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Policy on “Prevention of Sexual Harassment at work place”

CONTENTS

1. INTRODUCTION
 - 1.1 PREAMBLE
 - 1.2 OBJECTIVES
 - 1.3 SCOPE
2. DEFINITION OF TERMS
3. EXCLUSION
4. HARASSMENT BY OR AGAINST AN EMPLOYEE OF A THIRD PARTY
5. ZERO TOLERANCE POLICY
6. THE COMMITTEE AND THE PROCESS OF DEALING WITH THE COMPLAINTS
7. PRE-ENQUIRY PROCESS
8. ENQUIRY PROCESS
9. PROVISION FOR APPEAL
10. PENALTY AND PUNISHMENT
11. CONCILIATION
12. MISCELLANEOUS

1. Introduction

The Manipal Education Group is an established leader in the field of education, research and healthcare. In a span of over six decades, it has transformed the lives of number of students from over 59 countries. The group includes five universities - Manipal Academy of Higher Education (MAHE, Manipal, Karnataka), Sikkim Manipal University (Sikkim), American University of Antigua (Caribbean Islands), Manipal International University (Malaysia) and Manipal University Jaipur (Jaipur).

Manipal University Jaipur (MUJ) was established in the year 2011 on an invitation from the Government of Rajasthan, as a self-financed state university. MUJ has redefined academic excellence in the region, with the Manipal way of learning; one that inspires students of all disciplines to learn and innovate through hands on practical experience.

Jaipur, being one of the fastest growing cities in India, has increasing demand for quality higher education in the region. Following an allotment of 122 Acres of land at Dehmi Kalan village near Jaipur, the permanent campus of the University has come up at a fast pace and is by far one of the best campuses in the region.

The multi-disciplinary university offers career-oriented courses at all levels, i.e. UG, PG and doctoral and across diverse streams, including Engineering, Architecture, Planning, Fashion Design, Fine Arts, Hospitality, Humanities, Journalism and Mass Communication, Basic Sciences, Law, Commerce, Computer Applications, Management, etc. Some PG programmes are also available in the research mode.

MUJ boasts of best-in-class infrastructure, including state-of-the-art research facilities and a modern, digital library. In line with Manipal University's legacy of providing quality education to its students, the campus uses the latest in technology to impart education.

1.1 Preamble

Manipal University Jaipur (hereinafter referred as MUJ) is committed to create a healthy working environment and study atmosphere that enables employees to work & students to study without any fear of prejudice, gender bias and sexual harassment. The university also believes that all employees and students have the right to be treated with dignity. Sexual harassment at the work/study place or other than the work/study place is a grave offence and is, therefore, punishable.

It is the policy of the university to promote cooperative work, learning environment and human development in which mutual respect exists for all university students, faculty members & employee.

The Parliament of India passed the “Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013” which make it obligatory for every employer and other responsible persons to follow the guideline laid down by the Hon’ble Court and to evolve a specific policy to combat sexual harassment in the workplace. MUJ is committed to uphold the constitutional mandate ensuring the human rights of all those who fall within its jurisdiction.

1.2 Objectives

- To provide an environment free of gender-based discrimination.
- To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at the University.
- To create awareness about sexual harassment in its various forms so that each one in the University community deters from being involved in acts of gender-based discrimination and harassment.
- To ensure the implementation of the policy through proper reporting of the complaints and their follow-up procedures.

1.3 Scope

This policy extends to all category inclusive employees of MUJ and also to students studying at MUJ.

The policy for MUJ is applicable at any location, not confining only to office/ University premises and can also include a place away from the university town where the accused/victim was on deputation.

Employer, employee and the students of either sex who indulges in such behavior will be in the ambit of this policy. Individual of either sex who experiences harassment is the 'victim' and the individual of either sex who commits the offence is the 'accused'.

2. Definition of Terms

2.1 Sexual harassment would mean and include any of the following:

- i) Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any activity.
- ii) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, text message, emails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual sensibilities and affect her/ his performance.

- iii) Eve teasing, taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- iv) Uploading obscene pictures of the victim in the social networking sites
- v) Such act or conduct of the person is likely to create a hostile or intimidating environment to the employee/ student belonging to the other sex.
- vi) Conduct of such an act at work place/ study area or outside in relation to an employee or student of MUJ, and
- vii) Any unwelcome gestures by an employee or student towards a fellow employee or student, having sexual overtones.

