

INDIAN INSTITUTE OF SCIENCE - POLICY ON PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE, 2017

PREAMBLE

Indian Institute of Science (IISc) believes that all employees and students, alike, have a right to be treated with respect and dignity. The Institute is committed towards creating a healthy working environment that enables employees to work and students to gain their education without fear or prejudice, gender bias, hostility or sexual harassment.

Sexual harassment is considered a human rights violation, and has been condemned in India as a violation of the Fundamental Rights of an individual. Accordingly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the SHWW Act and SHWW Rules respectively) were brought into force w.e.f. 22nd April, 2013. The said Act was promulgated to provide protection to women against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. This legislation makes it mandatory for Employers and Educational Institutions to put in place certain measures for the protection of *women* employees, students, etc., and provide procedures to be followed for redressal of complaints. In the meantime, the Ministry of Human Resource Development, University Grants Commission has notified the University Grants Commissioner (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees & Students in Higher Educational Institutions) Regulations, 2015 (hereinafter referred to as “UGC Regulations”) providing for the procedure for constitution of the Internal Committee, inquiry into complaints etc. It has been brought into force w.e.f. 02.05.2016.

We, at IISc believe that all our women students, faculty and staff, deserve a safe and secure work environment to ensure protection of their basic human as well as Fundamental Rights.

In light of the above and in accordance with the SHWW Act, SHWW Rules read with UGC Regulations the Institute has framed this policy for the Prevention of Sexual Harassment at workplace.



1. COMMITMENT

IISc (hereinafter also referred to as the 'Institute') is committed to provide a work environment that ensures that every employee is treated with dignity and respect and afforded equitable treatment. The Institute is also committed to promote a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

IISc further believes that all its students deserve an education without fear from discrimination and sexual harassment, in order for their education to be more effective and valuable.

The Institute will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees and students are not subjected to any form of harassment.

2. SCOPE, APPLICABILITY & EXTENT

- i. This policy is applicable to all the administrative, educational and research departments of the Institute and to all categories of employees teaching and non-teaching including administrative staff, workmen, temporary staff, engaged either directly or through an agency, trainees, employees on contract, Faculty including Guest Faculty, persons working on projects, either at its workplace or during visits to partner organisations and students.
- ii. This policy is also applicable to all complaints of sexual harassment made by an aggrieved woman in relation to the 'workplace' against:
 - a. any person of the Institute irrespective of the location where such harassment took place i.e. within or outside campus as long as it is within the definition of 'workplace'.
 - b. any person (outsider) of the Institute when sexual harassment is alleged to have taken place within the Institute/campus (workplace).

3. DEFINITIONS

- (a) "**Aggrieved woman**" means and includes in relation to a workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent;



- (b) **“Complainant”** means and includes, in relation to a workplace, an aggrieved woman, who alleges sexual harassment against her or in case, the aggrieved woman is unable to file a complaint on her own, then any person, filing the complaint on behalf of the aggrieved woman in the manner stipulated in clause 12 of this Policy.
- (c) **“Complaint”** means a complaint made in accordance with clause 12(i) of this policy.
- (d) **“Campus”** means and includes all places of work and residence at the Institute including any existing or likely to be set up departments, organisations, undertakings, establishments, enterprises, offices, branches, field offices and Institute’s extension campuses. It also includes all places of instruction, research, administration, staff quarters, guest houses, parks, lanes, canteens, gymkhana, Health Centre, clubs, associations, sports grounds or any other building or location in the Institute or any of its extended campuses.
- Further it also includes the Institutional facilities like Libraries, Laboratories, Lecture Halls, toilets, student centres, hostels, dining halls, parking areas, Bank counters, etc.
- (e) **“Chairperson”** means the Presiding Officer of the Internal Committee nominated under Rule 4.1 of the Indian Institute of Science - Rules for Internal Committee, 2016 who shall be a woman.
- (f) **“Disciplinary Authority/Executive Authority”** means the Authority defined under Bye-laws 22.1 and as provided in Indian Institute of Science - Rules for Internal Committee, 2016 competent, to impose any of the penalties enumerated in Clause 17 of this Policy and the Rules .
- (g) **“Employer”** means and includes
- i. the Disciplinary Authority, Council or Director, and
 - ii. the Director, for the purposes of appointment of members of the Internal Committee
- (h) **“Employee”** includes all categories of employees, both teaching and non-teaching including permanent, temporary or contract employees engaged



directly or through an agency, trainees, volunteers, teacher assistants, research assistants, probationers, apprentices, consultants, advisers and persons involved in projects, camps, field studies and short visits whether the terms of the said employment are express or implied, oral or in writing.

