

Title

Prevention of Sexual Harassment Policy

Applies To

This document applies to all employees, applicants for employment, interns, vendors, contractors, trainees and any persons conducting business with institutions run by Guru Nanak Educational Society.

Introduction and Background or Purpose

This Policy helps to ensure that all people are treated with dignity and respect in the workplace in the institutions run by Guru Nanak Educational Society. It also reinforces the commitment of the institutions run by Guru Nanak Educational Society's to compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("SHWW Act") which prohibits sexual harassment at workplace.

This Policy is supplemental and should be read with and applies in conjunction with the Code of Conduct- Respectful Workplace Principle of the institutions run by Guru Nanak Educational Society. In case of any conflict in the policies, this Policy shall prevail insofar as sexual harassment of women at workplace is concerned.

The purpose of this document is:

- To define sexual harassment at the workplace
- To set out effective measures to prevent, report, & address any complaints of sexual harassment at the workplace, inquire into and if necessary, to take corrective actions including but not limited to termination for any sexual harassment at the workplace.
- To establish Internal Committees (IC) across institutions run by Guru Nanak Educational Society to provide an effective redressal mechanism to aggrieved persons facing sexual harassment at institutions run by Guru Nanak Educational Society in India.

The institutions run by Guru Nanak Educational Society reserve right to amend, abrogate, modify, and / or rescind this document or any part of it at any time subject to the provisions of the SHWW Act.

Requirements or Expectations

Overall responsibility for compliance with this document is assigned to the Internal Committee of institutions run by Guru Nanak Educational Society, supervisors/managers/employees of institutions run by Guru Nanak Educational Society and Human Resources of institutions run by Guru Nanak Educational Society.

Everyone is entitled to respectful treatment in the institutions run by Guru Nanak Educational Society workplace. Being respected means being treated honestly and professionally, with each person's unique talents, background, and perspectives valued. A respectful workplace is free from unlawful sexual harassment which is strictly prohibited by this Policy. A respectful workplace involves more than compliance with the law. It is a work environment that is free of inappropriate or unprofessional behavior and consistent with the ethics and values of the institutions run by Guru Nanak Educational Society— a place where everyone can do their best, and where people are free to report workplace concerns without fear of retaliation or reprisal.

Sexual Harassment

Sexual harassment is a form of harassment that is based on a person's gender, sexual orientation, gender identity or expression. It includes unwelcome words, signs, jokes, pranks, intimidation, physical violence, or other conduct of a sexual nature or which is directed at an individual because of gender. Also, sexual harassment involves a request or demand for sexual favors by someone in authority, where the demand is tied to hiring, promotion, termination, or any other condition of employment. Although having a consensual romantic relationship with another employee of the institutions run by Guru Nanak Educational Society is not harassment, harassment may occur if either person in the relationship engages in workplace conduct that is inappropriate or unwelcome.

'Sexual Harassment', includes any one or more of the following inappropriate or unwelcome acts or behavior (whether directly or by implication) namely:

- a) physical contact & advances, or
 - b) a demand or request for sexual favours, or
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- c) sexually colored remarks, or
- d) showing pornography, or
- e) any other unwelcome physical, verbal, or nonverbal conduct of a sexual nature.

The term "Sexual Harassment" also includes any of the following circumstances, if arising out of any act or behavior of sexual harassment:

- a) An implied or explicit promise of preferential treatment in employment, or
- b) An implied or explicit threat of detrimental treatment in employment, or
- c) An implied or explicit threat about present or future employment status, or
- d) Interference with work, creating an intimidating or offensive or hostile work environment or
- e) Humiliating treatment likely to affect health or safety.

The following are some illustrative examples of sexual harassment for the purpose of this policy:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments.
 - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

"Workplace" includes any premises from which institutions run by Guru Nanak Educational Society conducts its business operations or any place visited by the employee arising out of or during the course of employment including transportation provided by institutions run by Guru Nanak Educational Society for undertaking such journey and must be read along with definition of workplace contained in section 2(o) of the SHWW Act.

CONSTITUTION OF INTERNAL COMMITTEE (IC):

The institutions run by Guru Nanak Educational Society have established an Internal Committee in each of the establishments operated by it to deal with issues relating to sexual harassment at the workplace. The details of their names, designation, email ids and phone numbers will be displayed either on the notice board or at such conspicuous place in the establishments so that

the employees can reach out to the members when required. The members of an Internal Committee of an establishment may change from time to time for any reason and such change will be notified as provided above. In the event that an employee is not able to get in touch with a member or members of the Internal Committee of an establishments, they may either reach out to the concerned human resources manager of that establishment or write to gncicc@gurunanakcollege.edu.in so that such employee's grievances may be addressed by the Internal Committee.

GRIEVANCE REDRESSAL PROCEDURE:

a) Any aggrieved person, may make, in writing, complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of the incident or in the case of a series of incidents, within a period of three months from the date of the last incident. The period for filing the complaint may be further extended for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

b) Where the aggrieved person is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person, including one of the following persons, may make a complaint.

