

**Internal Complaints Policy
for
Prevention of Sexual Harassment**



**Indian Institute of Management
Indore**

Indian Institute of Management, Indore (IIMI) is committed to provide a safe and healthy working environment to all the employees and students irrespective of gender, race, caste, creed, religion, place of origin, sexual orientation, disability, or economic status. The Institute is dedicated to creating an inclusive environment of dignity, care and respect that enables all to work or study in the campus without fear or prejudice, gender bias, hostility, or sexual harassment. The Institute is committed to ensure that none of its members and others associated with it are subject to sexual harassment and will fully enforce the policy against sexual harassment.

This policy is also in furtherance of compliance to the legislation – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made to this law in 2013 (collectively referred to as ‘law’). In addition, this Policy shall be read with reference to any provisions of the Regulations, rules, and other policies of the Institute, as applicable. Relevant guidelines of the Ministry of Human Resource Development, Government of India, and the University Grants Commission, may also be referred in the implementation of this Policy.

SCOPE & APPLICABILITY

This policy is applicable to all administrative and academic departments of IIMI. It covers all categories of employees including regular staff, temporary staff, engaged either directly or through an agency, trainees, employees on contract, faculty including visiting faculty, guest faculty, research staff working on projects, either inside the campus or during visits to partner organizations and students from all the short time and long term academic and executive programmes.

This policy is also applicable to all complaints of sexual harassment made by an aggrieved woman in relation to IIMI against any person of IIMI irrespective of the location where such harassment took place i.e. within or outside premises of the campus as long as it is within the definition of ‘workplace’ as per the Act.

DEFINITION

- (a) **‘Act’** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).
- (b) **‘IIMI campus/workplace’** means all the locations within the premises of Indian Institute of Management, Indore (Indore & Mumbai campus) and its related facilities such as libraries, laboratories, classrooms, accommodation provided by the institute, toilets, health centers, canteen, bank counters etc. It also covers the places visited by employee/student as a member of the institute via transportation provided for the purpose of commuting to and from IIMI. It also includes places outside IIMI such as field trips, internships, study tours, excursion, short term placements, places used for camps, cultural festivals, sports meet, online sessions, groups and events, and such other activities where an individual is participating in the capacity of an employee or a student of IIMI.
- (c) **‘Employer’** is the Director of IIMI.
- (d) **‘Faculty’** means persons who are on the regular and contractual teaching positions at IIMI, and shall include all full time, contractual, ad-hoc, part-time, visiting, adjunct, guest, honorary, or on special duty or deputation teaching staff.
- (e) **‘Non-Teaching Staff’** includes any other employee of IIMI, who is not included in the category of Faculty.
- (f) **‘Student’** means a person admitted and pursuing a program. It includes both long term and short term academic and executive programs in IIMI. Student of any other institution, who is a participant in any of the activities of IIMI shall also be treated for the purpose of this Policy, as a student at the institute, where any incident of sexual harassment takes place against such student in the said activities of the institute.

- (g) **“Aggrieved woman”** means and includes in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of Sexual harassment by the Respondent.
- (h) **“Complainant”** means in relation to the campus, a woman of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the respondent.
- (i) **“Respondent”** means a person including an Employee, Student or third party against whom the Complainant has made a complaint.
- (j) **“Sexual Harassment”** means “An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behavior (whether directly or by implication), namely:
 - (a) any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - (b) demand or request for sexual favours;
 - (c) making sexually coloured remarks
 - (d) physical contact and advances: or
 - (e) showing pornography”

In addition, anyone (or more than one or all) of the following circumstances, if it occurs or is present in relation to or connected with any behavior that has explicit or implicit sexual undertones:

- (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- (b) implied or explicit threat of detrimental treatment in the conduct of work;
- (c) implied or explicit threat about present or future status of the person concerned;
- (d) creating an intimidating offensive or hostile learning and working environment;
- (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

INTERNAL COMPLAINTS COMMITTEE

In compliance to the law, IIMI has constituted an Internal Complaints Committee (**ICC**) to further gender sensitization (through regular awareness and sensitization workshops for all the employees and students) and to investigate allegations of sexual harassment at the Campus.

The composition of ICC shall be as follows:

- a) A Chairperson (Presiding officer) who shall be a tenured woman faculty member at IIMI, nominated by the Director;
- b) At least one faculty members and one non-teaching employees nominated by the Director;
- c) At least one student representative, who shall be enrolled in long duration programs
- d) At least one external member from amongst government and non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment may be nominated by the Director IIMI. The Member appointed from amongst the non-governmental organizations or associations shall be paid fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

At least one-half of the total members of the ICC shall be women. The term of office of the members of the ICC other than student representatives shall be for a period of three years. Student representatives shall be appointed for a year.

