

# **Centre for Global Leadership Development**

## **Policy on Gender Sensitisation and Sexual Harassment**

October 2014

## A. PREAMBLE

Centre for Global Leadership Development (CGLD) is committed to upholding the biblical mandate of human dignity, gender equality and ethical behaviour. This **Policy on Gender Sensitivity and Sexual Harassment** is formulated in line with the constitution of India<sup>1</sup> and in compliance with the statutory requirements.<sup>2</sup>

Sexual harassment has come to be widely condemned as a form of human rights violation, an infringement on life and liberty and a grave form of gender-based discrimination. Such behaviour is an affront to dignity, gender equality, and fundamental rights.

CGLD is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction.

## B. OBJECTIVES AND SCOPE

This policy reiterates the commitment of CGLD to creating and maintaining a community in which students, employees, family members and visitors can live and work together in an environment free of all forms of sexual harassment. We are committed to maintain a zero tolerance for harassment of any kind in our workplace and community.

In framing this policy and procedures, the spirit of The Sexual Harassment of Women At Workplace Act 2013, and the Supreme Court judgements mentioned in the background section have been followed; however, the rules and procedures cover a wider spectrum of sexual harassment and deal with issues in consonance with the requirements of an academic institution.

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<sup>1</sup>Sexual harassment is contrary to anti-discrimination provisions in the Constitution of India: Article 15: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1) (g): Right to Freedom which upholds a woman's right "to practice any profession, or to carry on any occupation, trade or business".

<sup>2</sup>Sexual Harassment is an offence under **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 No. 14 of 2013.**

**Section 3(1):** No woman shall be subjected to sexual harassment at any workplace."

**Section 19:** Every employer shall (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.

**Section 4(1):** Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee".

The Supreme Court of India, in a landmark judgement in August 1997 (Vishaka & others vs. the State of Rajasthan & others) stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the "Right to Freedom" under Article 19 (1)(g). The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty".

Another Supreme Court Judgement in January 1999 (Apparel Export Promotion Council vs. Chopra) has stated that sexually harassing behaviour "needs to be eliminated as there is no compromise on such violations".

Educational institutions are bound by the same Act. In Section 2(o) the term "workplace" includes:

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational.... distribution or service."

This policy applies to all students, academic staff, faculty members, and non-teaching staff on the active rolls of CGLD, the Officers of CGLD, the members of the Authorities and Committees of CGLD as well as to service providers and outsiders who may be within the territory of CGLD at the time of commission of the act / behaviour coming under the purview of this policy.

This policy would not only apply inside the campus but also off-campus official or unofficial duty (workshops, field work, group holidays/excursions organized by CGLD, interviews/meetings with outside people and any other activity organized by CGLD off-campus including the period of travelling for such activity).

In particular, the policy shall be applicable to all complaints of sexual harassment made:

- i. By a student against a member of the academic or non-teaching staff or a co-student or the Officers of CGLD, or the members of the Authorities and Committees of CGLD; or by a member of the academic or non-teaching staff or the Officers of CGLD, or the members of the Authorities and Committees of CGLD against a student or another member of the academic or non-teaching staff; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- ii. By a resident member of the community against a fellow resident, a student or a member of the academic or non-teaching staff or the Officers of CGLD, or the members of the Authorities and Committees of CGLD or by a student or a member of the academic or non-teaching staff or the Officers of CGLD, or the members of the Authorities and Committees of CGLD against a resident member of the community, if the sexual harassment is alleged to have taken place within the campus.
- iii. By a service provider or an outsider against a student or a member of the academic or non-teaching staff or the Officers of CGLD, or the members of the Authorities and Committees of CGLD or by a student or a member of the academic or non-teaching staff or the Officers of CGLD, or the members of the Authorities and Committees of CGLD against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

In order to implement this policy, an **Internal Complaints Committee (ICC)** shall be appointed whose composition and mandate will be as described in Annexe 1.