- (i) **“Hostile Work Environment”** means an environment created by actions of the Respondent which has an effect on an individual’s educational or work performance and creates an intimidating antagonistic employment, educational and living environment.
- (j) **“Internal Committee, also referred to as IC”** means a Committee constituted by the Disciplinary Authority/ Director for the purpose of dealing with all matters in relation to Sexual Harassment.
- (k) **“Member”** means a member of the Internal Committee
- (l) **“Respondent”** means a person including an Employee, Student or third party against whom the Complainant has made a complaint.
- (m) **“Rules”** means the Indian Institute of Science - Rules for Internal Committee, 2017
- (n) **“Student”** means and includes students of the Institute either working or studying (part-time or full time) including but not limited to research fellows and exchange students;

Provided that a student who is in the process of taking admission (though not admitted) shall be treated for the purpose of the Policy and Rules as a student where any such incident of sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities in the Institution, where such student is enrolled shall be treated, for the purposes of the Policy and Rules, as a student where any such sexual harassment takes place against such student.



- (o) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- i. Physical contact and advances;
 - ii. A demand or request for sexual favours;
 - iii. Making sexually coloured remarks;
 - iv. Showing pornography;
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature, and
 - vi. Any other acts or omissions that are of like nature to the instances above.
- (p) **“workplace”** means and includes all offices, departments, laboratories , places of instructions and research or other premises where the Institute’s activities are conducted and also includes
- i. any premises / sites including field offices or any other campus where Institute-related activities are being performed including seminars and conferences etc, either conducted by the Institute inside or outside its premises , which shall also include travel to such other place including the transportation, whether provided by the employer or not for undertaking such journey.
 - ii. any social, business or other functions, including college fests or other competitions where employees, students etc are representing the Institute, and where the conduct or comments may have an adverse impact on the workplace or workplace relations.
 - iii. all accommodation (student as well as faculty and staff), within the Institute campus and provided for by the Institute, including guest houses and outside accommodation when used for official purposes .

4. **INSTANCES OF SEXUAL HARASSEMENT**

The following circumstances, among other circumstances, can amount to Sexual Harassment: if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment:

- A. implied or explicit promise of preferential treatment in employment as quid pro quo for sexual favours;



- B. implied or explicit threat of detrimental treatment in employment;
- C. implied or explicit threat about a woman employee's present or future employment status;
- D. interference with the work of the woman and creating an intimidating or offensive or hostile work environment for her;
- E. meting out of humiliating treatment which is likely to affect the woman's health or safety;
- F. sharing sexist jokes, letters, messages either by electronic mail, mobiles or otherwise that may cause humiliation or offense to the aggrieved woman and despite requests by the aggrieved woman or others to desist from sharing the same, are still carried out by the offender or even without such advice, when they are, by their nature, humiliating, offensive or vulgar;
- G. display of sexually offensive pictures, materials or graffiti;
- H. unwelcome inquiries or comments about a person's sex life;
- I. unwelcome sexual flirtation, advances, propositions;
- J. making offensive gesticulations, at the aggrieved woman or verbal abuse with sexual overtones;
- K. persistent unwanted attention with sexual overtones or stalking or unwanted touching or brushing against an aggrieved woman's body;
- L. implied or explicit promise of preferential treatment in employment by grant of promotion, local or foreign travel, favourable working conditions/assignments, or in education by giving a passing grade, granting of honours or scholarship, participation or engagement of the aggrieved woman in any of the Institute's activities or the grant of benefits or payment of a stipend or allowance etc.
- M. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;



NOTE: The above instances of sexual harassment are illustrative and not exhaustive.

