

# **TCG CENTRES FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY (TCG CREST) - POLICY ON PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE, 2024**

## **1. PREAMBLE**

TCG Centres for Research and Education in Science and Technology (TCG CREST) is dedicated to fostering a respectful and dignified environment for all members of its community, including employees and students. The Institute is committed to providing a workspace and educational environment free from fear, prejudice, gender bias, hostility, and sexual harassment. Recognising sexual harassment as a violation of human rights and an infringement of individual Fundamental Rights, the institution upholds strict adherence to national legislation designed to protect individuals in the workplace.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013, effective from April 22, 2013, alongside its accompanying Rules- the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, mandates employers and educational institutions to establish protective measures for women and set out clear procedures for the redressal of grievances related to sexual harassment. This Act ensures a legal framework that supports women in maintaining their safety and dignity at work.

Further enhancing these protections, the Ministry of Human Resource Development and the University Grants Commission introduced the University Grants Commission (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees & Students in Higher Educational Institutions) Regulations, 2015 (hereinafter referred to as “UGC Regulations”) effective from May 2, 2016. These regulations outline specific procedures for forming Internal Committee (IC) and conducting inquiries into complaints, strengthening the institutional framework to combat sexual harassment in higher educational settings.

At TCG CREST, we are resolute in our belief that our women students, faculty, and staff, deserve a secure and supportive environment that protects their human rights and Fundamental Rights. In alignment with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, and UGC Regulations, TCG CREST has

framed a comprehensive policy for the Prevention of Sexual Harassment at Educational Institutions, workplace and ensuring a safe workplace for all.

## **COMMITMENT**

TCG CREST (hereinafter referred to as “Institute”) is dedicated to maintaining a workplace where every employee is treated with dignity and respect, ensuring equitable treatment for all regardless of gender. The Institute is committed to creating an environment that supports the professional development of all employees and promotes opportunities for equality. This commitment extends to maintaining a gender-neutral atmosphere where all forms of discrimination and sexual harassment are strictly prohibited.

TCG CREST firmly believes that all students should receive an education free from discrimination and sexual harassment, which is essential for their learning to be effective and meaningful. The Institute has a zero-tolerance policy towards any form of sexual harassment and is committed to taking all necessary actions to protect its employees and students from harassment, upholding their safety and dignity at all times.

## **2. SCOPE, APPLICABILITY & EXTENT**

- 1) This policy extends across all divisions of TCG CREST, including the administrative, educational and research departments of the Institute and to all categories of employees-teaching and non-teaching including administrative staff, workmen, temporary staff, visitors engaged either directly or through an agency, trainees, employees on contract, faculty including Guest Faculty/Researchers. This policy is relevant both at the workplace and during official visits to partner organizations, as well as to all students of the Institute.
- 2) This policy is also applicable to all complaints of sexual harassment reported by anyone associated with the Institute, concerning incidents that occur within the defined 'workplace' and 'campus' (physical or virtual) against:
  - a) any person of the Institute, irrespective of the location where such harassment took place, i.e. within or outside campus, as long as it is within the definition of 'workplace' and 'campus' (physical or virtual).
  - b) any person (outsider) of the Institute when sexual harassment is alleged to have taken place within the Institute/campus (workplace), physical or virtual.

### 3. DEFINITIONS

- a) “Academic Staff” includes any person appointed or engaged by the University for the purposes of teaching or for research. This would include employees who have permanent positions by way of tenure or those employees on a contractual or casual basis. Additionally, it would also include those who are part-time, or ad-hoc, or visiting or honorary members of the staff and persons interning at the university.
- b) “Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- c) “Aggrieved person” means and includes in relation to a workplace, a person of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent;
- d) “Campus” means and includes all places of work and residence at the Institute including any existing or likely to be set up departments, organisations, undertakings, establishments, enterprises, offices, branches, field offices and Institute’s extension campuses. It also includes all places of instruction, research, administration, staff quarters, guest houses, parks, lanes, canteens, gymkhana, Health Centre, clubs, associations, sports grounds or any other building or location in the Institute or any of its extended campuses. Further, it also includes the Institutional facilities like libraries, laboratories, lecture halls, toilets, student centres, hostels, dining halls, parking areas, bank counters, etc.
- e) “Chairperson” means the Presiding Officer of the Internal Committee.
- f) “Complaint” means a complaint made in accordance with clause 12 of this policy.
- g) “Complainant” means and includes, in relation to a workplace, an aggrieved person, who alleges sexual harassment against her or in case, the aggrieved person is unable to file a complaint on her own, then any person, filing the complaint on behalf of the aggrieved person in the manner stipulated in clause 12 of this Policy.
- h) “Consent” must be affirmative, unambiguous, conscious and voluntary. It may only be given verbally.

