



Policy on Prevention & Prosecution of Acts on Sexual harassment at Workplace



भारतीय शिल्प संस्थान

INDIAN INSTITUTE OF CRAFTS & DESIGN, JAIPUR



Policy on Prevention & Prosecution of Acts of Sexual Harassment at Workplace ("Policy")



Indian Institute of Crafts & Design Policy on Prevention & Prosecution of Acts of Sexual Harassment at Workplace ("Policy")

A. POLICY STATEMENT

I. OBJECTIVES

1. Indian Institute of Crafts & Design ("IICD") is committed to providing to all its employees including faculty and staff members, an environment free of gender based discrimination.
2. In furtherance of this commitment, IICD strives to provide all its employees with equal opportunity conditions of employment, free from gender-based coercion, intimidation, or exploitation and to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experiences and perspectives she or he brings to the workplace.
3. IICD has zero tolerance for harassment, retaliation, intimidation or humiliation of any kind in its workplace and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment.
4. IICD believes that all individuals have the right to be treated with dignity. Sexual harassment including discrimination, retaliation or intimidation by or towards any employee in the workplace will be treated as misconduct and would not be condoned.
5. This Policy applies to all allegations of sexual harassment made by any employee of IICD against another employee irrespective of whether sexual harassment is alleged to have taken place within or outside IICD's premises.
6. All actions prohibited by this Policy are also applicable to all individuals who are on IICD's premises or on any other property where IICD conducts its business. If an individual commits an act in violation of this Policy, whether an employee of IICD or a third party interacting with IICD, IICD will take appropriate remedial measures under the circumstances, including measures to mitigate the potential for repetition, and to discipline any of its employees who may have participated in such conduct, or may have failed to stop such conduct when he or she had the authority to do so.

II. DEFINITIONS AND EXAMPLES OF SEXUAL HARASSMENT

1. Sexual harassment includes any unwelcome, sexually determined behavior, direct or indirect, physical contact and advances, a demand or request for sexual favors, sexually colored remarks, circulating obscene content by email, sms or mms, Whatsapp, showing pornography, any other unwelcome physical, verbal or non verbal conduct of a sexual nature. When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating or may constitute a health and safety problem, it will amount to sexual harassment. Sexual Harassment might occur as a single incident or a series of incidents and may include, but will not be confined to the following which may interfere with an individual's performance by creating an intimidating, hostile or offensive environment:



- (a) Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any IICD activity or otherwise in the course of employment;
 - (b) Verbal, non-verbal, or physical conduct such as sexually colored remarks or jokes, letters, phone calls or e-mail, offensive hand or body gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares, physical contact or molestation, stalking, sounds of a derogatory nature having the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment;
 - (c) Unwelcome physical contact such as patting, pinching, touching or putting an arm around another person, unwanted declarations of affections, stalking or molestation or any quid pro quo behaviour such as seeking sexual favours in return for promotion or benefits in employment;
 - (d) Any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person; and
 - (e) Any such conduct as defined in (a) to (d) above is committed by a third party or outsider in relation to an employee of IICD or vice versa on the premises of IICD.
2. Sexual harassment may be of two kinds: hostile work environment and an attitude of quid pro quo.
- (a) Hostile work environment constitutes sexual harassment directed towards an individual because of gender and has the purpose or effect of (i) creating an intimidating, hostile, or offensive work environment, or (ii) unreasonably interfering with another's work performance. Generally, this includes pornography in public places, foul language, etc. and may not be directed at any employee in particular, but the effect on the employee is one of discomfort.
 - (b) Sexual harassment by one in a position of power or influence constitutes quid pro quo sexual harassment when (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotions, salary raises, etc.

III. OBLIGATIONS OF IICD

- 1. IICD does not tolerate sexual harassment of any kind and will take action against any employee for any unwelcome, sexually determined behaviour, direct or by implication including physical contact and advances, a demand or request for sexual favours or other unwelcome physical, verbal or non verbal conduct of a sexual nature either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any activity of IICD.
- 2. IICD shall be responsible, among others, for the following:
 - (a) Prohibit, prevent and deter commission of acts of sexual harassment;
 - (b) Implement the Policy by providing "discrimination and hostility free" work



- environment;
 - (c) Spread awareness of the Policy amongst its employees, including by publication, notification and circulation of the Policy;
 - (d) Sensitizing employees about sexual harassment issues;
 - (e) Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps, including those more particularly provided hereinafter;
 - (f) Treat sexual harassment as misconduct;
 - (g) Encourage respectful and dignified behavior at workplace;
 - (h) Ensure that necessary facilities and information are provided to the Complaints Committee for dealing with the complaint and conducting an inquiry;
 - (i) Assist in securing the attendance of Respondent and witnesses before the Complaints Committee and make available such information to the Complaints Committee as it may require with regards to the complaint;
 - (j) Provide assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Indian Penal Code;
 - (k) Conduct orientation programs and seminars for members of the Complaints Committee;
 - (l) Conduct skill and capacity building programs for members of the Complaints Committee; and
 - (m) Implementation of recommendations of the Complaints Committee (as hereinafter defined).
3. IICD shall make annual report on compliance with the Policy to the appropriate Government authority, if applicable.
4. Upon becoming aware of the commission of an act(s) of sexual harassment at work place, IICD shall have the right to initiate suo moto action, even in the absence of a formal complaint being filed by any employee.