## **C. DEFINITIONS OF SEXUAL HARASSMENT AND GENDER SENSITISATION**

### **1. Sexual Harassment**

Sexual Harassment in the given context, is described in The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013 in Paragraph 2(n) as follows:

“sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. physical contacts and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”

And may take a wide range of forms, e.g.:

- a) Physical
  - Any unwanted touching/ body contact
  - Objectionable physical proximity or contact
  - Threat of, or actual, assault/ Violence

- Offensive or threatening gestures
- Request for sexual favours or unwanted sexual advances
- Stalking
- b) Verbal
  - Offensive or sexually explicit jokes or remarks or demeaning terms or sexually coloured remarks
  - Abusive, threatening or insulting words
  - Ridicule
  - Lewd comments about appearance
  - Threat of dismissal or loss of promotion for refusal to action inappropriate requests
  - Swearing
- c) Non verbal
  - Discriminatory or offensive e-mails or other communications
  - Isolation, ignoring, deliberate exclusion
  - Creation, circulation or publishing of threatening or offensive or pornographic posters/banners/other written, pictorial or audio/video materials.

In the context of CGLD, Sexual Harassment is defined as

1. any unwelcome sexual advances, or requesting sexual favours, or verbal or physical conduct of a sexual nature explicitly or implicitly made as a term or condition for instruction, employment, participation or evaluation of a person's engagement in any activity related to CGLD.
2. any unwelcome sexual advances of verbal, or non-verbal or physical conduct such as loaded comments, remarks, jokes, letters, phone calls, or e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, and sounds or display of a derogatory nature which have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive campus environment.
3. committing any form of sexual assault by a person using the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will.
4. any act or behaviour of sexual nature (as defined above) associated with:
  - Implied or explicit promise of preferential treatment in education/employment; or
  - Implied or explicit threat of detrimental treatment in education/employment; or
  - Implied or explicit threat about present or future education/employment status; or
  - Interference with work or creating an intimidating or offensive or hostile work/study environment; or
  - Humiliating treatment likely to affect health or safety.

Within CGLD all of the above applies equally to men and women and also includes harassment by a member of one sex to a member of the same sex. The key expression in the above definition is unwelcome which indicates the unwanted and non-consensual nature of the behaviour in question.

While the overwhelmingly dominant form of sexual harassment is that which is perpetrated by men against women, sexual harassment could also be perpetrated by women against men or occur between persons of the same sex.

## 2. Gender Sensitisation

Gender Sensitisation involves creating awareness about gender issues and working towards and creating and enabling an environment of gender justice where men and women can work together with a sense of personal security and dignity.

### D. COMPLAINTS, COMPLAINTS MECHANISM, AND COMPLAINTS FILING PROCESS

1. Any student, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, service provider, outsider, or a member of the academic or non-teaching staff or an Officer of CGLD, or a member of the Authorities or a Committee of CGLD.
2. Complaints should be lodged by the concerned person directly with any member of Internal Complaints Committee (ICC). Third party complaints and witness complaints shall not be entertained except in cases where the complainant has been forcibly prevented from making a complaint; in such cases a complaint can be made on her/his behalf until she/he can approach ICC.
3. Complaints may be oral or in writing. If the complaint is oral, it would be converted into a written form by the ICC member receiving the complaint and authenticated by the complainant under her/his dated signature or thumb impression as the case may be as soon as possible. Complaints may also be received by email via the official email address: [icc@cglld.org](mailto:icc@cglld.org)
4. Details of the incident(s) of harassment, date, time, and place must be recorded.
5. Complaints must be filed within three months of the incident or of the most recent incident. If the time line has exceeded three months, the ICC can accept the complaint if there is reasonable explanation for the delay.
6. If the complainant is unable to file a complaint themselves, the following will apply:
  - i. Where the victim is physically incapacitated from making a complaint, it can be made by someone on her/his behalf, which includes a friend or any person who knows of the incident and has the written authorization of the victim to make a complaint.
  - ii. where the victim is mentally incapacitated from making a complaint someone who is closely associated (friend or legal guardian/heir) can make the complaint on her/his behalf.
  - iii. If the victim is unable/unwilling to file a formal complaint, someone who knows of the incident can do so provided they have the written authorization of the victim to make the complaint.
  - iv. where the victim has passed away, a person who knows of the incident may file a complaint if they have received the written authorization of the victim's legal guardians/heirs.
7. The history of who the complainant approached (family, friends, teachers etc) before making a formal complaint must also be recorded.
8. A copy of the complaint has to be given to the respondent (person against whom a complaint has been filed) within 7 days from when the complaint was received.