**Explanation 1:** The burden to obtain consent lies with the person initiating any sexual activity.

**Explanation 2:** Consent does not imply a blanket acquiescence. It must be ongoing and applies only to the specific sexual activity the initiator seeks to engage in. It can be revoked at any point.

**Explanation 3:** An incapacitated person cannot give consent. Silence or lack of resistance cannot be construed as consent. Nor can a mere previous sexual or past/current dating relationship form the basis of assuming consent.

**Explanation 4:** Presumptions based upon contextual factors (such as clothing, alcohol consumption, frequent communication or correspondence, or dancing) are irrelevant, and cannot be considered as evidence of consent.

**Explanation 5:** It shall not be a valid excuse to claim that consent arose from the intoxication or recklessness of the respondent.

- i) “Counsellor” includes any person appointed/authorised by the university authorities, who has established credentials and expertise in the field of social and personal counselling on issues pertaining to incidents of sexual harassment.
- j) “Covered individuals” are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- k) “Eminent women” includes a person or a trans-person not employed or otherwise attached to the Institute, and one who has experience of working in the field of gender equality.
- l) “Employer” means and includes
  - i) the Executive Authority, Council or Director, and
  - ii) the Director, for the purposes of appointment of members of the Internal Committee
- m) “Employee” includes all categories of employees, both teaching and non-teaching including permanent, temporary or contract employees engaged directly or through an agency, trainees, volunteers, teacher assistants, researchers, probationers, apprentices, consultants, advisers and persons involved in projects, camps, field studies and short visits whether the terms of the said employment are express or implied, oral or in writing.
- n) “Executive Authority” means the chief executive authority of the Institute, by whatever name called, in which the general administration of the Institute is vested;

- o) “Higher Educational Institution” (HEI) means a university within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);
- p) “Hostile Work Environment” means an environment created by actions of the Respondent which has an effect on an individual’s educational or work performance and creates an intimidating antagonistic employment, educational and living environment.
- q) “Institute” refers to TCG Centres for Research and Education in Science and Technology (TCG CREST).
- r) “Internal Complaints Committee” (ICC) means Internal Committee (IC) to be constituted by the Institute under sub-regulation (1) of regulation 10 of these regulations.
- s) “Member” means a member of the Internal Committee.
- t) “Non-academic staff” includes persons engaged in the discharge of administrative functions with respect to academic affairs and would encompass persons working in non teaching positions. It shall include persons employees on a casual basis or employed through contractors/third party vendors.
- u) “Outsider” includes any person who is not a student, or a resident, or service provider, or academic member or part of the non-teaching staff.
- v) “Protected activity” includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;
- w) “Respondent” means a person including an Employee, Student/researcher or third party against whom the Complainant has made a complaint.
- x) “Rules” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
- y) “Service provider” includes any person who caters to services on the campus. It includes security staff and persons, who work in the canteen, housekeeping, as well as persons working in any premise allotted on the campus. It shall also include persons employed through contractors or subcontractors .

- z) “victimisation” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- aa) “workplace” means and includes all offices, departments, laboratories, places of instructions and research or other premises where the Institute’s activities are conducted and also includes: -
  - i) any premises / sites including field offices or any other campus where Institute-related activities are being performed including seminars and conferences etc, either conducted by the Institute inside or outside its premises, which shall also include travel to such other place including the transportation, whether provided by the employer or not for undertaking such journey.
  - ii) any social, business or other functions, including college fests or other competitions where employees, students etc are representing the Institute, and where the conduct or comments may have an adverse impact on the workplace or workplace relations.