Where the Presiding Officer or any Member of the Internal Committee, —

- (a) contravenes the provisions of section 16; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

PREVENTION

IIMI has 'zero tolerance' to sexual harassment. To ensure dignity and respect of all the employees the ICC shall:

- a) organize periodic awareness and sensitization workshop for all the stakeholders.
- b) provide mechanisms of dispute redressal and dialogue to anticipate and address Sexual Harassment issues through just and fair conciliation without undermining complainant's rights,
- c) protect the safety of the complainant by not revealing the person's identity and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender.
- d) provide assistance if an employee or a student chooses to file a complaint with the police.

REPORTING SEXUAL HARRASSMENT

For the ICC to consider and initiate any process, a complaint must be submitted by the aggrieved person(s). Complaints should be made in writing or via email, not later than 3 months from the date of occurrence of the alleged incident (in case of a series of incidents, within a period of 3 months from the date of the last incident). Friends, relatives, colleagues, co-students, student's counsellors, psychologists, faculty and staff members, or any other associate of the aggrieved person may file the complaint in only such situations where the aggrieved person is physically or mentally incapacitated and therefore unable to lodge a complaint.

The complaint submitted should clearly mentioned the details of the incident(s). Additionally, supporting facts and documents such as evidence, names of individuals involved, and the details of the witnesses (if any) shall be submitted with the compliant. [The ICC may extend the time limit not exceeding an additional three months, if it is satisfied that there were unavoidable circumstances which prevented the aggrieved person from filing a complaint within the said period.]

RESOLUTION PROCESS

Conciliation: Before the ICC initiates an inquiry into the complaint, the complainant may request the ICC (in writing/email) to settle the matter between the complainant and the respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. In the event a settlement has been reached, and duly recorded by the ICC, further inquiry shall not be conducted.

Inquiry: All claims of sexual harassment will be promptly and thoroughly investigated by the ICC in accordance with the principles of natural justice and the provisions of law. Neither the complainant nor the respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

The ICC shall, upon receipt of the valid complaint, send one copy of the complaint to the respondent. Upon receipt of the copy of the complaint, the respondent shall file a reply along with the list of documents and names, addresses, and details of witnesses. As mandated by the law, the inquiry has to be completed within a period of ninety (90) days from the receipt of the complaint. The inquiry report, with ICC recommendations, if any, has to be submitted to the Director. A copy of the findings and/or recommendations shall also be provided to the complainant and the respondent on request. The Director shall act on the recommendations of the ICC within a period of sixty (60) days from the receipt of the inquiry report.

Malicious Complaint: Towards ensuring that this Policy and its provisions for the protection of employees and students from sexual harassment do not get misused, the ICC may make any provisions against false or malicious complaints. In the event the ICC determines that the complaint is false or malicious, or that false or misleading information was provided during its proceedings, the ICC shall recommend strict disciplinary action against such person, even including termination of employment or expulsion. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not by itself imply a false or malicious complaint.

Interim redressal: Even while an inquiry is pending, the ICC may, on considering the request of the complainant, recommend to the Director for certain interim measures, including, whereby the Institute may, (a) transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction; (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months; (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant; (d) ensure that respondent(s) are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus; (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

CONFIDENTIALITY

All incidents/grievances reported will be treated seriously, sensitively and with utmost confidentiality as is practically possible. Contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by IIMI must be treated as confidential by all involved parties. As per section 16 of the Act, the above-mentioned shall not be published, communicated, or made known to the public, press and media in any manner notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005).

If any person entrusted with the duty to handle the complaint, inquiry or any recommendations of the ICC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the Regulations, rules and other policies of IIMI, as applicable.

REMEDIAL ACTIONS

- A. Where the respondent is a student of IIMI and is found guilty of sexual harassment, depending upon the severity of the offence, the ICC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct -
- (i) Warning, reprimand, or censure.
 - (ii) Community service such as assisting the librarian, cleaning litter on campus such as the football field, cleaning classrooms, etc.

- (iii) Award reformatory punishments, including any form of mandatory counselling.
 - (iv) Curtailment of privileges, including denial of access to certain facilities; denial of scholarships; etc.
 - (v) Bar on representing IIMI in any co-curricular/extra-curricular activities.
 - (vi) Removal and/or bar on holding any positions of responsibility.
 - (vii) Bar from partial and/or final placements.
 - (viii) Suspension or expulsion from IIMI.
- B. If the respondent is an employee of IIMI and is found guilty of sexual harassment, then the ICC may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct -
- (i) Warning, reprimand, or censure.
 - (ii) Award reformatory punishments, including any form of mandatory counselling.
 - (iii) Transfers.
 - (iv) Declare as ineligible to be course instructor, or to evaluate or administer any program or course or student related academic activities, for a prescribed period not exceeding one year.
 - (v) Withholding increments and promotions.
 - (vi) Suspension.
 - (vii) Termination of employment.

The above-mentioned remedial actions in case of both student and employee are indicative and not exhaustive.
