

**Sri Aurobindo Institute of Culture
Policy Against SEXUAL HARASSMENT**

Sri Aurobindo Institute of Culture

I. PREAMBLE

Sri Aurobindo Institute of Culture is located at 3, Regent Park, Tollygunge, Kolkata. On 29th July 1960, Smt. Lakshmi Devi Loyalka offered this property to The Mother. In 1968, The Mother named it Lakshmi's House. In July 1975, SAIoC was registered as a society under the West Bengal Societies Registration Act 1961.

SaioC follows the philosophy and discipline of Sri Aurobindo Ashram, Pondicherry.

Lakshmi's House where Sri Aurobindo's Relics are installed, provides a material assurance of the living presence and guidance of Sri Aurobindo and the Mother. The members of SAIoC and the staff breathe this very presence. Therefore, it is expected that all those who are associated or engaged with SAIoC will behave in a manner befitting the ideals and values inculcated by them. SAIoC is committed to maintaining an environment free of unlawful discrimination and harassment. That all relationships among persons in the premises of SAIoC will be respectful and free of bias, prejudice, and harassment.

The objectives of the SAIoC include:

- a) To spread and practice the teachings and ideals of Sri Aurobindo and The Mother in all fields of life
- b) to spread education in all fields i.e Spiritual, Scientific, Literary, Artistic, Physical etc.
- c) To promote culture in all forms and carry out cultural activities, organize, discourses, lectures, seminars etc.

II. OBJECTIVE:

Sri Aurobindo Institute of Culture (SAIoC) is committed to creating and maintaining a secure work environment where its Students, Teachers, Volunteers, Employees, Agents, Vendors and Partners can work together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the SAIoC's work.

The objective of this Policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that SAIoC strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "Act") and the Rules framed thereunder, as well as the terms of engagement with SAIoC. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

At SAIoC, we have zero-tolerance for sexual harassment. We value each and every person working or engaged with us and wish to protect their dignity and self respect. In doing so, we are determined to promote an environment in which persons of both genders complement each other as equals and to keep personal dignity.

We at SAIoC are committed towards giving every person a just and fair hearing on issues encountered by them with special attention to sexual harassment. Sexual Harassment of any kind is in total disregard to the culture of SAIoC and will not be tolerated. SAIoC will take very serious disciplinary action against any victimization of the person who is complaining or the

alleged harasser that may result from a complaint.

III. SCOPE

SAIoC's Policy with regard to Prevention, Prohibition and Redressal of Sexual Harassment covers every "person" across the organization. A separate Policy is in place for children learning in Shakti Centre. SAIoC encourages every person who believes they are sexually harassed to use the redressal mechanism as provided in this Policy.

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places such as SAIoC's own premises and includes all such places or locations where acts are conducted in context of working/teaching/mentoring relationships or whilst fulfilling duties or which may be visited by a person during the course of learning/work including transportation provided by SAIoC for undertaking such visit. SAIoC's Policy against sexual harassment includes sexual harassment by fellow students, teachers, volunteers, employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors including outsourced employees.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female person, it can be vice versa as well as between individuals of same gender.

This Policy comes into force with immediate effect.

IV. DEFINITION:

- a) "Aggrieved Person" means a person in relation to place of work, learning, or other engagement whether employed by SAIoC or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) "Student" means any adult student learning in Shakti Centre. A separate Policy for children learning in Shakti Centre is appended.
- c) "Teacher" means any teacher employed by SAIoC.
- d) "Volunteer" means any person volunteering in SAIoC with due approval from the Secretary
- e) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- f) "Internal Complaints Committee" means a committee constituted by SAIoC as per this Policy.
- g) "Respondent" means a person against whom the aggrieved person has made a complaint.
- h) "Sexual harassment" constitutes discrimination and is unlawful under national, state and local laws. Sexual harassment may include a range of subtle and not so subtle behavior and may involve individuals of the same or different gender. Depending on the circumstances, these behaviour may include, but are not limited to and includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
 - i. Physical contact and advances; or
 - ii. A demand or request for sexual favors; or
 - iii. Making Sexually colored remarks; or
 - iv. Showing pornography or other offensive or derogatory pictures, cartoons,

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- v. representations, graphics, pamphlets or sayings; or
- vi. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or

Following circumstances amongst others mentioned above may **also** constitute sexual harassment if these occur or are present in relation or connected with any act or behavior of sexual harassment:

- i. implied or explicit promise of preferential treatment in their engagement in SAIoC;
- ii. implied or explicit threat of detrimental treatment in their engagement in SAIoC;
- iii. implied or explicit threat about their present or future status of engagement;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment
- v. humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

- i) “workplace” includes any department, organization, undertaking, establishment, enterprise, institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the SAIoC for undertaking such journey.