9. Within 10 days of receiving a copy of the complaint and other accompanying documents, the respondent has to respond with documents and details of witnesses.
10. The complaint along with the response of the respondent and other documents and details of witnesses shall be forwarded to the Complaints Screening Committee.
11. Complaint and confidentiality related procedures:
  - i. Once a complaint has been given to ICC, the complainant should preferably not go public until the inquiry is completed.
  - ii. However, a complainant has the right to go public if s/he so desires. Going public before giving the complaint to ICC by the complainant should not prejudice the ICC members.
  - iii. Notwithstanding its commitment to confidentiality requirements, ICC retains its right to collectively issue a public statement or publicly respond to allegations made against ICC or any of its members. However, members of ICC cannot go public in their individual capacity.
  - iv. Filing of a grievance/complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc.
12. Withdrawal of Complaints:
  - i. The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or Inquiry procedure. However, ICC must ascertain the reasons for withdrawal of the complaint record the same in writing and get it counter-signed by the complainant.
  - ii. The Complaints Screening/Inquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Complaints Screening/IC is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and/or intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the Complaints Screening/Inquiry proceedings shall continue in accordance with the procedure outlined in the policy.

## **E. COMPLAINTS SCREENING PROCESS:**

1. ICC shall designate by rotation five persons from amongst its members for a period of six months to screen complaints. These five persons would constitute the Complaints Screening Committee (CSC).
2. The main function of the Complaints Screening Committee is to carefully study the complaint and determine whether a formal inquiry by ICC is to be instituted.
3. For this purpose, it may hear the complainant and the defendant as well as other involved parties and examine any written documents produced (letters, copies of sms, e-mails, photographs etc.).
4. The CSC shall meet within three-working days of the complaint being lodged. Any action necessary to facilitate the screening process (such as talking to the parties involved) should be initiated within three working days after the first meeting of the CSC.
5. The entire screening process shall not take more than two weeks from the date of the initial complaint. On completion of the screening process, the CSC shall make a formal recommendation to ICC about whether or not a formal inquiry process should be put in place, along with the reasons and documentary evidence, if any, thereof, in writing.

6. A formal inquiry is to be recommended if the CSC feels that the complaint needs further investigation, i.e., the complaint is not *prima facie* baseless.
7. Although the recommendation of the CSC is not binding on ICC, ICC should have convincing reasons for not acting on the recommendations of CSC.
8. During both the complaints screening process as well as the formal inquiry process (detailed in the subsequent section), the following principles and procedures shall be followed:
  - i. At no time in the complaints receiving and screening procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g., they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems. These may include but not limited to: transferring desk/usual working space to another department; additional security/vigilance whilst on campus; voluntary leave (up to three months); relaxation of attendance for students which will not affect their opportunity to sit exams/assessment.
  - ii. At no time in the complaints receiving and screening procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.
  - iii. At all points in the complaints receiving and screening procedure, confidentiality of both parties shall be maintained. If any member of the complaints screening Committee, the IC(IC) or ICC violates this norm, she / he will automatically be disqualified.
9. ICC may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below:
  - i. A restraint order shall provide a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the defendant(s) that any attempt on her / his part or by person(s) acting on her / his behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her / his case.
  - ii. The complainant or any other person shall intimate in writing the Complaints Screening Committee, the Presiding Officer of ICC and/or the IC of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
  - iii. Should the Complaints Screening Committee, the Chairperson of ICC, or the IC be convinced of the truth of such allegations, the Presiding Officer of ICC and/or the Chief Inquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The IC or ICC shall retain the right to close the Inquiry proceedings, and to give an ex-parte decision on the complaint.
  - iv. The IC and ICC shall consider all violations of the restraint order when determining the nature of offence of a defendant.
10. The ICC shall also be responsible for taking the necessary steps to ensure that both the complainant as well as the defendant are informed about and provided access to counselling services at least once; further follow-up would be left to the discretion of the

concerned party. ICC may recommend suitable NGOs for this purpose as and when required.

