3) shall be woman and two (2) can be men.
- The committee of five (5) members includes the chair of the committee.

Further, the committee chair person can co-opt members (“Employees or Students”) into the committee for any specific case to resolve complaints effectively.

In case of any committee member repeatedly failing to comply with the obligation and duties laid out for prevention, prohibition and redressal of sexual harassment, the Vice-Chancellor shall have the complete authority to replace the committee members.

8. PROCEDURE TO DEAL WITH COMPLAINTS

8.1 FILING OF A COMPLAINT

If any employee or student believes that (s)/he has been subjected to sexual harassment, such Aggrieved Employee or Aggrieved Student may file a written complaint with any member of the Committee or send an email to Posh@mechyd.ac.in , within thirty (30) days from the date of the occurrence of the incident or

in case of series of incidents, within a period of thirty (30) days from the date of last incident this implies for ex-employees of the university and in case of a series of incidents, within a period of thirty (30) days from the date of last incident.

The Committee for the reasons to be recorded in writing, extend the time limit not exceeding thirty (30) days, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.

In case the complaint cannot be made in writing the Presiding Officer or any member of the Committee, as the case may be, shall render all reasonable assistance to the Complainant for making the complaint in writing. Where the Complainant is unable to make a complaint on account of his / her physical or mental incapacity or death or otherwise, their legal heir may complain, In case of a woman, the complaint can be made by such other person, as prescribed under Article [8.3].

The Committee may, before initiating an inquiry and at the request of the Complainant take steps to settle the matter between the Complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

Where a settlement is arrived, no further inquiry shall be conducted by the Committee, as the case may be. The Committee shall provide the copies of the settlement as recorded to the complainant, respondent and the university, for records.

In case, the conciliation fails to arrive at a settlement or if the Complainant informs the Committee that the terms and conditions of the settlement have not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint filed before the Committee.

Complaints brought after that time period will not be pursued unless the circumstances were extraordinary. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made by the Committee.

Every attempt will be made to get the Complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complaint shall be signed by the Complainant.

Complaints made anonymously or by a third party must also be investigated to the extent possible.

Where the Complainant is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint within 30 days of the incident.

If the complaint does not rise to the level of sexual harassment, the Committee may determine to dismiss the complaint without further investigation.

For any complaint if there is no witness disclosed, chairperson of the committee shall take up the complaint if the complaint is being made multiple times else chairperson has the authority to drop the complaint.

8.2 PROCESS OF ENQUIRY

- The Committee will ask the Complainant to prepare a detailed statement of incidents/allegations along with evidences. Supporting documents and the names and addresses of the witnesses are

also to be enclosed if any. The statement of allegations will be shared with the respondent within seven (7) working days.

- The respondent will be asked to prepare a response to the statement of allegations, along with the list of evidences which has to be submitted to the Committee within a period not exceeding ten (10) working days.
- The statements and other evidence obtained in the inquiry process will be considered confidential.
- The Committee will organize verbal hearings with the complainant and the respondent, in accordance with the principle of natural justice.
- During the course of inquiry, the Committee shall make a copy of the findings available to both the Parties enabling them to make representations against the findings before the Committee.
- The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influence by any of the witnesses.
- The committee will conduct inquiry in accordance with the practices of natural justice, i.e. the Complainant will be offered to the respondent for cross-examination and vice versa.
- The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidences and relevant statements.
- The Committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint:
 - (i) Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
 - (ii) Upon completion of the investigation, both parties will be informed of the results of the investigation.
- The Committee will be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that complainants or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the Committee will also have the discretion to make appropriate interim recommendations in relation to a respondent person (pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.
- The Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the Complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding officer, provided ten (10) days advance written notice is given to the party concerned.
- The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- For the purpose of making an inquiry, the Committee shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.

- The committee will investigate and prepare an enquiry report with recommendations within forty-five (45) days.
- An appeal against the findings or / recommendations of the ICC may be filed by either party before the Vice-Chancellor within a period of fifteen (15) days from the date of recommendation.
- The parties to the complaint shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- In conducting the inquiry, a minimum of three members of the Committee including the Presiding Officer, shall be present for the hearing.

8.3 COMPLAINT OF SEXUAL HARASSMENT

For the purpose of Article 8.1:

- i. Where the Complainant is unable to make a complaint on account of his/her physical incapacity, a complaint may be filled by-
 - a. his/her relative or a friend; or
 - b. his/her co-worker; or
 - c. an officer of National Commission for Woman or State Woman's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved Employee;
- ii. Where the Complainant is unable to make a complaint on account of his/her mental incapacity, a complaint may be filled by:
 - a. his/her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist or
 - d. the guardian or authority under whose care he/she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care he/she is receiving treatment or care;
- iii. Where the Complainant for any other reason is unable to make a complaint, a complaint may be filled by any person who has knowledge of the incident, with the written consent of the Aggrieved Employee;

- iv. Where the Complainant is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the legal heir of the Complainant.