V. INTERNAL COMPLAINTS COMMITTEE:

Every complaint received shall be forwarded to Internal Complaint Committee (ICC) formed under the Policy for redressal. The investigation shall be carried out by the ICC constituted for this purpose. ICC has been constituted **with** the following members as nominated by SAIoC :

- a) A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the ICC.
- b) Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c) One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The names of the members of the ICC is given in Annexure A of this Policy and any change in such composition shall be effected in the Policy. At least half the total members of the ICC shall have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by SAIoC.

VI. COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her/him, within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.

- 1. The Presiding Officer or any Member of the ICC can render reasonable assistance to the person for making complaint in writing, in case the person is unable to do so.
- 2. On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
- 3. (i) Where the aggrieved person is unable to make a complaint on account of the person's

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- physical incapacity, a complaint may be filed by
- a. a relative or friend; or
 - b. a co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the aggrieved person.
- (ii) Where the aggrieved person is unable to make a complaint on account of their mental in-capacity, a complaint may be filed by
- a. a relative or friend; or
 - b. a special educator or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care they are receiving treatment or care;
or
 - e. any person who has knowledge of the incident jointly with any of the above.
- (iii) 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 their written consent.
- (iv) 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 their legal heir.
4. ICC on receipt of such written complaint, may, if required, ask the aggrieved person to furnish additional information about the alleged harassment.
5. The Complainant or person authorized on complainant's behalf as per above provision, shall make a complaint to the ICC through following mode:
- a. Copy of complaint along with supporting documents and names and address of witness shall be sent to member/s of the ICC;
 - b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
 - c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
 - d. ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - e. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - f. The ICC must complete its investigation within a period 90 days.
 - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - h. For conducting the enquiry the quorum of the ICC shall be of 3 members including the Presiding officer.
6. The ICC may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:
- a. Monetary settlement will not be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

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Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the ICC.

7. The ICC may during such investigation exercise the power of a civil court, vested in it, in respect of:
 - a. summoning and enforcing the attendance of any person and examining him under oath;
 - b. requiring discovery and production of documents;
 - c. any other prescribed matter.
8. During such enquiry, upon written request by the aggrieved person, the ICC may at its discretion recommend:
 - a. to transfer the aggrieved person or the respondent to any other workplace;
 - b. grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

VII. ACTION:

1. The ICC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the ICC may recommend that no action needs to be taken in the matter.
3. If the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
 - a. Take action for sexual harassment as a misconduct.
 - b. Tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent
 - c. Terminate the Respondent.
 - d. To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
4. Such action will be taken within 60 days of the receipt of report.

VIII. AWARENESS:

1. All the Students, Teachers, Volunteers, Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the management of SAIoC.
2. SAIoC shall comply with all other details as set out under Section 19 of the Act to ensure that all Students, Teachers, Volunteers, Employees, Agents, Customers, Vendors, Partners and Visitors are provided with the safe working environment at the workplace.
3. SAIoC shall display the notice showing the names of the members of the ICC at its every establishment at a conspicuous place.

IX. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any Student, Teacher, Volunteer, Employee, Agent, Customer, Vendor, Partner and Visitor shall be taken up with utmost seriousness by SAIoC. However, there shall be zero tolerance for any false accusation.

2. If the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the ICC may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.
3. It is to be noted that this statement is not intended to discourage Students, Teachers, Volunteers, Employees, Agents, Customers, Vendors, Partners and Visitors from coming forward with any complaints. SAIoC recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

X. MISCELLANEOUS:

1. SAIoC may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the Students, Teachers, Volunteers, Employees, Agents, Customers, Vendors, Partners and Visitors.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to SAIoC to include in its Annual Report:
 - a. Number of complaints of sexual harassment received during the year;
 - b. Number of complaints disposed off during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by SAIoC.

XI. CONCLUSION:

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of SAIoC shall be final and binding on all. However, the same is without prejudice to any recourse that SAIoC or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or SAIoC to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.