## **F. PROCEDURE FOR INQUIRY:**

1. Once the Complaints Screening Committee communicates its decision to ICC, ICC shall meet within five working days from the date of such communication to (i) decide whether the complaint merits further scrutiny and (ii) in case the complaint merits further scrutiny, to constitute the **IC (IC)**.
2. Composition of the IC:
  - i. The IC shall consist of five persons, at least 50% women, led by the Chief Inquiry Officer who shall be a woman, chosen from within the members of ICC. As a third-party voice, it shall include an outside expert. To the extent possible, it shall include a representative each from the constituency of the complainant and the defendant.
  - ii. If a student is lodging a complaint he/she may request that a Student Representative is also part of the IC. This suggestion will be considered by the Chief Inquiry Officer and approved so long as this is not seen as any breach of interest or impartiality.
  - iii. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the IC.
  - iv. ICC may, at its own discretion, co-opt any person with gender sensitivity to be a part of the IC, provided that the majority of members are the members of ICC. Such a person shall not serve as the Chief Inquiry officer.
3. Functions, powers and responsibilities of the IC:
  - i. The IC shall enquire into the complaint of sexual harassment and shall submit a detailed report to ICC, in which it shall communicate its findings based on its investigations.
  - ii. The IC shall conduct the proceedings in a fair manner and shall follow the principles of natural justice by providing reasonable opportunity to the complainant and the defendant for presenting and defending his/her case.
  - iii. The IC shall have to complete the inquiry within a reasonable time not exceeding three months from the date the complaint is referred to it.
  - iv. At any time in the inquiry proceedings, the IC shall not put the complainant and the defendant in a situation where they may be face to face. (see E.7.i above.)
  - v. The IC may call any person to appear as a witness, if it is of the opinion that it shall be in the interest of just decision-making.
  - vi. The IC shall have the power to ask the relevant authorities for any official papers or documents pertaining to the complainant as well as the defendant.
4. The IC must adhere to the Principles of Natural Justice when inquiring into a complaint.
5. Records of all evidence gathered in the course of the inquiry shall be maintained.
6. The past sexual history of the complainant shall be deemed irrelevant to a complaint of sexual harassment.
7. The inquiry can be terminated, or proceeded *ex-parte* (when the defendant does not cooperate) if the party (either the complainant or the defendant) does not present them-



selves for three consecutive hearings and no reasonable cause has been offered. Chief Inquiry Officer of the IC shall have the right to take a decision on the complaint based upon the available evidence.

(Proviso: The termination of the inquiry or proceeding with the inquiry *ex-parte*, as the case may be, shall not be done without serving a written notice to the party in question. Such notice must be served at least 15 days before the relevant decision is to be made.)

8. No lawyer is allowed to represent either party.
9. The identities of all witnesses shall be protected by the IC. A coding system may be used for this purpose.
10. All persons heard by the IC shall take and observe an oath of secrecy about the proceedings. Any violations of the oath of secrecy would invite action by the appropriate authority as per the recommendation of ICC.
11. After completing the investigation, the IC shall submit a detailed report of its findings to the Chairperson of ICC, including an indication of whether it finds the defendant guilty or not guilty along with reasons for its decision.
12. ICC should make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint.
13. ICC shall take action against anyone who intimidates the complainant or members of ICC, during or after the screening and inquiry.

Note: Most cases of sexual harassment occur in private, so there may not be any eye-witness. The IC will have to come to a conclusion about the complaint without proof or evidence of this kind. It will rely on circumstantial evidence and the testimonies of the complainant, the defendant, and witnesses, if any. This inquiry is not a criminal investigation. Strong probability, rather than 'proof beyond reasonable doubt', is enough to take a decision on the complaint.

