

IISER Pune's Policy and Procedures on the Prevention and Redressal of Sexual Harassment at the Workplace

I. Introduction and Background

IISER Pune is committed to providing a safe and welcoming learning and working environment to all its students and employees, regardless of gender, sexual orientation, social or cultural background and other present or perceived differences.

This document aims to create awareness on the concept of gender equality and on what constitutes sexual harassment in the context of the Constitution of India. The document also describes procedures that the institute has put in place, in accordance with the law, for addressing complaints related to sexual harassment.

This policy document has been prepared by the Internal Committee (IC), a statutory body at IISER Pune set up as per the law. The Committee aims to prevent and to address issues related to gender discrimination and sexual harassment. Suggestions and queries may be sent to ic@iiserpune.ac.in.

Gender Equality, Sexual Harassment, and the Law: The Constitution of India upholds the principle of gender equality as well as offers ways to empower women to counterbalance the socio-economic disadvantages they experience. The law against sexual harassment of women at the workplace is one of the constitutional privileges available to the citizens of India. This is consistent with the right of citizens to practice any profession and with the right for equality of status and opportunity.

Gender equality means that all individuals have equal access to resources and opportunities, regardless of their gender and be treated with equal respect and dignity. IISER Pune believes in, and practices, gender equality policy.

Sexual harassment is any type of unwelcome, inappropriate behaviour towards individuals resulting in discrimination, ill-treatment, coercion, and/or mental/physical trauma ranging from sexual intimidation to assault.

In 1997, the Supreme Court of India laid down a set of procedural guidelines known as the Vishakha guidelines to address sexual harassment of women at the workplace. Following this, a legislation was enacted in 2013, namely, the Sexual Harassment of Women at the Workplace (Prevention, Prohibition And Redressal) Act 2013 by the Ministry of Women and Child Development, India. This makes it mandatory for all employers, institutions, and organisations in India to provide a safe and secure working environment free from sexual harassment for all women as well as put in place procedures to address related complaints. In 2016, the University Grants Commission (UGC) issued specific guidelines for higher educational institutions (Prevention, Prohibition and Redressal of Sexual Harassment of

Women Employees and Students in Higher Educational Institutions: Published in the Gazette of India dated May 2, 2016).

Applicable to everyone at IISER Pune's workplace, the policy concerns gender sensitivity issues and complaints related to sexual harassment at the workplace. As per the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, the IC is empowered to deal with sexual harassment complaints from women employees and from students of all genders.

II. What constitutes Sexual Harassment?

According to the Sexual Harassment of Women at the Workplace (Prevention, Prohibition And Redressal) Act of 2013, sexual harassment includes one or more of the following unwelcome acts (whether directly or by implication):

1. Physical contact or advances;
2. A demand or request for sexual favours;
3. Making sexually coloured remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

It is important to note that sexual harassment is a subjective experience, and the law analyses harassment from the perspective of the complainant, and not from the perspective of the respondent (the one against who a complaint has been placed). In this regard, awareness and sensitivity towards issues related to gender, especially in the context of one's cultural background, assumes significance.

An overall guiding principle to self-assess whether a certain type of behaviour constitutes gender discrimination, and, possibly, sexual harassment, is to ask oneself if they would behave differently with a female employee or student than they would if the employee or student was male. Another important point to consider is that apart from unambiguous instances of sexual harassment that involve unwanted physical touch, there may be other, less obvious, instances that could potentially be considered as sexual harassment by co-workers, students, and other members at the workplace. These include usage of inappropriate or harsh language and usage of swear words while expressing oneself. Identifying and avoiding such behaviour can help create a pleasant work environment.