5. CONSTITUENTS OF SEXUAL HARASSMENT

- i. The Conduct must be unwelcome, unwanted, uninvited, unreasonable, and offensive to the Aggrieved Woman adversely affecting the dignity of the Aggrieved Woman
- ii. Physical contact is not an essential factor for Sexual Harassment.
- iii. The aggrieved woman's rejection of or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects the aggrieved woman's job or education.
- iv. Conduct that creates an intimidating, hostile or humiliating working environment for the aggrieved woman.
- v. Acts of Sexual Harassment, among other circumstances/acts, may be related to employment or work or a student's course or research. Therefore, all acts committed outside the office or department, for example in the cafeteria, mess, on business travel in a flight or hotel, place of visit for official purpose such as conferences, field projects, extended campuses of the Institute, competitions, official events, etc. shall be covered.
- vi. Respondent can be anyone over whom the Institute has sufficient control and without limitation, can be the aggrieved woman's boss, teacher, supervisor, subordinate, trainer, colleague, mentor, co-worker/student, vendor, contractor or agent of the Employer etc.

6. EXCLUSION

It is to be noted that this Policy does not apply when the Aggrieved Woman is performing work which is outside the purview of the workplace.

7. THIRD PARTY HARASSMENT

- i. Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees and Students have come in contact, directly or indirectly, as the Institute or people involved with the activities of the Institute may be having a relationship including a business relationship with them.



- ii. Where an act of Sexual Harassment at the workplace occurs as a result of an act or omission by any third party, the Institute shall take all steps necessary and reasonable to assist the aggrieved woman or the complainant in terms of support and preventive action.
- iii. Further, where the Respondent is a third party and the Institute has no control over the employment of such person, the IC shall forward such complaints to the Employer of the Respondent, or assist the aggrieved woman or the complainant in filing an FIR with the police.

8. PREVENTION OF SEXUAL HARASSMENT

- i. Any behaviour leading to or committed towards Sexual Harassment is unacceptable and the Institute shall strive through sensitization, awareness and deterrence to create an environment that is free from such behaviour.
- ii. All Employees and Students, shall:
 - a) treat others with respect and dignity.
 - b) refrain from actions that may offend, embarrass or humiliate others (whether deliberate or unintentional).
 - c) let others know you don't approve of disrespectful or harassing behaviour.
 - d) apologise if someone tells you they are offended by your words or actions; and
 - e) familiarise yourself with this Policy.

9. DUTIES OF THE EMPLOYER

The Employer 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 and also include in its prospectus, the penal consequences of sexual harassment and penalties prescribed in this Policy, give information about the redressal mechanism and constitution of IC that has been put in place, to encourage people to file their grievances.



- c. organise workshops, awareness and training programmes at regular intervals to sensitise the employees and students of the Institute with the provisions of this Policy and orientation programmes for the members of the IC to deal with sexual harassment complaints in the manner as prescribed in the Policy keeping in view the SAKSHAM Report.
- d. provide necessary facilities to IC for dealing with complaints and conducting an inquiry and make available any information to the IC as it may require having regard to the complaint necessary for conducting the inquiry.
- e. assist in securing attendance of respondent and witnesses before the IC.
- f. provide assistance to the aggrieved woman/complainant if she chooses to file a complaint to the police in relation to an offence under the Indian Penal Code, 1860 or any other law time being in force.
- g. cause to initiate action, under the Indian Penal Code, 1860 or any other law time being in force against the offender/respondent or if the aggrieved woman/complainant so desires, where the offender is a third party i.e. is not either an employee or a student of the workplace, then inform the Internal Committee of workplace of the said third party and assist the complainant in the proceedings before the Internal Committee of the Institute/Organisation
- h. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
- i. monitor the timely submission of reports by the IC
- j. ensure that filing of a sexual harassment complaint shall not adversely affect the complainant's status, job, remuneration, promotion, education, research or grades as case may be, during the pendency of the inquiry and till the submission of the inquiry report by the IC under this Policy.
- k. to include in the Annual Report, as prepared and submitted by the IC in each calendar year, the number of cases filed, if any and their disposal under this Policy.



