



SVKM'S

NMIMS

Deemed to be UNIVERSITY

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MANUAL ON

**PREVENTION
OF
SEXUAL
HARASSMENT**

“ We are responsible for what we are, and whatever we wish ourselves to be, we have the power to make ourselves. If what we are now has been the result of our own past actions, it certainly follows that whatever we wish to be in future can be produced by our present actions; so we have to know how to act. ”

- Swami Vivekananda



MANUAL ON PREVENTION OF SEXUAL HARASSMENT

An atmosphere of mutual respect among members of the academic community is necessary for NMIMS to function as a center of academic freedom and intellectual advancement. Any violation of mutual trust, any form of threats or exploitation, damages the institution's educational process by undermining the essential freedoms of inquiry and expression. Students, staff, and faculty must feel personally secure for real learning to take place.

As a place of work and study, NMIMS campuses must be free of discrimination and harassment in all of its forms, including threats and exploitation. All students, staff, and faculty must be assured that the NMIMS will take action to prevent such misconduct and that anyone who engages in such behavior is subject to disciplinary procedures.

The NMIMS has a legal obligation to provide a harassment / discrimination-free environment, and is committed to maintaining an academic, working and residential environment which is free of inappropriate and disrespectful conduct of a derogatory nature regarding any woman especially when such conduct adversely affects a student's or an employee's work / educational environment or creates an intimidating, hostile or offensive environment.

Discrimination and / or harassment are prohibited personnel practices when it has the effect or purpose of abusing others based on direct or implied discrimination. It is also a prohibited personnel practice when it interferes with an individual's academic, social or work performance. The effect may include, but is not limited to: anguish, withdrawal from a course, a major, a school, a residence, a department or a career.

This policy applies to all Employee / Employee, Employee / Student, Employee / Members of Management or Student / Members of Management cases of discrimination or harassment (including contract employees and part time students)

All members of the NMIMS should be aware that the NMIMS prohibits and will not tolerate sexual harassment of its faculty, staff, and students. Each member of the NMIMS community is expected to support efforts to keep the campuses free of sexual harassment.

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INTRODUCTION

NMIMS Deemed to be University is committed to provide to the nation good quality trained human resources who are socially sensitive have inquisitive minds and persistence to change theirs and organization and their lives and contribute to making India a knowledge super power and world a better place to live in. The NMIMS is committed to prevent sexual harassment and provide for environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.

With the objective of providing a safe and friendly environment to all at the university, the university has framed the guidelines to ensure prevention of sexual harassment at workplace.

This policy applies to all members of the University community - faculty, administrative staff, and students. This policy also prohibits sexual harassment by third parties towards members of the University community.

SEXUAL HARASSMENT

Right to live with dignity is a universally recognized human right. Any kind of sexual harassment violates the right to live with dignity.

Acts amounting to Sexual Harassment

- Unwanted physical contact and advance
- A demand or request for sexual favours
- Sexually coloured remarks
- Exposing the victim to pornographic material audio or visual or print
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Acts amounting to Sexual Harassment at workplace

Sexual harassment at the workplace includes but is not limited to:

- Implied or overt promise of preferential treatment in employment; or
- Implied or overt threat of detrimental treatment in employment; or
- Implied or overt threat about present or future employment status; or
- Conduct of any person which interferes with work or creates an
- Intimidating or offensive or hostile work environment or
- Humiliating conduct constituting health and safety problems .

Medium of conducting Sexual Harassment

A person can be guilty of sexual harassment if any unwelcome sexually determined behavior is committed through any of the following ways:

- Comments
- Remarks
- Jokes
- Letters
- Phone calls
- Emails
- Chats on any electronic medium like whatsapp, twitter etc
- Gestures
- Remarks
- Showing of pornography clipping
- Lurid stares
- Physical contact
- Molestation
- Stalking
- Sounds or display of a derogatory nature
- Any other medium

SCOPE OF NMIMS GUIDELINES

It applies to all the following who can be either victim or accused.

- All students, i.e. an undergraduate, post graduate, research scholar and a repeater
- Student on the campus on an exchange programme
- Students enrolled by distance education
- Any ex student permitted to use the facility of library, laboratory, reading room or gymkhana
- Administrative and support Staff – permanent and contract
- Faculty members – Permanent, Ad-hoc, Adjunct, Part time, Visiting, Guest lecturer. Professor emeritus, honorary faculty.
- Research Guide
- Members of management
- Contract staff

In order to foster a fearless environment, the university shall take proactive steps in preventing sexual harassment and resolving disputes of such nature.

