

SBM Policy for Prevention of Sexual Harassment

PURPOSE

The School of Business and Management, henceforth mentioned as SBM, shall have a zero tolerance policy towards sexual harassment and shall provide for timely and adequate compliance of the directions in this regard contained in the UGC Regulations applied by the Internal Complaints Committee of CHRIST (Deemed to be University). All members of the SBM have a responsibility to create a conducive environment for learning, free from fear of sexual harassment.

Definition

In this Regulation unless the context otherwise requires, all the terms specified or contemplated herein shall have the same meaning and interpretation of such term/s as contained in Section 2 of the UGC Regulation except where differently specified. For immediate reference, definition of certain important terms is reproduced in the Schedule hereto.

- **‘Campus’** means the location or the land on which the University and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the University including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the University.
- **‘Employee’** for the purpose of this Regulation shall mean a person as defined in the UGC Regulation and also include any visitor to the University as Research Supervisor, Consultant, Auditor, Audit Assistants, or for any other purpose whether employed or not.
- **‘Sexual Harassment’** means:
 - (i) 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 behaviour (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
 - (ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

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- (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 the present or future status of the person concerned;
 - (d) creating an intimidating offensive or hostile learning environment;
 - (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.
- **‘University Community’** shall mean and include all its employees as defined including casual, part-time contracted or **full** time, its Service Providers and its Associated persons such as external members in the Board of Studies, Academic Council and Board of Management.
 - **‘Victimisation’** means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.
 - **‘Aggrieved Person’** means an employee or student who is not satisfied with redressal measures taken at the different levels
 - Staff-
 - HOS/HOD/Senior Colleagues
 - Student-
 - Class Coordinator/ Mentor
 - Batch Counsellor
 - HOS/HOD

and is desirous of appealing to the CRC. *add clause of direct approach

- **‘Workplace’** means the Campus or Campuses of the University including-
 - (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the University
 - (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in the University.

SCOPE

This Regulation shall apply to all Students, Employees (irrespective of their Tenure, Position, Designation or Gender) and Visitors (in whatever capacity) of the University in all its Campuses /workplaces.

GENERAL CODE OF CONDUCT

COMPLAINT OF SEXUAL HARASSMENT AND ENQUIRY PROCEDURE:

- 1. Complaint Procedure: receiving-investigation (3 days): resolved or to ICC-follow up procedures regulations of ICC to be listed and integrated here**

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a. An aggrieved person is required to submit a duly signed written complaint to the CRC as early as possible after the grieving incident but not later than **three months** from the date of the incident and in case of a series of incidents within the similar time frame from the date of second such incident.

- i. Provided that where such complaint cannot be made in writing, the Chairperson or any Member of the CRC shall render all reasonable assistance to the person for making the complaint in writing.
- ii. Provided further that the CRC may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the specified period.

Any unreasonable delay in reporting the incident will be considered by the CRC as a failure on the part of aggrieved in determining the grievousness of the complained grievance and/or the intent of the aggrieved.

Friends, relatives, Colleagues, Co-students, Psychologists, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

In the absence of immediate availability of any of the members of the CRC the complaint by the student/employee may be notified through the Counsellor concerned or the Head of the Department/Specialization and by any other person through the Dean who shall immediately forward the same to the CRC without recording any comment or opinion. The date of such notification shall be deemed to be the date of submission of the complaint to the CRC.

2. CRC Enquiry Procedure:

- a. The Chairperson of the CRC, upon receipt of the Complaint shall get the same scrutinised by any 2 members and based on the severity of the issue refer the Case to the ICC of the University, as is. Else, the CRC within 7 working days of such reference shall examine its veracity, if needed by summoning the Complainant and/or by making independent preliminary enquiries and submit the Preliminary Enquiry Report.
- b. The Chairperson on the basis of the report, if the Complaint is to be further enquired, shall as soon as possible send Notice to the Respondent with a copy of the Complaint seeking his/her appearance before the CRC along with his/her response in writing on a specified date which shall not be earlier than 7 working days from date of the Notice. Notice will also be sent to the Complainant for his/her presence on the specified date. If the case needs urgent attention the Notice period may be reduced at the discretion of the Chairperson.
- c. Enquiry/Hearing by the CRC shall be conducted dispassionately by following normal judicial practices and if warranted the Parties may be allowed to produce documentary evidence/witnesses in support of his/her claim or defence as the case may be. However either Party shall not be allowed to be represented by any third party including an Advocate.