## **G. COMMUNICATION OF FINDINGS OF THE IC AND FOLLOW-UP PROCEDURES**

1. Within three working days of the receipt of the report of the IC, copies of the report shall be made available to all members of ICC.
2. As soon as the report is received by ICC, all members of ICC shall have access to records of evidence collected by the IC.
3. Within three working days of the receipt of the report of the IC, the chairperson of ICC shall convene a meeting to deliberate upon the findings of the IC.
4. ICC may adopt the findings of the IC in total with regard to the culpability or otherwise of the defendant and recommend suitable action.
5. If ICC does not agree with the findings of the IC, it shall refer the case back to the IC for consideration of the concerns expressed by ICC. The IC shall have to resubmit its findings within five working days from the date the case is referred back to it.
6. Within three working days of the resubmitted findings, a meeting of ICC shall be convened. If ICC does not agree with the resubmitted findings, any modifications of the same can be made by it only with a 2/3rd majority of the total members of ICC.
7. In the event that a decision about both culpability of the defendant as well as the action to be taken is not reached by ICC in a single meeting, at most one more meeting may be called within two working days to arrive at the final decision.

8. Within two working days of the decision of ICC, the chairperson of ICC shall communicate the decision of the ICC to the appropriate authority, along with the report of the IC, together with a summary of opinions of its members (including dissenting opinions).
9. Within three working days from the date of communication of the findings by ICC, the appropriate authority shall convene a meeting with ICC to discuss the decision of ICC and the report of the IC for follow-up action.
10. In the event that no action has been taken one week after the meeting between the appropriate authority and ICC, the Chairperson of ICC shall convene a meeting of ICC with the appropriate authority to take stock of the situation.
11. In the event that the action taken is different from the one recommended by ICC, the Chairperson of ICC shall convene a meeting of ICC with the appropriate authority and enquire about the reasons for the divergence.
12. In the event that appropriate follow-up action has not been taken by the appropriate authority one week after the meeting described in clauses (10) and (11) above, ICC shall communicate its discontent in writing to the authority.
13. In the event that any new fact or evidence arises or is brought before ICC at any stage of the inquiry proceedings or even after the communication of the findings to the appropriate authority, ICC can take cognizance of this and take appropriate action; this may include reconstitution of the IC, in which case the new IC shall include at least half of the members of the IC that originally enquired into the said complaint.
14. **False complaints/allegations:** If the Complaints Screening Committee or the IC finds no merit in any particular complaint/deposition, it shall write to the chairperson of the ICC, giving reasons for its decision.
  - i. Within three working days of the receipt of this communication from the CSC / IC, the chairperson of ICC shall convene a meeting to discuss the recommendations of the CSC / IC and to decide whether a show-cause notice shall be issued to the complainant/witness(es).
  - ii. Upon the decision to issue a show-cause notice, the chairperson of ICC shall issue it to the complainant/witness(es) and require the complainant / witness(es) to explain within five working days as to why disciplinary actions shall not be taken against him/her.
  - iii. Within three working days of the receipt of any explanation from the complainant/witness(es), the chairperson shall convene a meeting to consider the explanation.
  - iv. In the event of an unconvincing explanation, the ICC shall forward its findings to the appropriate authority for follow-up action.
15. Protection against Victimization:
  - i. If found guilty, the defendant shall not
    - 1) supervise any activity (such as evaluation, examination or reporting) of the complainant/witness and/or
    - 2) write the confidential report of the complainant/witness.

## **H. REDRESSAL:**

### **GUIDING PRINCIPLES**

1. The guiding principle of the redressal mechanism is to use retributive measures along with pastoral concern that go beyond penalty to provide room for rehabilitation by positive suggestion, social pressure and mentoring.
2. There will be provisions for punishment for the offender once the offence is proved. There will also be measures at every step of the inquiry and the punishment to treat the offender as a human being susceptible to changing one's behaviour on positive suggestions and social pressures.
3. Redressal shall involve supportive measures for the complainant and protection against victimization. Filing of a grievance or complaint will not reflect upon/adversely affect the complainant's status, future evaluations, assignments, employment, promotion, etc.
4. As a general principle, everyone who is associated with redressal of sexual harassment needs to be sensitive towards both the offender and the complainant. To this end, it is advisable that they undergo periodic orientation and training.