- her relative or friend; or
- her co-worker; or
- an officer of the National Commission for Women or State Women's Commission; or
- any person who has knowledge of the incident, with the written consent of the aggrieved person;

c) Where the aggrieved person is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

- her relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care she is receiving treatment or care; or
- any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

For the purpose of this Policy, "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

d) Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;

e) where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

f) At the time of filing the complaint, the complainant shall submit to the Internal Committee, six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses. However, non-submission of 6 copies or supporting documents shall not vitiate the complaint and the Internal Committee shall be entitled to direct the complainant to prepare 6 copies and ask for such additional information or documents as may be required by the complainant to substantiate her complaint.

(g) On receipt of the complaint, the Internal Committee shall send one of the copies received from the aggrieved person to the respondent within a period of seven (7) working days.

(h) The respondent shall file his/her reply to the complaint along with list of documents, and names and addresses of witnesses, within a period not exceeding ten (10) working days from the date of receipt of the documents specified under the above provision.

(i) The Internal Committee may, before initiating an inquiry and at the request of the complainant, take steps to settle the matter between her and the respondent through conciliation. In case a settlement is arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the concerned institution run by Guru Nanak Educational Society to action as specified in the recommendation. The Internal Committee shall provide copies of the settlement as recorded to the complainant and the respondent. No further inquiry shall be conducted by the Internal Committee.

No monetary settlement shall be made as a basis of conciliation.

(j) The Internal Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three (3) consecutive hearings convened by the Internal Committee.

Such termination or *ex-parte* order may not be passed without giving a notice in writing, at least fifteen (15) days in advance, to the party concerned.

k) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

l) The complainant will be afforded full confidentiality at this stage and contents of the complaint, identity/address of the aggrieved person, respondent, any witness, and recommendations of the Internal Committee or actions taken by institutions run by Guru Nanak Educational Society must not be published, communicated or made known to the press, public or media at any time.

l) On the completion of an inquiry, the Internal Committee shall provide a report of its findings to the concerned institution run by the Guru Nanak Educational Society within a period of ten (10) days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

PROTECTION AGAINST VICTIMISATION:

In the event complainant being an employee and the accused/respondent being her manager/peer/ team member, during the pendency of investigation and even after such investigation if the accused is found to be guilty, then institutions run by Guru Nanak Educational Society reserve the right to take appropriate action such as change of reporting structure to the benefit of the complainant.

During the pendency of investigation, the Internal Committee may also require institutions run by Guru Nanak Educational Society to –

- transfer the aggrieved person or respondent to another workplace or
- grant the aggrieved person leaves up to a period of three (3) months. The leave granted will be in addition to the leave that the aggrieved person is otherwise entitled to, or
- such other relief as may be prescribed under law or required in the interest of equity and natural justice.

Further relief to the aggrieved person could be that the Internal Committee at the written request of the aggrieved woman may recommend institutions run by Guru Nanak Educational Society to restrain the respondent from reporting on the work performance of the aggrieved person or writing her confidential report, and assign the same to another officer.

CONSEQUENCE OF COMPLAINT BEING PROVED:

In the event allegations made in the complaint are proved against the employee, the Internal Committee must recommend to institutions run by Guru Nanak Educational Society management–

- To treat, and take action for, sexual harassment as misconduct in accordance with the manner as may be prescribed; and/or
- To deduct from the salary or wages of the respondent such sum, as may be considered appropriate, to be paid to the aggrieved person or his/her legal heirs.

In case institutions run by Guru Nanak Educational Society is unable to make such deduction from the salary of the respondent due to his/her being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved person. Further, in case the respondent fails to pay the sum, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer under the SHWW Act.

Further actions can include a written apology, warning, reprimand or censure, withholding of promotion or demotion, withholding of pay rise or increments, termination from service, counselling sessions or community serviced.

The institutions run by Guru Nanak Educational Society shall act upon the recommendation within sixty (60) days of its receipt.

MALICIOUS COMPLAINTS

If the Internal Committee finds, after an inquiry, that the complaint is malicious or false, it may recommend to the management of institutions run by Guru Nanak Educational Society to take action according to applicable HR policies including but not limited to termination of service. However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Further actions can include a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, counselling sessions or community service.

RETALIATION IS PROHIBITED

Any retaliation against anyone who reports a concern about sexual harassment or who testifies or assists in any investigation or proceeding involving sexual harassment is strictly prohibited by this policy. Failure to comply with these requirements may result in disciplinary action, including but not limited to termination of service.

THIRD PARTY HARASSMENT:

In case of a sexual harassment complaint against a third-party's employee the Internal Committee will actively assist and provide all its resources to the complainant in pursuing the complaint and ensure her safety at least in the company's premises.

OTHER PROCEEDINGS:

The proceedings under this policy must not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of civil or criminal law.

The provisions of this policy must not restrict the power of institutions run by Guru Nanak Educational Society or complainant to proceed against the alleged offender for any other misconduct or to pursue the criminal or civil remedies available under applicable laws.

COMPLIANCE REQUIREMENTS:

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the concerned institution run by the Guru Nanak Educational Society and the District Officer.