- to provide counseling services to the complainant
- to undertake workshops and training programmes at regular intervals --?
- sensitising the students, faculty members and employees regarding the sexual harassment guidelines
- to pursue the complaint and the safety of the complainant
- to assure confidentiality of the case
- to form the Internal Complaints Committee to deal with the cases relating to Sexual Harassment
- to inform the members about the Internal Complaints Committee by displaying the same at conspicuous place
- provide necessary facilities to the Internal Committee as the case may be, for dealing with the complaint and conducting inquiry;
- assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- make available such information to the Internal Committee as the case may be, as it may require

ASSISTANCE BY THE NMIMS

INTERNAL COMPLAINTS COMMITTEE

The NMIMS has established an Internal Complaints Committee to address the grievances of any person subjected to sexual harassment.

Composition of the Committee

- The committee consists of seven members, nominated by the Vice Chancellor
- Of the total number of members, minimum three have to be women
- Of seven members, two members are representative of teaching staff and two members are representative of non teaching staff
- One student representative
- One member is a representative of an NGO
- One member is a representative of the management
- A person having legal background shall be ex-officio member to be nominated by the chancellor

Working of The Committee

- The Vice Chancellor shall appoint a chairperson and a secretary from amongst the members
- The Chairperson will be a women
- In the absence of the chairperson, Vice Chancellor shall suggest acting chairperson of the particular meeting
- The name of the members of the committee, along with their contact places and telephone numbers is displayed at all times at conspicuous place of the main notice board of each of the university premises.
- The committee will meet every quarter
- The chairperson has the power to call a special meeting on written request of not less than 1/3rd members
- The quorum for any meeting shall be atleast three members

Term of the Office of the Committee

- The term of the office of the Cell is for three years
- The vacancy if any in the cell, shall be filled by the Vice Chancellor, for the remainder period of time
- Any member can tender his resignation in writing to the chairperson. On acceptance of the resignation, the office stands vacated

Disqualification of the Members of the Committee

A person shall be disqualified for being appointed, elected, nominated or designated as for being continued as a member of the committee in the following circumstances.

- If there is any complaint or serious criminal charges involving moral turpitude pending against him/her
- Found guilty of sexual harassment
- Absent without permission of the chairperson for three consecutive meetings

Powers and functions of the Committee

To implement the guidelines framed by the university, the committee shall have the following powers and functions.

- a) To process individual grievances concerning sexual harassment in the university departments/administration/authorities
- b) To investigate into the matter thoroughly
- c) To recommend suitable action in the manner and mode provided in the guidelines
- d) To do all such acts and things as may be necessary to carry out the objectives of these directions

WHO, WHEN AND HOW TO APPROACH THE COMMITTEE

Who Can Approach

The right to approach the Internal Committee lies with:

- Victim
- Victim's family
- Witness of the Act
- Suo moto by the committee

How To Approach

- A complaint can be lodged with any member of the cell
- Written complaint shall be signed / thumb impression by the complainant
- Complaint can be oral or written
- In case of oral complaint, the committee member to whom complaint has been made shall document it and get it signed by the complainant before any proceedings
- Every complaint filed will be kept fully confidential
- Where the complainant is unable to make a complaint on account of physical or mental incapacity or death or otherwise, legal heir or such other person as may be prescribed may make a complaint

When To Approach The Internals Complaint Committee

- The victim should approach the committee within one month of the commission of any act amounting sexual harassment
- The committee has the discretion to condone the delay in filing complaint.

PROCEDURE FOR INVESTIGATION OF COMPLAINTS

- Complaint register is maintained by the committee
- The committee member to whom the complaint is made forwards the same to the chairperson within 10 days.
- A meeting is convened by the chairperson within three weeks from the date of communication to him.
- At the first meeting, the complainant or his/her representative will be heard
- In case of a woman complainant, if she specifically expresses a desire that she be allowed to depose in the presence of women members of the cell, the cell will hear the complaint after male members have withdrawn from the hearing.
- It is at the discretion of the cell to decide whether the complaint is to be proceeded with.
- It is the duty of the Committee, to ascertain the wishes of the complainant before proceeding with the complaint.