#### **4. INSTANCES OF SEXUAL HARASSMENT**

- 1) The following circumstances, among other circumstances, can amount to Sexual Harassment: if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment:
  - a) implied or explicit promise of preferential treatment in employment as quid pro quo for sexual favours;
  - b) implied or explicit threat of detrimental treatment in employment;
  - c) implied or explicit threat about an employee’s present or future employment status;
  - d) interference with the work of the employee and creating an intimidating or offensive or hostile work environment for her;
  - e) meting out of humiliating treatment which is likely to affect the health or safety of the affected party;
  - f) sharing sexist jokes, letters, messages either by electronic mail, social media, mobiles or otherwise that may cause humiliation or offense to the aggrieved person and despite requests by the aggrieved person or others to desist from sharing the same, are still carried out by the offender or even without such advice, when they are, by their nature, humiliating, offensive or vulgar;
  - g) display of sexually offensive pictures, materials or graffiti;

- h) unwelcome inquiries or comments about a person's sex life;
- i) unwelcome sexual flirtation, advances, propositions;
- j) making offensive gesticulations, at the aggrieved person or verbal abuse with sexual overtones;
- k) persistent unwanted attention with sexual overtones or stalking or unwanted touching or brushing against an aggrieved person's body;
- l) implied or explicit promise of preferential treatment in employment by grant of promotion, local or foreign travel, favourable working conditions/assignments, or in education by giving a passing grade, granting of honours or scholarship, participation or engagement of the aggrieved person in any of the Institute's activities or the grant of benefits or payment of a stipend or allowance etc.
- m) Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;

**NOTE: The above instances of sexual harassment are illustrative and not exhaustive.**

## **5. CONSTITUENTS OF SEXUAL HARASSMENT**

- 1) The Conduct must be unwelcome, unwanted, uninvited, unreasonable, and offensive to the Aggrieved Person adversely affecting the dignity of the Aggrieved Person
- 2) Physical contact is not an essential factor for Sexual Harassment.
- 3) The aggrieved person's rejection of or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects the aggrieved person's job or education.
- 4) Conduct that creates an intimidating, hostile or humiliating working environment for the aggrieved person.
- 5) Acts of Sexual Harassment, among other circumstances/acts, may be related to employment or work or a student's course or research. Therefore, all acts committed outside the office or department, for example in the cafeteria, mess, on business travel in a flight or hotel, place of visit for official purpose such as conferences, field projects, extended campuses of the Institute, competitions, official events, etc. shall be covered.
- 6) Respondent can be anyone over whom the Institute has sufficient control and without limitation, can be the aggrieved person's boss, teacher, supervisor, subordinate, trainer, colleague, mentor, co-worker/student, vendor, contractor or agent of the Employer etc.

## **6. EXCLUSION**

It is to be noted that this Policy does not apply when the Aggrieved Person is performing work which is outside the purview of the workplace.

## **7. THIRD PARTY HARASSMENT**

- 1) Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees and Students have come in contact, directly or indirectly, as the Institute or people involved with the activities of the Institute may be having a relationship including a business relationship with them.
- 2) Where an act of Sexual Harassment at the workplace occurs as a result of an act or omission by any third party, the Institute shall take all steps necessary and reasonable to assist the aggrieved person or the complainant in terms of support and preventive action.
- 3) Further, where the Respondent is a third party and the Institute has no control over the employment of such person, the ICC shall forward such complaints to the Employer of the Respondent, or assist the aggrieved person or the complainant in filing an FIR with the police.

## **8. PREVENTION OF SEXUAL HARASSMENT**

- 1) Any behaviour leading to or committed towards Sexual Harassment is unacceptable and the Institute shall strive through sensitization, awareness and deterrence to create an environment that is free from such behaviour.
- 2) All Employees and Students, shall:
  - a) treat others with respect and dignity.
  - b) refrain from actions that may offend, embarrass or humiliate others (whether deliberate or unintentional).
  - c) let others know you do not approve of disrespectful or harassing behaviour.
  - d) apologise if someone tells you they are offended by your words or actions; and
  - e) familiarise yourself with this Policy.

## **9. RESPONSIBILITIES OF THE EMPLOYER**

- 1) The Employer shall:
  - a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.