- l. act decisively against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students including male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation.
- m. extend full support to see that the recommendations of the IC are implemented in a timely manner and provide the IC with all possible institutional resources including office, building infrastructure (computers, audio-video equipment, photocopiers etc.), staff (typists, counselling and legal services) with sufficient allocation of financial resources.
- n. conduct regular and half yearly review of the efficacy and implementation of this Policy.
- o. provide adequate lighting in the campus with robust infrastructure and maintenance, for safety of students and women.
- p. provide adequate and well trained security including a good proportion of women security staff, who must receive gender sensitisation training before and during deployment.
- q. ensure reliable public transport between different sections of the campus if required, to enable employees and students to work late in libraries, laboratories and attend programmes during evenings.
- r. accord priority to construction of women hostels.
- s. provide of adequate health facilities within the campus including gender sensitive doctors and nurses and services of a gynaecologist.

10. ZERO TOLERANCE TO RETALIATION/VICTIMISATION/DISCRIMINATION

If an Employee/Student feels that he/she is experiencing any kind of **retaliation, victimisation or discrimination** in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the



proceedings, he/she should immediately report the matter by sending email to any member of the IC. The Institute strictly prohibits retaliation/, victimisation/ discrimination against any employee/student/complainant/aggrieved woman for either filing a complaint or helping in addressing the complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including suspension and termination in case of any physical assault. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of Sexual Harassment.

11. INTERNAL COMMITTEE (IC)

- i. The Director, being the employer for the purpose of constituting the IC shall do so by an order in writing periodically which shall contain the names and contact details of all the members of the IC. The composition of the IC shall be in accordance in with Rule 4.1 to 4.3 of the Indian Institute of Science - Rules for IC, 2017.
- ii. In the event, a complaint is received from an aggrieved woman/complainant against the Employer, such complaint shall be dealt with by the Local Committee in accordance the provisions contained in the SHWW Act and Rules.
- iii. The IC shall prepare an annual report in each calendar year in such form and at such time as prescribed in the Governing Rules and submit the same to the Employer.
- iv. The IC shall deal with complaints received by them directly or from any administrative authorities or from other persons stipulated under Rule 6 of SHWW Rules, 2013.

12. COMPLAINT OF SEXUAL HARASSMENT

- i. Any aggrieved woman or a person on behalf of the aggrieved woman, being the complainant may make, a complaint of sexual harassment in writing , within three months from the date of the incident and in case of series of incidents, within a period of three months from the date of the last incident., However, the IC may extend the period beyond three months, but not exceeding three months thereafter, for the reasons to be recorded in writing, if it is satisfied that circumstances prevented the aggrieved woman / person making the complaint within the said period.



- ii. The Presiding Officer or any member of the IC may also render reasonable assistance to the aggrieved person, for making any such complaint in writing, if he/she is unable to make the complaint in writing themselves and read out the complaint to the Complainant in the language requested by the Complainant, and to obtain the signatures of the Complainant.
- iii. Where the aggrieved woman is unable to make a complaint, on account of her physical incapacity, the complaint can be filed by her relative or friend or co-employee or any officer of National Commission for Women or State Women's Commission or any person who has the knowledge of the incident, with the written consent of the aggrieved women;
- iv. Where the aggrieved woman is unable to make a complaint due to mental incapacity, it can be filed by her relative or friend or a special educator or a qualified psychiatrist or psychologist or guardian under whose care she is receiving treatment or care or any person who has knowledge of the incident, jointly with the aforesaid persons.
- v. Where the aggrieved woman is dead, complaint can be filed by any person who has knowledge of the incident with the written consent of her legal heir.

13. CONCILIATION

- i. The IC may, at the request of the aggrieved woman, take steps to settle the issue between her and Respondent by means of conciliation provided that no monetary settlement shall be made as a basis of such conciliation.
- ii. Where a settlement has been arrived at under Clause 13(i), the IC shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- iii. The IC, as the case may be, shall provide copies of the settlement as recorded under Clause 13(ii), to the aggrieved Woman and the Respondent.
- iv. Where a settlement is arrived at under Clause 13(i), no further inquiry shall be conducted by the IC.
- v. The IC may proceed to record a settlement as aforesaid only if it is satisfied that the aggrieved woman has agreed for such settlements, voluntarily and without



pressure/undue influence or co- erosion from the Respondent or any person acting for and on his/her behalf.

