

POLICY AGAINST SEXUAL HARASSMENT

IMI, NEW DELHI

1. Objective

- 1.1. The Government of India has enacted 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', in compliance with the Act, and the AICTE Regulation 2016. IMI's Policy against Sexual Harassment has been formed to prohibit, prevent or deter the commission of the acts of sexual harassment at the workplace and to provide the procedure for redressal of complaints pertaining to sexual harassment.
- 1.2. IMI is committed to creating a work environment in which all its internal stakeholders can work together in an atmosphere that is free from sexual harassment. IMI aims to make all its stakeholders aware of what is considered to be sexual harassment, how to deal with such cases and redress complaints made to the IMI internal complaints committee henceforth referred to as GSCASH in this document (Gender Sensitization and Complaints Committee Against Sexual Harassment).

2. To whom the Policy shall apply

- 2.1. This Policy shall apply to all internal stakeholders including contractual employees, service providers, contractual labourers, existing students, staff and faculty members, of International Management Institute, New Delhi
- 2.2. It shall not apply to visitors and vendors carrying on business in the Campus under license granted by International Management Institute, New Delhi

3. What amounts to Sexual Harassment?

- 3.1 'Sexual Harassment' includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - a) Physical contact and advances
 - b) A demand or request for sexual favours
 - c) Sexually coloured remarks
 - d) Showing pornography
 - e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3.2 The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment, may amount to sexual harassment:

- a) implied or explicit promise of preferential treatment in employment; or
- b) implied or explicit threat of detrimental treatment in employment; or
- c) implied or explicit threat about present or future employment status; or
- d) interference with work or creating an intimidating or offensive or hostile work environment; or
- e) humiliating treatment likely to affect health, safety, dignity or physical integrity of the person concerned.

4. Procedure for filing a Complaint

4.1 The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman shall be made to GSCASH in writing and be sent either by post/email or given in person to the GSCASH (refer Annexure I for contact details).

4.2 The GSCASH may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity, a complaint may be filed by—(a) her relative or friend; or (b) her co-worker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman.

5. Safeguards to those making Complaints

The Gender Sensitization and Complaints Committee Against Sexual Harassment (GSCASH) guarantees anonymity of complainants and all persons involved. All complaints will be dealt with equal seriousness irrespective of the positions held by the persons involved. In view of the complicated nature of sexual harassment, complaints will be considered even when it is difficult or impossible to provide concrete evidence.

6. Procedure to be followed Post Receipt of Complaint

6.1 As per the requirements of the Act, complaints of sexual harassment are required to be lodged in writing with the GSCASH (refer Annexure I for contact details).

6.2 The GSCASH shall commence an inquiry within 7 working days from the date of receipt of the complaint.

6.3 The GSCASH will meet the complainant within 7 (seven) working days.

6.4 The enquiry will involve:

- i. Hearing the complainant / record statements.
- ii. Asking the complainant to produce any material/relevant details concerning the alleged sexual harassment.
- iii. Calling the person accused for a meeting. Providing him/her with the opportunity to present his/her views.
- iv. Hearing the witnesses.
- v. Conducting enquiry into the evidence(s) provided by the above and if required, consulting with experts.

6.5 The GSCASH shall complete the inquiry within a period of 90 days. The GSCASH shall record all the proceedings of the inquiry and on completion of the inquiry, finalize the report and forward it within 10 days to the disciplinary authority along with their recommendation as to the punishment, if any, to be imposed on the Respondent if the charges have been proved.

6.6 The GSCASH can refer a matter for settlement through conciliation, on the request made by an aggrieved woman.

6.7 However, no monetary settlement shall be made as a basis of conciliation.

6.8 In the event the complaint does not fall under the purview of sexual harassment or the complaint on the face of it does not disclose an offence of sexual harassment, the GSCASH may drop the complaint after recording the reason/s thereof.

7. Appeal

7.1 Appeal against the Final Order imposing punishment under this policy shall be made within 15 days from date of receipt of the decision, before the appellate authority. In the case of Employees appointed by the Director/Director General (DG) the appellate authority shall be the Director/DG, in the case of employees appointed by the Board, the appellate authority, shall be the Chairman of the Board. In case of the students the appellate authority shall be the Director/DG.

7.2 All appeals shall be in writing and the same shall be disposed of within 15 days from the date of filing of Appeal.

8. Penalties

8.1 Any student, service provider, resident, outsider, or a member or teaching or non-teaching academic or non-academic guilty of sexual harassment shall be liable for disciplinary action.

8.2 The penalties listed below are indicative, and shall not constrain the Institute authorities from considering others, in accordance with the rules governing the conduct of all stakeholders in practice at the time.

(8.2.1) Penalties in Case of Academic Staff

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments for a period not exceeding one year.
- c. Removal from an administrative position.
- d. Disbarment from holding an administrative position.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

(8.2.2) Penalties in Case of Non-Teaching Staff

- a. Warning, reprimand, or censure.
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

(8.2.3) Penalties in Case of IMI New Delhi Students

- a. Warning or reprimand.
- b. Withdrawal of hostel accommodation for a period up to one term.
- d. Withdrawal of the right to an official character certificate from IMI, New Delhi.
- e. Withdrawal of hostel accommodation for the entire period of study.
- f. Suspension or Rustication from the Institute for a period up to two terms.
- g. Expulsion from the Institute, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by IMI, New Delhi

h. Withholding of diploma awarded by IMI, New Delhi.

Further, the penalty awarded shall be recorded in his/her Personal File in the respective programme office.

(8.2.4) Penalties in Case of Outsiders

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- c. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by IMI, New Delhi.
- d. Any other action as may be decided.

(8.2.5) Penalties in Case of Service Providers

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of employment.
- c. Declaration of the campus as out of bounds for her/him.
- d. Withdrawal of the right to run/manage/work in any commercial or non commercial enterprise, or to provide services, on the campus.
- e. Any other action as may be decided.

In addition to the penalties specified under (8.2.1)-(8.2.5) above, the person may be advised to undergo counselling and gender sensitization, and to give a written and/or public apology to the complainant.

(8.2.6) Penalty in Case of a Second Offence

A second or repeated offence, may, on the recommendation of GSCASH attract a major penalty.

9. False Complaint

9.1 If the Committee finds no merit in any complaint a show-cause notice may be issued by the Chairperson of GSCASH to the complainant. The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant to explain, within seven days (in writing and/or in person), as to why disciplinary action should not be taken against her/him.

9.2 Within four working days of receipt of any explanation from the complainant/witness (es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of GSCASH shall convene a Special Meeting to consider the explanation or any lack thereof.

9.3 In the event of no, insufficient, or unconvincing explanation, GSCASH shall forward its findings to the appropriate Institute Authority for further action.

10. Protection against Victimization

10.1 If the complainant is a student and the defendant(s) is a faculty, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

10.2 If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

10.3 If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the Institute, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Appraisal of the complainant, if she/he is otherwise so authorized.

10.4 If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the Institute, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Appraisal Reports of the witness, if she/he is otherwise so authorized.

10.5 If the defendant(s) is an outsider or service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.

10.6 This Policy has been evolved as a tool to ensure that in the interest of justice and fair play, our stakeholders have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual/tarnishing his/her image in the institute and to settle personal/professional scores, strict action will be taken against the complainant.

10.7 The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under various laws for the time being in force.

ANNEXURE 1***CONTACT DETAILS*****GSCASH MEMBERS, IMI, NEW DELHI**

Chairperson: Prof Mamta Mohapatra
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Internal Members:**Faculty**

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