### **PUNISHMENTS**

1. Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff or an Officer of CGLD, or a member of the Authorities or Committee of CGLD found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the CGLD authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.
2. If the ICC on enquiry finds the allegation of sexual harassment of the complainant to be baseless, with falsely made up evidences with an intent to malign the defendant, the complaint will be dropped and the complainant may face similar penalties as listed below.
3. Penalties in case of Faculty:
  - i. Warning and/or reprimand.
  - ii. Withholding of one or more increments for a period not exceeding one year.
  - iii. Removal from a position of authority at CGLD
  - iv. Disbarment from holding an administrative position at CGLD
  - v. Suspension from service
  - vi. Compulsory retirement / Dismissal from service
  - vii. Any other action as may be deemed necessary
  - viii. The penalty awarded shall be recorded in his/her Confidential Record. The right to an official character certificate may also be withdrawn where applicable.
4. Penalties in Case of Non-Teaching Staff and Project Staff
  - i. Warning and/or reprimand.
  - ii. Withholding of one or more increments for a period not exceeding one year
  - iii. Suspension from service

- iv. Compulsory retirement / Dismissal from service
  - v. Any other action as may be deemed necessary
  - vi. The penalty awarded shall be recorded in his/her Confidential Record. The right to an official character certificate may also be withdrawn where applicable.
5. Penalties in Case of CGLD Students
- i. Warning and/or reprimand
  - ii. Written warning with information to the parent/guardian
  - iii. Withdrawal of scholarship/financial aid
  - iv. Withdrawal of the right to an official character certificate from CGLD.
  - v. Withdrawal of hostel accommodation for the entire period of study.
  - vi. Suspension from CGLD
  - vii. Expulsion from CGLD
  - viii. Withholding of a degree offered by CGLD.
  - ix. Any other action as may be deemed necessary.
  - x. The penalty awarded shall be recorded in his/her personal file.
6. Penalties in Case of Outsiders
- i. Warning and/or reprimand.
  - ii. A letter communicating her/his misconduct to her/his place of education, employment or residence.
  - iii. Restriction from entering the CGLD campus and/or a bar on applying / appearing for any programme of study or employment offered by CGLD.
  - iv. Any other action as may be deemed necessary.
7. Penalties in Case of Service Providers
- i. Warning and / or reprimands.
  - ii. A letter communicating her/his misconduct to her/his place of employment.
  - iii. Restriction from entering the CGLD campus and lodging a police complaint.
  - iv. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
  - v. Any other action as may be necessary.
8. In case of culpability of an officer of CGLD, or a member of the Administration or Committee of CGLD, in addition to the penalties specified under 3 (i)-(viii) above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant.
9. Penalty in case of a Second Offence: A second, or repeated offence, shall, on the recommendation of ICC, attract a higher penalty.

## **I. APPEALS**

1. In the event of the CGLD not taking action on a complaint, or if the complainant or defendant is dissatisfied with the disciplinary action taken by the CGLD authorities,

she/he shall have the right to appeal to an Appeals Committee. Appeals may also be lodged with the CGLD authorities.

2. An Appeals Committee (AC) shall consist of:
  - i. One person nominated by the Board of Directors of CGLD from amongst its members,
  - ii. One former senior woman member of ICC nominated by the President. If there is no former senior woman member of ICC, the President could appoint a senior woman member who is not a sitting member of the ICC. This nominee shall chair the Appeals Committee, and
  - iii. One woman faculty member of CGLD nominated by the President.
3. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record. On the basis of all the evidence before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an inquiry.
4. The Appeals Committee shall report to the Board of Directors of CGLD its findings and recommendations on the nature of the action to be taken on the appeal.
5. At any point in time, the complainant or the defendant may decide to appeal to a court of law under the jurisdiction of Karnataka High Court.

## **J. AMENDMENTS**

1. Amendments to this policy shall be effected by decisions taken in a special meeting of Internal Complaints Committee (ICC) constituted for this purpose.
2. Proposed amendments shall be circulated at least five working days prior to the special meeting called for this purpose.
3. An amendment shall be passed by two-thirds of the total members of ICC.
4. Any Amendment to this Policy shall have effect only if these are compatible with the letter and spirit of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, the Supreme Court Vishaka judgement and any future Supreme Court judgements deemed applicable.