Some **examples of unwelcome behaviour that constitute sexual harassment at the workplace** (as described in the Handbook on Sexual Harassment of Women at Workplace, 2015):

- Making sexually suggestive remarks or innuendos

- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance
- Offensive comments or jokes
- Inappropriate questions, suggestions, or remarks about a person's sex life
- Displaying sexist or other offensive pictures, posters, mms, sms, whatsapp, or e-mails
- Intimidation, threats, blackmail around sexual favours
- Threats, intimidation, or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones
- Unwelcome social invitations, with sexual overtones commonly understood as flirting
- Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit
- Physical contact such as touching or pinching
- Caressing, kissing or fondling someone against her will (could be considered assault)
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone)
- Persistently asking someone out, despite being turned down
- Stalking an individual
- Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours
- Falsely accusing and undermining a person behind closed doors for sexual favours
- Controlling a person's reputation by rumour-mongering about her private life

Some **examples of behaviour that may indicate underlying workplace sexual harassment** and merit inquiry:

- Criticising, insulting, blaming, reprimanding, or condemning an employee in public
- Exclusion from group activities or assignments without a valid reason
- Statements damaging a person's reputation or career
- Removing areas of responsibility, unjustifiably
- Inappropriately giving too little or too much work
- Constantly overruling authority without just cause
- Unjustifiably monitoring everything that is done
- Blaming an individual constantly for errors without just cause
- Repeatedly singling out an employee by assigning her with demeaning and belittling jobs that are not part of her regular duties
- Insults or humiliations, repeated attempts to exclude or isolate a person
- Systematically interfering with normal work conditions, sabotaging places or instruments of work
- Humiliating a person in front of colleagues, engaging in smear campaigns
- Arbitrarily taking disciplinary action against an employee
- Controlling the person by withholding resources (time, budget, autonomy, and training) necessary to succeed

Some examples of workplace behaviours that **may not** constitute sexual harassment:

- Following-up on work absences
- Requiring performance to job standards
- The normal exercise of management rights
- Work-related stress e.g., meeting deadlines or quality standards
- Constructive feedback about the work mistake and not the person

III. Role of IISER Pune's Internal Committee

The Internal Committee (IC) of IISER Pune is a statutory body constituted as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013. As per the Act, the committee is empowered to address complaints of sexual harassment from women and from students of all genders through discussions and investigation, and the institute is bound to implement the committee's recommendations resulting from the investigation. IISER Pune's IC will receive complaints of sexual harassment at the workplace from women and from students of all genders.

The objectives of IISER Pune's IC are to:

- facilitate a gender-sensitive and congenial working environment free of gender-specific discrimination or sexual harassment
- take proactive measures to educate the IISER Pune community about gender-sensitivity through orientation programmes for current and new members of the institute through seminars and workshops
- address complaints related to sexual harassment
- ensure that complainants and witnesses are not victimised or discriminated against because of lodging such complaints

IC can be reached on ic@iiserpune.ac.in. The Presiding Officer of the Internal Committee can be contacted at ic.po@iiserpune.ac.in.

IV. Policy and Procedures

IISER Pune is committed to enabling a safe, pleasant, and collegial work environment. The institute observes a zero tolerance policy towards any type of conduct amounting to sexual harassment and to providing a safe environment for all.

IVa. Scope and Definitions

Applicable to everyone at IISER Pune's workplace, the policy concerns gender sensitivity issues and complaints related to sexual harassment at the workplace. As per the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act,

2013 and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, the IC is empowered to deal with sexual harassment complaints from women employees and from students of all genders.

Here are the definitions of the terms used in this policy document.

Workplace refers to the entire campus of IISER Pune including teaching, working, and residential areas; locations outside the campus that IISER Pune members might visit as part of official work for purposes such as conferences, study tours, etc; as well as online spaces where individuals interact in the capacity of their affiliation to IISER Pune as student, employee, etc.

Complainant is the individual who files a complaint of sexual harassment to the Internal Committee (IC). The IC of IISER Pune will receive complaints from any woman member of the institute including students, postdoctoral fellows, faculty, staff, and contractual employees; and from women affiliated to other organisations visiting the IISER Pune workplace for purposes such as collaboration, conference, workshop, short-term visit, etc. The IC of IISER Pune will receive complaints from students of all genders.

Respondent is the individual at IISER Pune workplace against whom the complaint is placed.

Student refers to students of all academic programmes at the institute including BS MS, Integrated PhD, and PhD programmes; teaching associates; project students; summer trainees; short-term student visitors such as those visiting the campus for a course, training programme, conference, workshop, etc.

Employee refers to regular and contractual employees of IISER Pune including faculty (regular, fellows, scientists, visiting, ad-hoc and those with any other designations involved in teaching and research activities); postdoctoral fellows; and all non-teaching staff members, including project and contractual staff.