2.2 “Employee” means all employees of MUJ as set out in this policy and includes all categories of employees of the organization either working part-time or full time and including but not limited to permanent employees, temporary employees, trainees and students.

2.3 “Employer” means and includes

- i. The Board of Management, Chairperson or President, MUJ, and
- ii. The Registrar, MUJ, for the purposes of appointment of members of the Internal Committee.

2.4 “District Officer” means an officer notified under Section 5 of the Act.

2.5 “Internal Committee” (hereinafter referred as “IC”) means a committee constituted by the employer for the purpose of dealing with all matters in relation to sexual harassment.

2.6 “Local Committee” (hereinafter referred as) “LC” means a committee notified by the state government for the purpose of dealing with matters in relation to sexual harassment in each and every district.

2.7 “Member” means the members of IC appointed by the employer.

2.8 “Complainant” means, in relation to a workplace (as hereinafter defined), a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment (as hereinafter defined).

2.9 “Workplace” means and includes all offices, departments, laboratories, places of instructions and research or other premises where the MUJ’s activities are conducted and also includes

- i. any premises / sites including field offices or any other campus where University-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 University campus and provided for by the University, including guest houses and outside accommodation when used for official purposes.

3. Exclusion:

It is to be noted that this policy does not apply to any act that occurs outside the workplace and is of the complainant's own accord and for personal reasons.

4. Harassment by or Against an Employee of a Third Party:

Harassment by or against an employee of a third party means "Sexual Harassment" perpetrated by or against visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the employees have come in contact, directly or indirectly, because of MUJ having a relationship/business relationship with them.

Where the sexual harassment at the workplace occurs as a result of an act or omission by any third party, MUJ shall take all steps necessary and reasonable to assist the affected Employee in terms of support and preventive action.

If the complaint is filed by an employee of the third party against an employee, MUJ will provide an opportunity for the "Third Party Internal Committee" representation in the inquiry proceedings.

5. Zero Tolerance Policy

Any employee who feels that she or he is being sexually harassed may submit a complaint to the immediate senior of the accused; in case of students, the complaint is to be submitted to the respective institution head in writing or to any member of the committee with his/her signature, immediately or within 10 days of occurrence of the incident. The complaint must include within it all necessary details with no omission of facts, which may later hinder in the investigation process. The complaints can be sent to any of the committee member via email at posh@jaipur.manipal.edu. Anonymous complaints will not be entertained.

6. The Committee and the process of dealing with the complaints

A committee has been constituted to consider and redress complaints of sexual harassment. The composition of IC is as follows:

- | | |
|---|---|
| 1. Prof. Kalpna Sharma | Presiding Officer |
| 2. Prof. Richa Arora | Member |
| 3. Dr. Neha Chaudhary | Member |
| 4. Mr. Radhakrishna Samga | Member |
| 5. Ms. Poonam Rathi | Member |
| 6. Three students (Comprising of at least of one girl student and if matter involves student) | shall be nominated by Dean of the Faculty |
| 7. Mr. Deepak Kulhar, (NGO “BHOR”) | External Member |

The committee may at its own discretion also invite a faculty member from the department from where the complaint is received as Special invitee / member.

The quorum for each proceeding shall consist of the Presiding officer, Member Secretary and any two members of the committee.

7. Pre-enquiry Process

- i) The committee will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.
- ii) The Presiding officer of the committee will hold a meeting with the victim as soon as possible but not later than three working days in any case, after receiving the complaint.
- iii) At the first meeting, the committee members shall hear the victim and record her/his statement. The victim can also submit any corroborative material with a documentary proof, oral or written material, etc, to substantiate his / her complaint. If the victim does not wish to depose personally due to embarrassment of narration of the event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
- iv) Thereafter, the accused may be called for a deposition before the committee and an opportunity will be given to him / her to give an explanation, where after, an "enquiry" shall be conducted and concluded.
- v) In the event, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual

harassment, the same would be dropped after recording the reasons thereof.