14. ACTION DURING PENDENCY OF INQUIRY

During the pendency of an inquiry, on the basis of a written request to IC by the Aggrieved Woman, the IC may recommend to the Employer to:

- i. transfer the Aggrieved woman / Complainant or the Respondent to any other workplace if they are employees of the Institute; or
 - ii. grant leave to the aggrieved woman not exceeding 3 months if she is an employee of the Institute, which shall be in addition to the leave she would be otherwise entitled to as per the service rules applicable on her; or
 - iii. prevent the Respondent from reporting on the work performance of the aggrieved woman or writing confidential reports if the Respondent and aggrieved woman are employees of the Institute; or
 - iv. direct the Respondent to keep distance from the complainant/aggrieved woman; and/or keep the Respondent under suspension.
 - vi. take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making complaint.
- b. The recommendations of the IC shall be implemented by the Employer and a report shall be sent to the IC regarding implementation.

15. INQUIRY INTO COMPLAINT

- i. The IC shall follow the procedure prescribed in the Indian Institute of Science - Rules for Internal Committee, 2017 for holding an inquiry into the complaint.
- ii. In the event, the Complainant informs IC that any term or condition of the settlement as entered in accordance with Clause 13(ii) of this Policy has not been complied with by the Respondent, the IC shall proceed to make an inquiry into the complaint as per Clause 15, Sub-clause (i) above .
- iii. In the event, both parties are employees of the Institute, the parties shall, during the course of 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 a representation against the findings before the IC.



iv. For the purpose of making an inquiry under Clause 15, sub-clause (i) above, the IC shall have the same powers as vested in a Civil court under the Code of Civil procedure, 1908 when trying a suit in respect of the following matters:

- 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.

v. The inquiry under sub-clause (i) shall be shall be completed, as far as possible within a period of 90 days from the date of the receipt of the complaint.

Provided that if for reasons beyond control, the inquiry cannot be completed within 90 days as aforesaid, the IC may proceed to completed the same expeditiously and submit its report to the Disciplinary/ Executive Authority.

16. INQUIRY REPORT

- i. On completion of the Inquiry, the IC shall provide a Report of the findings to the Employer and both the parties within a period of ten days from the date of completion of inquiry.
- ii. Where the IC arrives at a conclusion that the allegations against the respondent have not been proved, it shall recommend to the employer that no action is required to be taken in the matter
- iii. Where the IC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer/Disciplinary Authority;
 - a) to take further action for imposition of punishment for proved misconduct under the Service Rules as applicable in the event the Respondent is an employee. Accordingly, the Employer/Disciplinary Authority shall proceed to issue a show cause notice proposing punishment giving the Respondent reasonable time to submit his reply. Thereafter, the Disciplinary Authority shall proceed to impose any of the punishments as stipulated in the Service Rules which is commensurate with the gravity of the proved misconduct;
 - b) to deduct, (notwithstanding anything contained in the service rules as applicable to the Respondent), from the salary/wages of the Respondent such sum as it may consider appropriate, in view of Clause 19, to be paid



to the aggrieved woman or the legal heirs, as determined by IC as compensation. Provided that in case the employer is unable to make such deduction from the salary/wages of the respondent due to Respondent being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the aggrieved Woman or the legal heirs. ;

- c) in the event, the Respondent is a student of the Institute, to impose any of the punishments as listed in Clause 17(i) of this Policy.

iv. The employer shall act upon such recommendation within sixty days of receipt of the same in the manner provided in sub clause (iii) above.