8.4 DECISION AND ACTION

During the pendency of inquiry, on a written request made by the Aggrieved Employee, the Committee, may recommend to the university to -

- (a) transfer the Aggrieved Employee or the respondent to any other workplace; or
- (b) grant leave to the Aggrieved Employee; or
- (c) grant such other relief to the Aggrieved Employee as may be prescribed.

The leave granted to the Aggrieved Employee under this section shall be in addition to the leave he/she would be entitled to otherwise if the case is proved.

Once the investigation is completed, the Committee shall provide a report of its findings to the university, within ten (10) days from the date of completion of the inquiry and such report shall be made available to the concerned parties. The university shall act upon the recommendation of the Committee within sixty (60) days of receipt of the report of the Committee.

The Committee shall make a determination regarding the validity of the harassment allegations. If it is determined that the harassment has not occurred, it shall recommend to the university that no action is required to be taken in this matter. If it is determined that harassment has occurred; prompt, remedial action will be taken. The Committee will share the investigation details and the findings thereof with the appropriate functional Head HR and agree on the applicable disciplinary action. This may include some or all of the following:

- Restore any lost terms, conditions or benefits of employment to the Aggrieved Employee.
- Discipline the respondent. This discipline can include deduction from the salary or wages the amount to be paid to the Aggrieved Employee, demotion, suspension, and termination.

The disciplinary action will be carried out by the concerned HR department. Such disciplinary action may even include transfer, demotion or termination. All related documents will be maintained in the Employee's folder, ensuring confidentiality.

This policy shall not, however, be used to raise malicious complaints. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against the person raising the complaint.

In the case of an Aggrieved Student, the committee may recommend the university to grant a leave during the pendency of inquiry to relieve the pain of harassment. The committee members hold the complete authority to decide the number of days on which the Student can take leave depending on the severity of the complaint received.

In case the respondent is a student, depending on the severity of the offence, the university may,

- a. Restrict entry of the student into the campus.
- b. Rusticate the student
- c. Award reformatory punishments like mandatory counselling and, or, performance of community services.

ICC can also take the decision to give necessary medical assistance to the complainant based on the requirement.

9. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENT OF COMPLAINT OR INQUIRY

The contents of the complaint made under the Policy, identity and addresses of the Complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the university shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any complainant of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Employee, respondent and witnesses.

10. DUTIES OF THE EMPLOYER

The university shall—

- a. provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b. display at any conspicuous place in the workplace, the penal consequences of sexual harassments;
- c. provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry;
- d. assist in securing the attendance of respondent and witnesses before the Committee;
- e. make available information regarding do's and don'ts of the policy to the Committee as it may be required at the time of dealing with the complaint;
- f. provide assistance to the complainant if he/she so chooses to file a complaint against the respondent in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- g. cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Employee so desires, where the perpetrator is not an Employee, in the workplace at which the incident of sexual harassment took place;
- h. monitor the timely submission of reports by the committee.

11. POLICY IMPLEMENTATION AND REVIEW

The policy will be implemented and reviewed by the HR department or Vice Chancellor's office. The university reserves the right to amend, abrogate, modify, rescind / reinstate the entire policy or any part of it at any time.

12. DOCUMENT HISTORY

Version	Date	Author (function)	Reviewed by	Approved by	Nature of changes

ANNEXURES

ANNEXURE I – RESPONSIBILITY OF EMPLOYEES

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

Do's

- Know MEC's Policy on Prevention of Sexual Harassment
- Be aware of inappropriate behaviours and avoid the same.
- Say "NO" if asked to go to places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say "NO" to offensive behaviour as soon as it occurs.
- Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

Don'ts

Verbal harassment:

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an employee.
- Sexually colored propositions, insults or threats.
- Graffiti in the office premises.

Non-verbal harassment:

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by Employees.
- Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written material at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMSs, electronic instant messaging or e-mail messages.

Physical harassment:

- Physical contact or advances.
- Intentional touching of the body, e.g. Hugs, kisses, brushing, fondling, pinching etc., that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

ANNEXURE II – GUIDELINES FOR INTERNAL COMPLAINTS COMMITTEE

Role of the Committee:

- Review the complainant's complaint in a fair and objective manner
- Help the complainant and the respondent find a way of solving the problem
- Determine the facts of the case with the individuals concerned and the witnesses, if any, and prepare a report with the findings
- Be bound in the principle of natural justice and be unbiased in their evaluation

COMMITTEE MEMBERS:

Chairperson: *Dr. Salome Benhur*

Members:

1. *Dr. Jayasri Dontabhaktuni*
2. *Dr. Tabitha Chekuri*
3. *Dr. Venkata Dilip*
4. *Dr. Aditya Abburi*