IVb. Constitution of the IC

1. In compliance with the directives of the 2013 Act against sexual harassment, the committee will consist of faculty and staff members from the institute; a member from a non-government organisation who is familiar with issues pertaining to sexual harassment; and a student member, who will be included if the matter involves students. At least one-half of the total number of committee members should be women.
2. The Director of IISER Pune will nominate the members from amongst employees committed to the cause of gender equality. The tenure of members will be for a period of three years from the date of constitution of the committee.

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3. All members of the committee should receive training in addressing issues related to sexual harassment through any one of the empanelled organisations listed by the Ministry of Women and Child Development.
4. IC will meet at least four times in a year, apart from scheduling additional meetings whenever necessary. Each meeting would require the Presiding officer to be present and at least two other members (for the quorum). If the Presiding Officer is unavailable for a meeting, she may nominate another woman member from amongst the committee members to assume the role of the Presiding Officer.

IVc. Filing of Complaint

1. The IC will receive complaints from any of the members defined as a Complainant in Section IVa above. Complainants may send a complaint by writing to ic@iiserpune.ac.in; ic.po@iiserpune.ac.in or to any of the members of the IC. A written complaint is required to initiate the process. One may also contact any of the IC members for any queries or clarifications, should they need inputs from an IC member before choosing to place a complaint.
2. In the case of oral complaints (for example, if the complainant is not literate or is physically unable to write), the Presiding Officer will prepare a written document of the same, which will have to be signed by the complainant.
3. The complaint should include details such as the name and contact information (if available) of the person/s against whom the complaint is being placed; approximate date, time, and location of the incident of sexual harassment (the latest date/time/location may be included in case of multiple incidents); and a descriptive account of the incident and the situation.
4. The complaint should also include evidence and/or a list of witnesses (if available), which the IC will share with the respondent.
5. As per the prescribed guidelines of the Sexual Harassment Act, a complaint is to be filed within 90 days from the incidence of sexual harassment. This period can be extended by 3 months if the committee finds the circumstances for the delay to be valid.
6. All members of the committee are bound to maintain confidentiality on the identity of the complainant, respondent, and any witnesses during and beyond the period of the inquiry (see also IVf7).

Timelines prescribed for Redressal of the Complaint

Particulars	Timeline
Complaint to be registered	Within 3 months from the date of incident (this period can be extended)
Send a copy of the complaint to the respondent to file his/her reply	7 working days from the date of receipt of the complaint
Respondent's reply	10 working days from the date of receipt of the notice to file his/her reply
Inquiry	To be initiated after receipt of the respondent's reply; to be completed within 90 days from the date of the complaint
Report	To be submitted within 10 days after completion of the inquiry

The Director has to act on the recommendations within 60 days from the date of receipt of the inquiry report from the IC.

IVd. Procedure to Address a Complaint

1. Throughout the complaint redressal process, the committee will be aware of its supportive role towards both the complainant (in investigating the incident and promoting a safe workplace) and the respondent (for a fair hearing and for recommending a course of action in anticipation of a positive impact on the respondent).
2. Prior to initiating an inquiry, upon the request of the complainant, the committee will explore the option of resolving the complaint through conciliation, which involves discussions, educating, counselling, etc. Before initiating conciliation, the Presiding Officer of the IC and/or the committee will independently assess the severity of the incident and, if found necessary, will advise the complainant to opt for a formal mechanism involving inquiry.
3. After establishing the requirement for a formal inquiry process, and within 7 days of having received a complaint, the IC will send a copy of the complaint to the respondent, who is expected to reply within 10 days of receiving the notice.
4. The respondent should submit to the IC his/her statement along with evidence and/or a list of witnesses (if available). The respondent's reply will be shared with the complainant.
5. The IC is required to complete the inquiry within 90 days from the date of the complaint. The Presiding Officer may constitute a sub-committee of at least three members including the Presiding Officer (quorum) for the inquiry, if necessary.