- vi) All proceedings of the committee shall be recorded in writing and will have to be signed off by the presiding officer, victim and the accused.
- viii) Minutes of meeting shall be recorded, and the recommendation(s) of the case shall be submitted to the Employer.

8. Enquiry Process

- i) The committee shall immediately proceed with the enquiry and communicate the same to the victim and the accused.
- ii) The committee shall prepare and hand over the statement of allegations to the accused and give him/her an opportunity to submit a written explanation if he/she so desires within 3 days of receipt of the same.
- iii) The victim shall be provided with a copy of the written explanation provided by the accused.
- iv) If the victim or the accused desires to summon witness(s), they shall communicate in writing to the committee, the name(s) of witness/witnesses whom they propose to call.
- v) If the victim or the accused wishes to provide any documents by way of evidence before the committee he/she may do so by supplying original copies of such documents. Both shall affix his/ her signature on the respective documents to certify these to be original copies.
- vi) The committee shall summon all witness/witnesses/any other person related to the case mentioned by both the parties and record their statements.
- vii) The committee shall provide every reasonable opportunity to the victim and the accused for putting forward and defending their respective case.
- viii) If the offense is a serious one and if a victim expresses a desire to lodge a police complaint, it will be facilitated after counseling and seeking the university legal advisors' opinion.
- ix) In case the complaint is found to be false, the victim shall, if deemed fit, be liable for appropriate disciplinary action by the University.
- x) In the event the complaint of sexual harassment is made against any member of the Internal Committee (IC), that member shall cease to be a member of the committee, till the said complaint is disposed-off by the committee. If the member is found guilty he/she will be removed from the Internal Committee with immediate effect and the relevant procedures/actions administered/instituted.
- xi) In case the offence has been proved, MUJ may initiate appropriate disciplinary action against the accused, as recommended by the IC on approval of the Employer.
- xii) The committee may suggest any appropriate rehabilitation measures for the victim like medical assistance, counseling etc and also change of location.

9. Provision for Appeal

If the accused or the victim in any case feels the enquiry proceedings are unsatisfactory/ biased, he/she may appeal to the Employer. The decision of the Employer is final and binding on both parties concerned.

10. Penalty and Punishment

The committee may recommend to the Employer for appropriate action to be initiated. As disciplinary action, any of the following penalties may be imposed for good and enough reasons on an employee / student if found guilty upon enquiry by the committee.

For employees:

- i) Written warning or caution
- ii) Demotion
- iii) Censure
- iv) Withholding/stoppage of increment with or without cumulative effect.
- v) Fines, not exceeding an amount equivalent to 7 days salary.
- vi) Transfer or change of place of employment.
- vii) Discharge/ removal/ dismissal.

For students:

- i) Warning/ caution /censure
- ii) Stringent action against the delinquent student
- iii) Rustication of delinquent student from college.

11. Conciliation:

- i) The complainant can request for conciliation before commencement of an inquiry by the IC.
- ii) No monetary settlement shall be made as a basis of conciliation.
- iii) The IC shall then record the settlement so arrived and may create a conciliation settlement report and forward the same to the Employer to take action as specified in the recommendation.
- iv) The IC shall provide the copies of the settlement to the complainant and the respondent.
- v) Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

Note: *In addition to the conciliation as requested by the complainant, IC shall have the power to recommend preventive measures to the employer.*

- vi) In case of breach of the terms of conciliation settlement then an inquiry shall also be held to investigate such breach.
- vii) IC shall give equal opportunity of being heard to both the parties.
- viii) The inquiry shall be completed within ninety days from the date of complaint.
- ix) IC shall forward the copy of findings to both the parties to make representation against findings of the IC.

12. Miscellaneous

- i) The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- ii) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, MUJ shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- iii) The committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to the Employer.
- iv) In case the committee finds the degree of offence coverable under the Indian penal code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Employer, for making a police complaint.
- v) The University recognizes that confidentiality is important, therefore all complaints of sexual harassment shall be processed in a manner to protect the privacy of all parties in accordance with the University policy.
- vi) Retaliation against a complainant or witness is illegal.
- vii) Making malicious complaints of sexual harassment will also attract similar and appropriate disciplinary action.
- viii) Manipal University Jaipur reserves the right to modify/change the policy from time to time.