

Kautilya School of Public Policy

Policy on Sexual Harassment

The Kautilya School of Public Policy (KSPP) aims to create a safe, comfortable and productive learning and working environment for all students and staff. It recognizes sexual harassment prevents the creation of such an environment and therefore takes steps to prevent and redress instances of sexual harassment. KSPP has a zero tolerance policy towards sexual harassment.

KSPP adheres to the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013.

The University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015, as updated from time to time, may be referred to for definitions of terms.

1. KSPP shall

- a) work to prevent and redress sexual harassment.
- b) ensure the public notification and dissemination of information about sexual harassment, including definitions of and penalties for sexual harassment. It shall also ensure the public notification of information about the Internal Committee (IC), including the composition and the contact details of the IC.
- c) work towards the gender sensitisation of the students and staff of KSPP and building awareness of sexual harassment (including definitions of harassment, redressal mechanisms, rights of staff and students, etc.), through sensitisation programmes, training programmes, etc.
- d) ensure the maintenance of KSPP's physical infrastructure (for example, women's toilets, adequate lighting, necessary transport facilities etc.) and provision of security staff including female security staff where appropriate.
- e) ensure that concern for the safety of women students not be cited to impose discriminatory rules for women in the hostels as compared to male students or to impose unnecessary monitoring or policing or curtailing the freedom of movement, especially for women employees and students.

- f) ensure that it has a functioning IC at all times and extend all resources and supportive measures required for the functioning of the IC.
- g) organise regular orientation or training programmes for the members of the IC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity.
- h) support students and staff to file police complaints under sections 19G and H of Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 if needed.
- i) conduct a regular and half yearly review of the efficacy and implementation of its policy on sexual harassment.
- j) ensure the sensitivity of the IC to persons who are additionally vulnerable on grounds of gender, sexual orientation, caste etc.
- k) act decisively against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation.
- l) ensure that the guidelines for ethics for Research Supervision are put in place to provide additional protection to research students and doctoral candidates.
- m) prepare an annual status report of complaints before the IC and submit it to Gitam (Deemed to be University) to be forwarded to the University Grants Commission.

2. “Sexual harassment” means

- a) 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;-
 - (i) any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - (ii) demand or request for sexual favours;
 - (iii) making sexually coloured remarks
 - (iv) physical contact and advances; or
 - (v) showing pornography
- b) 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-
 - (i) implied or explicit promise of preferential treatment as quid pro quo for sexual

favours;

(ii) implied or explicit threat of detrimental treatment in the conduct of work; (iii) implied or explicit threat about the present or future status of the person concerned;

(iv) creating an intimidating offensive or hostile learning environment; (v) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

c) “victimisation” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

3. Composition of the Internal Committee (IC)

The IC shall have the following composition:

(i) a Presiding Officer who shall be a woman faculty member of KSPP

(ii) two faculty members and two non-teaching employees

(iii) three students, if the matter involves students: one from the MPP first year, one from the MPP second year batch, and one doctoral candidate, elected through transparent democratic procedures;

(iv) one external 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 Dean KSPP.

At least one-half of the total members of the IC shall be women.

Persons in senior administrative positions in KSPP such as the Dean KSPP shall not be members of the IC in order to ensure autonomy of their functioning.

The term of office of a member of the IC shall be for a period of three years.

The external member shall be paid such fees or allowances for holding the proceedings of the IC, as may be prescribed by the Dean KSPP.

4. Responsibilities of Internal Committee (IC)

The Internal Committee 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;
- e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity;
- f) ensure that the details of the complaint, including contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, the action taken by the Dean KSPP, etc., shall be kept confidential and shall not be published, communicated or made known to the public, press and media in any manner, provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

5. Process of making a complaint of sexual harassment:

- a) Complaints may be made by women, against any person.
- b) A written complaint should be submitted to the IC 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.
- c) If a complaint cannot be made in writing, the Presiding Officer or any member of the IC can assist the person to make the complaint in writing.
- d) The IC may extend the time limit not exceeding three months, if it is satisfied that there exists adequate explanation for the delay. Reasons for the delay in filing the complaint must be provided by the Complainant.
- e) Friends, relatives, colleagues, co-students, psychologist, 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.

6. Process of conducting inquiry:

- a) The IC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- b) 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.
- c) The inquiry has to be completed within a period of ninety days from the receipt of the complaint, including the submission of the inquiry report to the Dean KSPP. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Dean KSPP. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- d) The Dean KSPP 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.
- e) An appeal against the findings or /recommendations of the IC may be filed by either party before the Dean KSPP within a period of thirty days from the date of the receipt of the recommendations.
- f) If the Dean KSPP decides not to act as per the recommendations of the IC, then they shall record written reasons for the same to be conveyed to IC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the IC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Dean KSPP shall proceed only after considering the reply or hearing of the aggrieved person.
- g) Once a complaint is filed, the aggrieved party may seek conciliation instead of an inquiry. No monetary settlement should be made as a basis of conciliation. The KSPP shall facilitate a conciliation process through IC, 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.
- h) 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.

7. Interim redressal:

KSPP 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 IC;

- 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.

8. Punishment and compensation -

- a) If an employee is found guilty of sexual harassment, KSPP may impose the following penalties:
 - (i) Censure.
 - (ii) Withholding of increments or promotion for a specified period of time. (iii) Reduction to a lower service, grade or post or to a lower time scale, or to a lower stage in a time scale.
 - (iv) Compulsory retirement.
 - (v) Removal from the service of the University which does not disqualify the employee for future employment.
 - (vi) Dismissal from the service of the University which disqualifies the employee for future employment.
- b) Where the respondent is a student, depending upon the severity of the offence, KSPP may
 - (i) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
 - (ii) suspend or restrict entry into the campus for a specific period;
 - (iii) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
 - (iv) award reformatory punishments like mandatory counselling and, or, performance of community services.
- c) The aggrieved person is entitled to the payment of compensation. KSPP shall issue directions for payment of the compensation recommended by the IC and accepted by the Dean KSPP, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

- (i) mental trauma, pain, suffering and distress caused to the aggrieved person;
- (ii) the loss of career opportunity due to the incident of sexual harassment;
- (iii) the medical expenses incurred by the victim for physical, psychiatric treatment;
- (iv) the income and status of the alleged perpetrator and victim; and
- (v) the feasibility of such payment in lump sum or in installments.

9. 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 all KSPP. If the IC 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, the complainant shall be liable to be punished as per the provisions of sub regulations (1) of regulations 10, if the complainant happens to be an employee and as per sub-regulation (2) of that regulation, if the complainant happens to be a student. 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.

Annexure 1

Composition of the Internal Committee

Dr. Kanica Rakhra : kanica@kspp.edu.in (9818539700)

Dr. Vishnu S Pillai : vishnu2@kspp.edu.in

Dr. Ajay Kumar (GITAM faculty) - akumar14@gitam.edu

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In case of any issues, you may kindly reach out to the IC at ic@kspp.edu.in