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6. The inquiry process would involve separate meetings with the complainant and the respondent, their witnesses, and any other members identified by the committee. The committee shall treat all members with dignity during the proceedings of the inquiry.
7. The complainant and the respondent will not be brought face to face, during any part of the inquiry proceedings. Cross examination may be done through the committee.
8. All parties will get a fair opportunity to present their account of the circumstances leading to the complaint and to furnish any documentary evidence.
9. All members involved in the inquiry process including the committee members, complainant, respondent, and witnesses are required to respect the confidentiality provisions of the policy.
10. Within 10 days of completing the inquiry, the IC will prepare a report of its findings along with its recommendations to the Director.
11. The institute is bound by law to implement the recommendations of the IC, and should act on the IC's recommendations within 60 days from having received the committee report.
12. The complainant and the respondent will both receive a copy of the IC report along with its recommendations. They have the right to appeal to the appropriate court in case they are not satisfied with the recommendations / findings of the committee.

IVe. Recommendations following Inquiry

1. If the committee upholds the complaint, i.e., the committee arrives at the conclusion that the allegation against the respondent has been proved, it will recommend action against the respondent. The IC's recommendations will take into account the nature of the misconduct, its impact on the complainant, the conclusion arrived at during the inquiry process, and the rules prescribed in the Act for penalties.
2. If the respondent is an employee, the recommended action may include disciplinary action (such as a written apology, reprimand, or warning); withholding of promotion/pay-raise/increment; counselling; community service; or termination from service. A second, or repeated, offence may attract a higher penalty.
3. If the respondent is a student, the recommended action may include disciplinary action (such as a written apology, reprimand, or warning); counselling; removal from the hostel; loss of semester; or discontinuation from the academic programme. A second, or repeated, offence may attract a higher penalty. In all instances, a letter will be sent to the parents informing them of the inquiry and the committee's recommendations.
4. If the committee does not uphold the complaint, i.e., it arrives at the conclusion that the allegation against the respondent has not been proved, it will recommend that no action is required to be taken.

5. If the committee concludes that the complaint against the respondent is malicious or false, i.e., the complaint has been placed knowing it to be false, and/or if misleading, fake, or forged documents have been produced as evidence by the complainant and/or a witness, the committee will recommend that the institute take action against the complainant and/or the witness. However, a mere inability to provide adequate proof to support the complaint, in the absence of malicious intent, will not attract action against the complainant.

IVf. Further Guidelines

1. The role of the IC is to nurture a safe and pleasant workplace for all members through gender sensitisation and to provide an unbiased complaint redressal mechanism for matters related to sexual harassment.
2. The complaint redressal process will be handled by the committee with due respect and dignity towards all members involved in the inquiry process. The inquiry proceedings will be kept confidential. All individuals called to the committee (complainant, respondent, witnesses, and any other) should honour the confidentiality of the proceedings.
3. The IC is empowered to ensure that the complainant, respondent, and witnesses are not victimised as a result of their involvement in the inquiry proceedings. The IC can recommend measures to prevent interactions that could cause such discrimination.
4. The IC members should not have any conflict of interest with the complainant or the respondent. In case of a conflict of interest, the committee member should excuse herself/himself from the inquiry proceedings.
5. As per the prescribed procedure, it is required that complaints are filed within three months from the date of the last incident. This period can be extended by three months if the committee finds the circumstances for the delay to be valid.
6. If the respondent fails to present himself/herself to the committee as requested for three meetings convened, the committee will proceed with its decision and recommendations based on the available facts and evidence.
7. Notwithstanding the Right to Information (RTI) Act of 2005, the contents of the complaint; the identity and address of the complainant, respondent, and witnesses; any details of the conciliation and inquiry proceedings; recommendations of the committee; or the action taken by the institute are not to be published or communicated or made known to the public, press and/or media. Information pertaining to the justice secured to the victim of sexual harassment as reported by the committee through its annual report may be disseminated by the institute without disclosing the name, address, identity, or other details that might reveal the identity of the complainant and witnesses.

8. The committee will maintain records of all activities and proceedings and will submit a report every year to the MHRD and the district office through the institute.

References

1. The Sexual Harassment Of Women At The Workplace (Prevention, Prohibition and Redressal) Act, 2013
<http://www.wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Act.pdf>
2. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013
<http://wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Rules.pdf>
3. Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
<http://www.wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>
4. University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015
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