

NIIT University policy of sexual harassment

Objective

NIIT University (NU) is committed to providing a work environment and learning environment free from harassment of any kind and in particular, an environment that does not tolerate sexual harassment. NU respects dignity of everyone involved. NU requires all faculty/staff members to make sure that they maintain mutual respect and positive regard towards one another.

In pursuance of the direction of the Honourable Supreme Court in VISHAKA and ORS.v. STATE OF RAJASTHAN and ORS. (JT 1997(7) SC 384), NU has constituted the Internal Complaints Committee (ICC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Policy Statement

- a. All faculty and staff will maintain high standards of dignity, respect and positive regard for one another in all their dealings.
- b. All faculty and staff will understand and appreciate the rights of the individual to be treated with dignity.
- c. All faculty and staff are required to maintain a work and learning environment, which is free from any kind of harassment.
- d. All faculty and staff will refrain from committing any act of sexual harassment at work and learning place.
- e. Allegations of sexual harassment will be dealt seriously, expeditiously, sensitively and with confidentiality.
- f. All faculty and staff will be protected against victimization, retaliation for filing or reporting a complaint on sexual harassment and will also be protected from false accusations.

Definition of sexual harassment

Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Physical conduct of a sexual nature includes all unwanted physical contact. Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, objectionable sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature or inappropriate inquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons. Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects in any media.

Conduct amounting to sexual harassment

1. Unwanted sexual advances or propositions
2. Offering employment benefits in exchange for sexual favours
3. Leering
4. Making sexual gestures
5. Displaying sexually suggestive objects or pictures, cartoons, calendars, or posters
6. Making or using derogatory comments, comments about a person's body or dress, slurs, epithets, or sexually suggestive jokes
7. Written communications of a sexual nature distributed in hard copy or via a computer network, suggestive or obscene letters, notes, or invitations
8. Physical conduct such as unwanted touching, assault, impeding or blocking movements
9. Making or threatening retaliation after a negative response to sexual advances or for

reporting or threatening to report sexual harassment

10. Eve-teasing

11. Sexually tinted remarks, whistling, staring, sexually slanted and obscene jokes, jokes causing or likely to cause awkwardness or embarrassment

12. Subtle innuendoes or open taunting regarding perfection, imperfection, or characteristics of physical appearance of a person's body or shape

13. Gender based insults and/or sexist remarks

14. Displaying pornographic or other sexually offensive or derogatory material

15. Forcible invitations for dates

16. Forcible physical touch or physical assault or molestation

17. Suggesting or implying that failure to accept a request for a date or sexual favours would adversely affect the individual in respect to performance evaluation or promotion

18. Explicitly or implicitly suggesting sexual favours in return for hiring, compensation, promotion, retention decision, relocation, or allocation of job/responsibility/work

19. Any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of career development or otherwise making the environment at the workplace hostile or intimidating to a person belonging to the other sex, only on the ground of such individual providing or refusing sexual favours

20. Physical confinement against one's will and any other act likely to violate one's privacy.

Workplace

Recognising that sexual harassment may not necessarily be limited to the primary place of employment, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. has introduced the concept of an 'extended workplace'. As per the statute, 'workplace' includes any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for the purpose of commuting to and from the place of employment. As an educational institution, the workplace will also include learning places such as classroom, laboratory, library, etc. and men or women will include not only the employees of the university, but also the students.

Composition of ICC

Chairperson

Member secretary

Member

Member

NGO representative: member

Two student representatives (only in case of complaints involving students and as per the sole discretion of the Chairperson)

The term of the ICC members shall not exceed three years. The same can be renewed by the president of the university at his discretion.

A minimum of three members of the ICC including the presiding officer are to be present for conducting the inquiry.

Powers of the Committee

The Committee shall, while inquiring into a complaint of workplace/ learning place sexual harassment, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of:

- Summoning and enforcing the attendance of any person and examining him on oath,
- Requiring the discovery and production of documents and
- Any other matter which may be prescribed.

Function of the ICC

This Committee undertakes inquiries with regard to complaints of sexual harassment from aggrieved employee (as defined under the Act, 2013) as well as from students of the university. The complaint is kept totally confidential, and adequate protection is provided to the complainant, where necessary. Complaints are heard expeditiously while adhering to the principles of natural justice. Necessary recommendations are provided to the authority on the basis of the findings of the inquiry.

Complaint mechanism

An aggrieved person (employee or student) who intends to file a complaint is required to submit a signed complaint, along with supporting documents and names and addresses of the witnesses 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. The Committee can extend the timeline for filing the complaint, for reasons to be recorded in writing, by a period of three months. In situations where the aggrieved person is unable to make the complaint on account of physical incapacity, mental incapacity or death; friends, relatives, co-workers, psychologist, psychiatrists, etc. can also file the complaint. The complaints can be sent through telephone / written request / e-mail)-to any of the members of the Committee. The e-mail id for this is NU.ICC@niituniversity.in The complaint and the identity of the complainant will be kept CONFIDENTIAL.

Moreover, with whomsoever the complaint is filed, that respective person's role ends once the complaint is handed over to NU-ICC with immediate effect; s/he can neither disclose the information to either of the parties involved nor try to influence the NU-ICC. The interference by the defaulter/s, parent/s, internal official/s or any external agency; asking the NU-ICC Member/s about the status of enquiry; or influencing the NU-ICC Member/s by sharing his/her opinion about either of the parties- will be treated as unlawful. Such an offence will be dealt unsympathetically by NU-ICC and involved person/s will be penalised.

Timelines

Written complaints along with supporting documents and names and addresses of witnesses have to be filed within three months of the date of the incident. Timeline extendable by another three months. Upon receipt of the complaint, one copy of the complaint is to be sent to the respondent within seven days. Upon receipt of the copy of complaint, the respondent is required to reply to the complaint along with a list of supporting documents and names and addresses of witnesses within 10 working days. The Inquiry has to be completed within a total of 90 days from the receipt of the complaint. The Inquiry report has to be issued within 10 days from the date of completion of inquiry. Appeal against the decision of the Committee is allowed within 90 days from the date of recommendations.

Frivolous complaints

In order to ensure that the protections envisaged under the Prevention of Workplace Sexual Harassment Act are not misused, provisions for action against "false or malicious" complainants have been included. If the Committee concludes that the allegation is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules / disciplinary rules of the organisation can be taken against such complainant. The disciplinary actions in such cases may be in the form of a written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or from the rolls of the university, undergoing a counselling session, or carrying out community

service may be taken. It is further clarified that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious.

Confidentiality

Recognising the sensitivity attached to matters pertaining to sexual harassment, significant importance is ensured that the complaint and connected information are kept confidential. Once the case is handed over to NU-ICC, no one can spread the matter in community or gossip about it. Such an offence is unacceptable and involved person/s will be penalised by NU-ICC