B. COMPLAINTS COMMITTEE

A Complaints Committee will be set up by IICD, which will deal with all cases of alleged sexual harassment whether escalated to it by any IICD Employee or taken up suo moto by IICD, to prevent and deal with sexual harassment and to otherwise implement the Policy.

I. CONSTITUTION AND PROCEDURE

1. Composition: The Complaints Committee shall consist of

- (a) Prof. Meenakshi Singh - Professor - Presiding Officer
- (b) Prof. Bhargav Mistry - Dean- Member
- (c) Mr. Ajai Johri - Dy. Registrar(A) - Member
- (d) Ms. Rashmi Pareek - Dy. Registrar(P&C) - Member Secretary & Convener
- (e) Ms. Charu Gupta- Third Party NGO Member from outside IICD

subject always to atleast half the members of the Complaints Committee being women and the Complaints Committee to be headed by a woman member, to appointed by the Complaints Committee from amongst its members.

Provided, however that a person shall cease to hold office as a member of the Complaints Committee if he/she ceases to be an employee on account of resignation, termination, and death or for any other reason whatsoever, and in such case the vacancy shall be filled immediately by IICD.

2. Disqualifications: A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing, as a member of the Complaints Committee, if there is (i) any complaint concerning sexual harassment pending against him/her or if he/she is found guilty of sexual harassment or (ii) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him or (iii) contravenes any provisions of the Policy or (iv) has so abused his / her position as to render his / her continuance in office prejudicial to public interest, or 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 / her.

3. Confidentiality: To the fullest extent practicable and consistent with the Complaints Committee's need to investigate and ensure that corrective action is taken, all complaints of sexual harassment by employees will be processed with strict confidentiality.

The contents of the complaint made, the identity and addresses of the complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Complaints Committee and the action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner. If the same is violated, IICD shall recover a sum of Rs. 5000/- (Rupees five thousand) as penalty from such person or take action as per the provisions of the service rules. However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the complainant and witnesses.



4. Duties of the Complaint Committee: The duties of the Complaint Committee shall be as follows:
- (a) To implement the present Policy concerning sexual harassment in IICD.
 - (b) To formulate programs for spreading awareness of the present Policy amongst employees.
 - (c) To process individual grievances concerning sexual harassment and to take suitable action in the manner and mode more particularly provided hereafter.
 - (d) Follow the principles of natural justice and give both the Complainant and the Respondent a fair opportunity to make their submissions.
 - (e) Submit to Director an annual report comprising details of all cases and actions taken and provide for the following details:
 - number of complaints of sexual harassment received in the year.
 - number of complaints disposed of during the year.
 - number of cases pending for more than ninety days.
 - number of workshops or awareness programmes carried out.
 - nature of action taken by the Company.
 - (f) Keep the matter confidential and assist complainant in filing the complaint, in case the person is unable to do so.
 - (g) To ensure the safety of the Complainant and witnesses during the pendency of the enquiry and till the final disposal of the complaint, if the Respondent intimidates the Complainant or witnesses, take action against anyone who threatens or intimidates the Complainant or members of the POSH Committee.
 - (h) To keep complete and accurate documentation of the complaint, its investigation and the resolution thereof.
5. Filing a Complaint: Any aggrieved employee may approach the Complaints Committee with a complaint of sexual harassment in terms of the Policy. The following steps will be followed in this regard:
- (a) An employee making a Complaint, whether orally or in writing, ("**Complainant**") will be afforded full confidentiality at this stage.
 - (b) No person against whom a Complaint is made shall be part of the Complaints Committee.
 - (c) Within three (3) working days of the receipt of the Complaint, the Complaints Committee will convene a meeting of which advance written intimation will be given to the Complainant.
 - (d) At this meeting, the Complainant will be entitled to remain present personally.
 - (e) At the first meeting of the Complaints Committee, the Complaints Committee will explain the enquiry process as well as the option of conciliation to the Complainant.



- (f) It is mandatory to provide copy of the complaint to the Respondent within 7 days of receiving the Complaint.

6. Conciliation

- (a) Prior to initiating an inquiry, the Complaints Committee may, at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation, provided that no monetary settlement is made the basis of such conciliation. In case a settlement has been arrived at the Complaints Committee shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation of the Complaints Committee.
- (b) The Complaints Committee will provide copies of the settlement as recorded to the Complainant and the Respondent. Upon a conciliation being reached, the Complaints Committee would not be required to conduct any further inquiry.