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- d. The CRC may hear and/or cross examine the Parties either independently or in joint presence as may be deemed fit by the Chairperson.
- e. If the Respondent does not appear on the specified date of Hearing the CRC may post the Hearing to the same day of the subsequent week and if the Respondent once again fails to appear, the CRC may proceed to decide the Case on Ex-Parte basis.
- f. Either Party on appearance if seeks time to defend his/her case, he/she may be allowed time up to but not more than 7 days at a time and no such extension of time shall be permitted more than twice.
- g. If the Party does not appear on such extended dates the CRC may proceed to decide the Case on Ex-Parte basis against such Party.
- h. The CRC shall complete the enquiry proceedings within a maximum period of 30 days from the date of receipt of the Complaint and within the next 7 working days shall submit its report with recommendations to the Dean with copy to both the Parties to the Complaint.
- i. The Dean shall act on the recommendation of the CRC on expiry of 15 days from its receipt unless an Appeal against the same is filed as per this Regulation.
- j. At any time prior to or during the enquiry process the Aggrieved (Complainant) may seek conciliation of the matter in which case the CRC may facilitate such resolution of the complaint by conciliation between the Parties and on the basis of documented reconciliation signed by the Parties, all the enquiry proceedings of the CRC shall be dropped.
 - i. Provided that no such conciliation shall be encouraged in consideration to any monetary payment
 - ii. Provided further that notwithstanding such conciliation if the CRC is of the opinion that the conduct of the employee or the student (as respondent) as the case may be is a serious misconduct/act of indiscipline under the Code of Conduct and Ethics/Disciplinary Rules prescribed by the University it may recommend for appropriate punitive action under Clause 3 (a) or 3 (b) of this Regulation or the Dean may suo moto take such action. Any such action taken shall be independent of this Regulation and there shall be no Appeal allowed.

Frivolous Complaint:

If any Complaint filed under this Regulation on its scrutiny/independent enquiry is found to be false, untrue or malicious and is so concluded by the CRC based on its enquiry proceedings the Complainant shall be liable to be punished as if the offence was perpetrated by the Complainant and shall be in accordance with Clause 3 of this Regulation.

- i. Provided that mere inability to substantiate a complaint or provide adequate proof thereof shall not by itself be sufficient reason for concluding the complaint as frivolous.
- ii. Provided further that malicious intent of the Complainant must be substantiated by appropriate supporting evidence.

3. Punishment and Compensation:

- a. Any employee of the University found guilty of sexual harassment shall be punished in accordance with the Employment Regulations and the prescribed Code of Conduct.

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- b.** Where the respondent student is found guilty of sexual harassment, depending on the severity of the offence CRC shall recommend/ award any one or more of the following punishments.
- i. Withhold the student privileges such as access to the library, auditoria, halls of residence, vehicle parking, scholarships, fee concession, and identity card.
 - ii. Suspend or restrict entry into the campus for a specific period.
 - iii. Award reformatory punishments like mandatory counselling and/or community services.
 - iv. Debar from writing the Semester Examination in consultation with Controller Of Examinations
 - v. Expel and strike off name from the rolls of the institution, including denial of readmission (ANY OF THE CAMPUSES/COURSES), if the offence so warrants in consultation with the Director, Student Affairs.
- c.** In the following circumstances and on that basis the aggrieved may be entitled for monetary compensation as may be appropriately determined and recommended by the CRC subject to approval of the Dean. The compensation so payable shall be recovered from the offender.
- i. Mental trauma, pain, suffering and distress caused to the aggrieved person.
 - ii. Loss of career opportunity due to the incident of sexual harassment.
 - iii. Medical expenses incurred by the victim for physical, psychiatric treatment.

4. Confidentiality Responsibility of CRC:

- i. With reference to any complaint enquired in to by the CRC under this Regulation, it shall ensure that the identities as well as the complaint details of the aggrieved party or the offender shall be kept strictly confidential by every member of the CRC and shall never be kept in the public domain either during or after the process of the enquiry.
- ii. As provided in Section 16 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 no personal or other information with regard to any complaint received and enquired and/or disposed of by the CRC shall be furnished or shared under the Right to Information Act 2005.

5. General Provisions:

These General Provisions shall apply to this Regulation in entirety irrespective of whether or not it has been specifically stated under its different Clauses or under other relevant Regulations of the University

- a. Sexual Harassment shall be deemed a serious misconduct of any employee or visitor of the University and if proved appropriate punitive action shall be initiated against the perpetrator.
- b. Sexual Harassment by any student shall be a deemed violation of disciplinary Rules of the University and if proved appropriate punitive action shall be initiated against the perpetrator.
- c. All Academic and Administration heads of the SBM located in all its workplaces shall be accountable for the compliance of this Regulation.
- d. All communications and Notices under this Regulation shall be served at the address of the recipient as registered with the University and except for filing of complaint by the aggrieved Party electronic communication from and to the registered email address shall be a recognized mode.
- e. Document or Documentation referred to in Clauses 2 (k), 3(a), and 3(b) shall include Minutes of Meetings, Record of Complaints and Disposals, Reports/Orders of the CRC, Minutes of Meetings, Minutes of

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Conciliation, Reports of **CRC** (referred cases), Annual Reports to University and any other document as may be specified. All the said documents shall be prepared in specified formats and shall be kept as ‘classified’ in the custody of the Presiding Officer and shall be accessible only to authorized persons.

Authorities:

In order to ensure effective administration of the objectives of the Policy and Regulation, the SBM shall have the following Authorities duly constituted with the approval of the Dean.

Complaint Resolution Committee (CRC) campus wise

Senior Female Professor (CHAIRPERSON)

Senior Male Professor (Case based-Representative from respective Program/Campus)

Counsellor (Case based-Representative from respective Program/Campus)

Student (Case-based Representative from respective Program/Campus)

Staff (Non Teaching)

Term of members of CRC ends on completion of 2 years