- b) display at any conspicuous place in the workplace and also include in its prospectus, the penal consequences of sexual harassment and penalties prescribed in this Policy, give information about the redressal mechanism and constitution of ICC that has been put in place, to encourage people to file their grievances.
- c) organise workshops, awareness and training programmes at regular intervals to sensitise the employees and students of the Institute with the provisions of this Policy and orientation programmes for the members of the ICC to deal with sexual harassment complaints in the manner as prescribed in the Policy keeping in view the SAKSHAM Report.
- d) provide necessary facilities to ICC for dealing with complaints and conducting an inquiry and make available any information to the ICC as it may require having regard to the complaint necessary for conducting the inquiry.
- e) assist in securing attendance of respondent and witnesses before the ICC.
- f) provide assistance to the aggrieved person/complainant if she chooses to file a complaint to the police in relation to an offence under the Bharatiya Nagarik Suraksha Sanhita, 2023 or any other law time being in force.
- g) cause to initiate action, under the Bharatiya Nagarik Suraksha Sanhita, 2023 or any other law time being in force against the offender/respondent or if the aggrieved person/complainant so desires, where the offender is a third party i.e. is not either an employee or a student of the workplace, then inform the Internal Committee of workplace of the said third party and assist the complainant in the proceedings before the Internal Committee of the Institute/Organisation
- h) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
- i) monitor the timely submission of reports by the ICC.
- j) ensure that filing of a sexual harassment complaint shall not adversely affect the complainant's status, job, remuneration, promotion, education, research or grades as case may be, during the pendency of the inquiry and till the submission of the inquiry report by the ICC under this Policy.
- k) to include in the Annual Report, as prepared and submitted by the ICC in each calendar year, the number of cases filed, if any and their disposal under this Policy.
- l) act decisively against all gender-based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students

including male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation.

- m) extend full support to see that the recommendations of the ICC are implemented in a timely manner and provide the ICC with all possible institutional resources including office, building infrastructure (computers, audio-video equipment, photocopiers etc.), staff (typists, counselling and legal services) with sufficient allocation of financial resources.
- n) conduct regular and half yearly review of the efficacy and implementation of this Policy.
- o) provide adequate lighting in the campus with robust infrastructure and maintenance, for safety of students and women.
- p) provide adequate and well-trained security including a good proportion of women security staff, who must receive gender sensitisation training before and during deployment.
- q) provide adequate health facilities.

## **10. GRIEVANCE REDRESSAL MECHANISM**

- 1) Every Executive Authority shall constitute an ICC with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition: -
  - a) A Presiding Officer who shall be a person faculty member employed at a senior level (not below a Professor in case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;  
  
Provided that in case a senior level person employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 3(aa);  
  
Provided further that in case the other offices or administrative units of the workplace do not have a senior level person employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;”
  - b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;

- c) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;
  - d) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.
- 2) At least one-half of the total members of the ICC shall be women.
  - 3) Persons in senior administrative positions in the Institute, shall not be members of ICC in order to ensure autonomy of their functioning.
  - 4) The term of office of the members of the ICC shall be for a period of three years. Institute may also employ a system whereby one-third of the members of the ICC may change every year.
  - 5) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.
  - 6) Where the Presiding Officer or any member of the Internal Committee:
    - a) contravenes the provisions of POSH Act; 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/her; or
    - c) S/he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
    - d) has so abused his/her 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.”

## **11. RESPONSIBILITIES OF INTERNAL COMPLAINTS COMMITTEE (ICC)**

- 1) The ICC shall:
  - a) provide assistance if an employee or a student chooses to file a complaint with the police;

- b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- c) protect the safety of the complainant by not divulging 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) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

## **12. PROCESS FOR MAKING COMPLAINT AND CONDUCTING INQUIRY**

The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The Institute shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

## **13. PROCESS OF MAKING COMPLAINT OF SEXUAL HARASSMENT**

- 1) An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing; Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.
- 2) The Presiding Officer or any member of the ICC may also render reasonable assistance to the aggrieved person, for making any such complaint in writing, if he/she is unable to make the complaint in writing themselves and read out the complaint to the Complainant in the language requested by the Complainant, and to obtain the signatures of the Complainant.