If complainant wishes only warning to the accused

- If the complainant wishes that only warning would suffice, then the alleged offender will be called to the meeting of the committee, heard, and if so satisfied that a warning is just and proper, it will be recommended to the vice chancellor, that the accused may be warned about his behavior.
- The matter is then treated as concluded after recording in the complaint register to that effect.
- A necessary note is made in the service book of the employee or record of the student including the migration certificate.
- The cell verifies the compliance of the action taken.

If complainant wishes to conduct enquiry

- Before proceeding with the enquiry, the committee shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind the nature and gravity of the misdemeanor complained of.
- In case the committee comes to the conclusion that such an action is necessary, it shall recommend to the vice chancellor accordingly.
- The committee shall accord fair and reasonable opportunity to the delinquent to defend himself and shall ensure observance of the principles of natural justice
- Two weeks time is given to the delinquent to explain why he should not be treated as guilty of his behavior and not be punished for the act complained off
- If not written explanation is submitted or if the written explanation is not sufficient, the committee shall recommend at the outset whether the offence deserves a minor or a major penalty.
- The committee recommends the penalty to the vice chancellor who shall then expeditiously act on such recommendations.

Grant of Leave

During the pendency of inquiry, on a written request made by the aggrieved person, the Internal Committee or the Local Committee, as the case may be, may recommend to the vice chancellor to-

- (a) transfer the aggrieved person or the respondent to any other workplace;
or
 - (b) grant leave to the aggrieved person or
 - (c) grant such other relief to the aggrieved person as may be prescribed.
- The leave granted to the aggrieved person under this section shall be in addition to entitled leave.
 - On the recommendation of the Internal Committee the vice chancellor shall implement the recommendations made regarding granting leave to the victim.

PROTECTION AGAINST VICITIMISATION

- In the event of complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry if the teacher is found guilty, then such teacher shall not act as an examiner for any examination for which the student appears.
- In the event of complainant and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not write the confidential reports of the complainant, if he otherwise so authorized.

DISCIPLINARY ACTION

The committee may recommend the following penalties on a person found guilty of sexual harassment.

In case of employee being guilty of Sexual Harassment

Penalties

- Warning, Reprimand or Censure
- Fine
- Withholding of increments or promotion
- Reduction to a post in the lower pay scale or to a lower stage of increment
- Compensation to the Victim
- Compulsory retirement
- Termination of services
- Removal/dismissal from service

In Case Student Is Found Guilty Of Sexual Harassment

Penalties

- Warning
- Written Apology
- Bond of Good Behaviour
- Debarring entry into a hostel/campus/off campus
- Suspension for a specified period of time
- Withholding results
- Compensation to the victim
- Debarring from examination for a specified period of time, decided by the committee
- Expulsion from the university

Determination Of Compensation

For the purpose of determining the compensation to be paid to the aggrieved person the Internal Committee shall have regard to -

- The mental trauma, pain, suffering and emotional distress caused to the victim ;
- The loss in the career opportunity due to the incident of sexual harassment;
- Medical expenses incurred by the victim for physical or psychiatric treatment;
- The income and financial status of the respondent;
- Feasibility of such payment in lump sum or in installments.

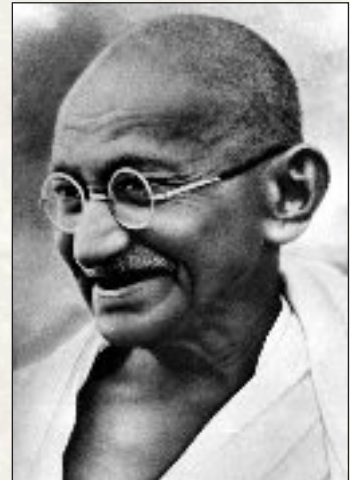
In case of defaulter, the police complaint needs to be lodged as per the Act

APPLICABILITY OF OTHER LAWS

NMIMS guidelines for protection and prevention of sexual harassment is in addition and not in derogation to the existing law of the country relating to sexual harassment.

“ There would be nothing to
frighten you if you refused
to be afraid.”

- Mahatma Gandhi



SVKM'S

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(Declared as Deemed to be University under Section 3 of the UGC Act, 1956)

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