7. Proceedings of the Complaints Committee:

- (a) The Complaints Committee shall send a copy of the complaint to the Respondent by hand delivery duly acknowledged or, by registered post acknowledgement due.
- (b) If the Respondent desires to tender any written explanation to the statement of allegation, he shall submit the same to the Complaints Committee in person or send it by registered post acknowledgement due within 10 days of receiving the complaint copy.
- (c) The Complaints Committee shall give every reasonable opportunity to the Complainant and the Respondent, for putting forward and defending their respective cases and to ensure that the Complainant and Respondent have full opportunity to present their claims, witnesses and evidence which may establish their claims.
- (d) Both the Complainant and the Respondent shall have the right to submit supporting evidence and shall get their respective witnesses, if any, to be examined by the Complaints Committee.
- (e) All the proceedings of the Complaints Committee will be summarized by the Committee. In the event any Party is desirous of submitting a statement in writing or reviewing the summary of discussion prepared by the Committee, such statement shall be endorsed by such Party in token of authenticity thereof and submitted to the Committee.
- (f) The Complaint proceedings shall ordinarily be completed within a period of ninety (90) days from the date on which the complaint is filed by the Complainant.
- (g) The Complaints 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 themselves, for three



consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- (h) The Complaints Committee shall complete the enquiry and make a report of its findings on the Complaint and its recommendations to the management of IICD ("**Management**") within a period of seven (7) days from the conclusion of the enquiry procedure set out herein. The report of the Complaints Committee shall, if applicable, also include recommendations for imposition of penalty and the reasons for such recommendations to the Management.

II. IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPLAINTS COMMITTEE

The Director shall consider the recommendations and findings of the Complaints Committee and take a decision in relation to action to be taken against the Respondent within 60 days of the submission of the report by the Complaints Committee. The Director may issue such order and, or, directions as it deems fit. The Director shall inform of its decision to the Complainant, Respondent and to the Complaints Committee. The Director of IICD shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this procedure for investigating any complaint of sexual harassment at work place in accordance with the Policy.

III. PUNISHMENT FOR SEXUAL HARASSMENT

The Director can impose the following penalties on an employee held to be guilty of sexual harassment. These actions may include:-

- (a) Written apology;
- (b) Warning;
- (c) Reprimand or censure;
- (d) Withholding of promotion;
- (e) Withholding of pay rise or increments;
- (f) Termination of employment;
- (g) Counselling session; or
- (h) Carrying out community service.

IV. PROTECTION AGAINST VICTIMIZATION

- (a) During the pendency of the Complaint, IICD shall, in the event the Respondent is the Complainant's Supervisor/Superior, review the possibility of relocating the employee within IICD and ensure that the Complainant is not subject to appraisal by the Respondent;
- (b) IICD shall ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Respondent, whether directly or indirectly, will result in appropriate action against the Respondent by the Director in consultation with the Complaints Committee;
- (c) Where the Respondent is an outsider, during the pendency of the investigation of the Complaint and even thereafter, if he is found guilty, the Respondent shall not be allowed to enter IICD's premises except for the purpose of attending the Complaint.



- (d) In the event of the Respondent and the Complainant both being employees of the IICD, then during the pendency of the investigation of the Complaint and thereafter, if the Respondent is found to be guilty, the Respondent shall not write the appraisal reports of the Complainant, if he is otherwise so authorized.
- (e) In the event, the Complaints Committee after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false and made with malafide intention by the Complainant, then the Complaints Committee shall take such appropriate measures, in consultation with the Director, against the Complainant or witnesses, as it may deem necessary. Mere inability to substantiate a Complaint or provide adequate proof need not attract action against the Complainant.

V. PROCEDURE FOR DETERMINING COMPENSATION

The Complaints Committee may consider various factors as required under the law for the purpose of determining the sums to be paid to the aggrieved woman and may take the following into consideration:

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- (b) the loss in the career opportunity due to the incident of sexual harassment.
- (c) medical expenses incurred by the victim for physical or psychiatric treatment.
- (d) the income and financial status of the Respondent.
- (e) feasibility of such payment in lump sum or in instalments

VII. MODIFICATION AND REVIEW OF THE POLICY

IICD reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by IICD from time to time.



INDIAN INSTITUTE OF CRAFTS & DESIGN

J-8, Jhalana Institutional Area, Jaipur

No : IICD/Secy./POSH/2021/ 682

Date : 07.01.2021

Office Order

In compliance of Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"), guidelines issued by the Hon'ble Supreme Court of India, the Internal Complaints Committee to enquire into complaints regarding sexual harassment of working women and girls students is hereby reconstituted with the following as members :

1. Prof. Meenakshi Singh, Presiding Officer
2. Prof. Anu Jain, Dean (A), Member
3. Sh. Ajai Johri, Deputy Registrar (A), Member
4. Ms. Rashmi Pareek, Deputy Registrar (P&C), Member Secretary
5. Ms. Charu Gupta, Independent Member from Human Educational Cultural Art and Rural Development Society

The Committee will meet at regular intervals as per enclosed guidelines and will enquire into all complaints received from any female employees or students of IICD regarding sexual harassment. The Committee shall submit its recommendations with appropriate action required as per the guidelines laid down. The committee will also suggest remedial measures so that such incidents may not happen again.


(Giriraj Singh Kushwaha)
Secretary

Copy to :

1. PS to Director
2. All Members
3. All Notice Boards & IICD official website
4. Concerned File
5. Office Order File


Secretary