17. Penalties: Any person found guilty of sexual harassment at workplace, shall be subject to any of the below mentioned penalties (based on severity of case), with/or without compensation:

i. Penalty for Students: The following penalties (one or more) may be imposed if the Respondent is a student

- (a) Written apology
- (b) Warning
- (c) Reprimand or censure
- (d) With-holding results
- (e) Debarring from exams
- (f) Debarring from entering the campus/hostel premises
- (g) Debarring from admission
- (h) Debarring from contesting elections or holding positions in any union
- (i) With-holding awarding of degree
- (j) Expulsion
- (k) Undergoing a counselling session
- (l) Payment of compensation to the victim/legal heirs
- (m) Carrying out community service

ii. Penalty for Employees: Any employee, found guilty of sexual harassment shall be imposed with penalties - as enumerated in Rule 11 of Central Civil Services (Classification Control and Appeal Rules as contained in the Indian Institute of Science - Rules for Internal Committee, 2016.



Irrespective of and without prejudice to complaints initiated before the IC, Complainant may, at her sole discretion, also choose to lodge a complaint with the Jurisdictional Police Station for the same offence with the Police. The IC shall provide reasonable assistance to the Police in its investigation. IC may take note of the findings by the Police and/or any other competent authority, in arriving at its recommendations and conclusion. The Respondent shall be subject to any findings or order of any competent authority, including but not limited to, a Court of Law.

18. Punishment for false or malicious complaint and false evidence:

i. Where the IC arrives at a conclusion that the allegation against the Respondent is malicious or the aggrieved woman / Complainant has made such complaint knowing it to be false or any evidence produced by the aggrieved woman or the Complainant is forged, fabricated and/or misleading, it may recommend to the Employer to take action including disciplinary action against such aggrieved woman/ Complainant in a manner as may be prescribed.

Provided that a mere inability to substantiate a complaint or provide adequate proof or investigation being rendered inconclusive due to any circumstance, which may make it difficult to prove such allegation, need not attract such action

Provided further that the malicious intent on the part of the aggrieved woman/ Complainant shall be established only after an inquiry in accordance with the procedure prescribed, before any action is recommended or taken.

ii. Where the IC arrives at a conclusion that during the inquiry any witness has given false evidence or has produced any forged or misleading document, it may recommend to the employer to take action against such witness in accordance with the service rules applicable on such witness or such other manner as may be prescribed.

19. DETERMINATION OF COMPENSATION

For the purposes of determining the compensation payable to the aggrieved woman/ as per Clause 16(iii)(b), the IC shall have regard to the following:

- I. the mental trauma, pain, suffering, emotional distress etc caused to the aggrieved woman ,
- II. loss in career opportunities due to the incident of sexual harassment,



- III. medical expenses incurred by the aggrieved woman on account of the physical or psychiatric treatment,
- IV. The income and financial status of the respondent,
- V. Feasibility of such payment in lump sum or in instalments.

20. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT OR INQUIRY PROCEEDINGS

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint made under this Policy, the identity and addresses of the Aggrieved woman/ , respondent and witnesses, any information relating to the conciliation and inquiry proceedings, recommendations of the IC and the action taken by an employer under this Policy, shall not be published, communicated, or made known to the public, press or media in any manner;

Provided that any information may be disclosed/disseminated for securing justice to the victim of sexual harassment without disclosing the name, identity or any other particulars vis-a-vis the aggrieved woman/victim/complainant and witnesses.

21. Penalty for publication or making known contents of complaint and inquiry proceedings: Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act violates confidentiality, he/she shall be liable for a financial penalty and immediate removal from their role as a member of the committee.

Where the Complainant, the Respondent and/or any other Employee or Student, who is a part of the proceedings of the complaint as a witness, violates the confidentiality provisions of this Policy, he/she shall be subject to appropriate action/disciplinary action.

22. APPEAL

Any person aggrieved from the recommendations made under Clause 16(ii) or Clause 16(iii) or Clause 17(i) or Clause 17(ii) or Clause 18 or non-implementation of such recommendations, may prefer an appeal to Council, in respect of cases where the Disciplinary Authority is the Director/Council or to the Director in all cases where the Disciplinary Authority is the Registrar. Such an Appeal shall be preferred within a period of ninety days of such recommendations/order.



23. SAVINGS

- i. The proceedings under this Policy shall be conducted analogously and shall be independent of any other proceedings in law, if such a case arises.
- ii. The provisions of this Policy shall not restrict the power of Employer or aggrieved woman or complainant to proceed against the Respondent for any other misconduct or to pursue other criminal or civil remedies.