# ANNEXE 1

## Composition of ICC and Selection Procedures

### A. COMPOSITION

1. ICC shall have a minimum of seven members.
2. More than 50% of the members of ICC shall be women.
3. Members of all constituencies at CGLD are sought to be included in ICC.
4. The composition of the members is given below.
  - i. Three faculty members (two women, one man) representing different schools of CGLD.
  - ii. A representative from non-teaching staff.
  - iii. An outside expert from an NGO or association committed to the cause of women and sexual harassment. (Fees or allowances may be paid to the outside expert as necessary.)
  - iv. Student Representatives representing every school of CGLD.

### B. SELECTION PROCEDURE:

1. The Members of the ICC shall be nominated by the President of CGLD in consultation with the Administration Committee.
2. Once all internal members of the new ICC have been selected, they will choose a woman faculty member from amongst them as the Chairperson.
3. The Chairperson in consultation with the President shall nominate the outside expert.
4. Amendments to the Committee will then be made by nomination of the ICC in consultation with the President of CGLD.

### C. TENURE OF OFFICE:

1. The tenure of the Chairperson and the members except the Students representatives of the Internal Committee shall be three years, from the date of their nomination and appointment.
2. The tenure of the student representatives shall be for a period of not more than two years.
3. For all ICC subsequent to the first ICC, first the internal members of the new ICC would be selected according to the procedures outlined above at least two months before the end of the tenure of the existing ICC. The new ICC (including the outside expert) has to be fully constituted at least one month before the end of the tenure of the existing ICC.
4. However, if a vacancy arises in ICC owing to absence of a member without intimation for three consecutive meetings, extended leave, resignation or disqualification of a

member, the vacancy will be filled up for the residual period by the selection procedure outlined above.

5. A person shall be disqualified for being a member of ICC if there is any complaint concerning sexual harassment (either pending or proven) against him/her.

#### **D. POWERS, FUNCTIONS AND MEETINGS OF ICC**

1. ICC shall create awareness about sexual harassment, deal with and punish acts of sexual harassment.
2. Members of ICC shall be sensitive to the issue of sexual harassment and shall not let personal biases and prejudices (whether based on gender, caste, class, sexuality) and stereotypes (e.g., pre-determined notions of how a “victim” or “accused” should dress or behave) to affect their functioning as members.
3. ICC is the authorised body to receive complaints about sexual harassment, screening, informal mediation, conducting formal inquiry and redressal.
4. In order to carry out the above functions, ICC shall follow the procedures mentioned below:
  - i. ICC shall meet twice a year in addition to a public meeting for reporting / audit purposes. Additional meetings could be held as necessary to deal with issues or complaints that may arise.
  - ii. Members shall be intimated of meetings in writing or by electronic communication at least five working days in advance except in the case of an Emergency Meeting.
  - iii. Any member of ICC may request the Presiding Officer to call an Emergency Meeting. A notice of at least one working day shall be required for such a meeting to be called.
  - iv. The quorum for all meetings shall be more than half of the existing members of ICC.
  - v. Motions shall be carried by a simple majority of those present and voting. The procedure for voting will be secret ballot conducted by the Chairperson.
  - vi. If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days.
  - vii. For an adjourned meeting, the required quorum shall be the same as in a regular meeting. In the case of an adjourned Emergency Meeting there shall be no requirement of quorum.
  - viii. Minutes of all meetings shall be recorded, confirmed and adopted.
5. ICC shall hold at least one public meeting every year where it shall report to the CGLD community about its activities and present its Annual Report.

#### **E. GENDER SENSITISATION AND AWARENESS GENERATION**

1. For the purpose of creating gender sensitisation and awareness generation CGLD and ICC shall perform the following functions:
  - i. The CGLD Policy on Gender Sensitisation and Sexual Harassment in its entirety shall be made available at the library counter, the Deans' Offices, HR office and on the CGLD website.
  - ii. ICC shall ensure the prominent publicity of the policy (in a summary form) in the CGLD prospectus, students handbook and by displaying it on the main notice board

and the employees' notice board (at the lounge), the library notice board and at the canteen/dining halls and student hostels.

iii. The names of the members of ICC and the official email address of the committee (*icc@cglld.org*) shall be displayed in the main notice board and the library notice board.