- 3) Where the aggrieved person is unable to make a complaint, on account of her physical incapacity, the complaint can be filed by her relative or friend or co-employee or any person who has the knowledge of the incident, with the written consent of the aggrieved women;
- 4) Where the aggrieved person is unable to make a complaint due to mental incapacity, it can be filed by her relative or friend or a special educator or a qualified psychiatrist or psychologist or guardian under whose care she is receiving treatment or care or any person who has knowledge of the incident, jointly with the aforesaid persons.
- 5) Where the aggrieved person is dead, complaint can be filed by any person who has knowledge of the incident with the written consent of her legal heir

#### **14. PROCESS OF CONDUCTING INQUIRY**

- 1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- 2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- 3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority of the Institute. Copy of the findings or recommendations shall also be served on both parties to the complaint, for necessary action as per norms of the institute.
- 4) The Executive Authority of the Institute shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- 5) If the Executive Authority of the Institute decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand, it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the Institute shall proceed only after considering the reply or hearing the aggrieved person.

- 6) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Institute shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- 7) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

## **15. INTERIM REDRESSAL**

- 1) The Institute may,
  - a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;
  - 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 offenders 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 victimisation as a consequence of making a complaint of sexual harassment.

## **16. PUNISHMENT AND COMPENSATION**

- 1) Anyone found guilty of sexual harassment shall be punished in accordance with the applicable norms of the Institute, if the offender is an employee.
- 2) Where the respondent is a student, depending upon the severity of the offence, the Institute may, -
  - a) withhold privileges of the student such as access to the library, auditoria, transportation, scholarships, allowances, and identity card;
  - b) suspend or restrict entry into the campus for a specific period;
  - c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;

- d) award reformatory punishments like mandatory counselling and, or, performance of community services.
- 3) The aggrieved person is entitled to the payment of compensation. The Institute shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-
- a) mental trauma, pain, suffering and distress caused to the aggrieved person;
  - b) the loss of career opportunity due to the incident of sexual harassment;
  - c) the medical expenses incurred by the victim for physical, psychiatric treatment;
  - d) the income and status of the alleged perpetrator and victim; and
  - e) the feasibility of such payment in lump sum or instalments.

## **17. ACTION AGAINST FRIVOLOUS COMPLAINT**

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within the Institute.

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry,

- where the offender is an employee s/he shall be liable to be punished in accordance with the applicable norms of the Institute.
- where the offender is a student s/he shall be liable to be punished in accordance with the applicable norms as provided for respondent in sub regulation (2) of (16) above.

However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

## **18. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT OR INQUIRY PROCEEDINGS**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint made under this Policy, the identity and addresses of the Aggrieved person, respondent and witnesses, any information relating to the conciliation and inquiry

proceedings, recommendations of the ICC and the action taken by an employer under this Policy, shall not be published, communicated, or made known to the public, press or media in any manner;

Provided that any information may be disclosed/disseminated for securing justice to the victim of sexual harassment without disclosing the name, identity or any other particulars vis-a-vis the aggrieved person/victim/complainant and witnesses.

#### **18.1. PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS**

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act violates confidentiality, he/she shall be liable for a financial penalty and immediate removal from their role as a member of the committee.

Where the Complainant, the Respondent and/or any other Employee or Student, who is a part of the proceedings of the complaint as a witness, violates the confidentiality provisions of this Policy, he/she shall be subject to appropriate action/disciplinary action.

#### **19. APPEAL**

Any person aggrieved from the recommendations made under Clause 14(3) or Clause 16 or Clause 17 or non-implementation of such recommendations may prefer an appeal to Academic Council, in respect of cases where the Disciplinary Authority is the Director/Academic Council or to the Director in all cases whoever is the Disciplinary Authority. Such an Appeal shall be preferred within the period of thirty days from the date of the recommendations.

#### **20. SAVINGS CLAUSE**

- 1) The proceedings under this Policy shall be conducted analogously and shall be independent of any other proceedings in law, if such a case arises.
- 2) The provisions of this Policy shall not restrict the power of Employer or aggrieved person or complainant to proceed against the Respondent for any other misconduct or to pursue other criminal or civil remedies.