2. Each recruitment announcement of CGLD shall include the following line: "CGLD is an equal opportunity employer and is committed to providing an environment free from sexual harassment".
3. ICC shall organize programmes for the gender sensitisation for the CGLD community through workshops, seminars, posters, film shows, debates, skits, etc.
4. ICC shall empanel a list of counsellors to extend support in specific instances of sexual harassment as well as to facilitate gender sensitisation in general. In specific instances, ICC shall inform the complainant, the defendant and other interested parties about the contact details of the panel and encourage them to use the same.
5. The policy, in summary form, shall be printed and signed with a statement of undertaking by every students each year.
6. All existing employees and new service contracts for employees of CGLD at all levels must sign the statement of undertaking of this policy.



# Annexe 2

## Definitions

1. “Academic staff” includes any person on the staff of CGLD who is appointed to a teaching and/or research post, whether full-time, permanent, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include persons employed on a casual or project basis.
2. “Appropriate Authority” shall refer to any person to whom the power of Directorship may be delegated, except in the case where either the complainant or/and the defendant is/are part of “faculty” in which case the appropriate authority would be the Administrative Committee.
3. “Campus” includes all places of work (instruction, research and administration), as well as hostels, guesthouses, quarters, canteen and other public places on the Kothanur Campus.
4. “Committees” means the Internal Complaints Committee as constituted under Section 4 of the The Sexual Harassment of Women at the Workplace Act 2013.
5. “Employee” means any person on the staff of CGLD, including faculty, non-teaching staff, and project staff; permanent, temporary, part-time, visiting, ad-hoc and honorary employees by whatever name called and would include persons employed on a casual basis and also those employed through contractors. It includes any person employed at a workplace for any work on a regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principle employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.”
6. “Faculty” includes any person on the staff of CGLD who is appointed on a temporary or permanent basis, including researchers in various categories and research associates, and any outside faculty temporarily affiliated with CGLD.
7. “Non-teaching staff” includes any person on the staff of CGLD who is not appointed to a teaching and/or research post, whether full-time, permanent, temporary, ad-hoc, part-time, daily wage, honorary or on special duty or deputation, and shall include persons employed on a casual or project basis, as also persons employed through a contractor.
8. “Off-campus official duty” would refer to any activity being undertaken outside the “campus” on behalf of CGLD, this would include, but not be restricted to, workshops, field work, group holidays/excursions organized by CGLD, and interviews/meetings with outside people along with the period of travelling for such activity.
9. “Outsider” includes any person who is not a student, or member of the academic or non-teaching staff of CGLD.
10. “Outside expert” includes any person with expertise in fields relevant to the working of ICC; this could include an academician, an experienced person from an NGO, an activist or a legal expert who is not an employee of CGLD.

11. "Project staff" includes any person on the staff of CGLD who is appointed on a temporary or permanent basis as part of a specific project.
12. "Student" means any person who is enrolled for any degree/diploma/certificate course at CGLD (full-time/part-time/short term/long term). It also includes a student of another University or college or research institution who has been placed or has opted for placement with CGLD or is auditing/attending courses at CGLD or is temporarily affiliated with CGLD.
13. "Service provider" includes any person or entity who provides services to CGLD or its "employees" and "students".
14. "Visitors" would include all persons who are not employees or students of CGLD; these include "service providers", participants in a seminar, workshop or a training programme, students' relatives, alumni or students from another institution, and any other outsiders who are on the "campus" of CGLD to meet with any employee or student or use the library and other facilities of CGLD.

## **Annexe 3:**

### **Obligations of CGLD Authorities**

1. The President and the Administrative Committee of CGLD shall constitute the ICC as per the procedures outlined herein above. (See Annexe 1)
2. They shall notify, each academic year, the names and contact details of the members of ICC and the fact that ICC is the Committee responsible for gender sensitisation and action against sexual harassment.
3. They shall maintain full confidentiality with respect to matters pertaining to ICC enquiries into complaints of sexual harassment.
4. They shall act promptly on the recommendations of the ICC pertaining to the various issues and redressal as outlined above.
5. As required by The Act 2013, they shall forward to the government department concerned the annual report of the ICC together with a written report on the action taken by them upon the decisions/recommendation of ICC, if any.