

<b>Name of the Document</b>	<b>Policy on Prevention of Sexual Harassment for Women</b>
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<b>Issuing Authority</b>	Mr. Sunil Rane - Treasurer cum Hon. Secretary Mahindra Education Society
<b>Owner of the document</b>	Lorna D'souza – Headmistress, Mahindra Academy.
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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT FOR WOMEN**

### **BACKGROUND**

Mahindra Academy, Malad ("School") endeavors to keep its workplace safe, transparent and friendly for people to work in. Understanding Employees and giving them the confidence that their workplace is fair, transparent and safe has been a core philosophy of the School. The School's policy on Prevention of Sexual Harassment is being implemented with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (the "Act") as a backdrop.

### **APPLICABILITY**

The policy applies to Mahindra Academy, Malad. The "Appropriate Authority" for this policy is Mrs. Lorna D'souza.

The policy covers:

1. All women, who are employed with the School including but not limited to permanent, contractual or temporary employees (hereinafter referred to as "Employees")
2. All women, who visit the premises of the School for any purpose, such as parents, visitors etc.
3. All locations of the School (Workplace). The possible locations could be



- a) Complete location, both inside and outside the school building, for e.g.:- office, staffroom, classrooms and all other rooms in the school, playground etc.; or
- b) Any mode of transport provided by the School for commuting purposes.

## DEFINITION OF SEXUAL HARASSMENT

A broad definition of sexual harassment consists of any unwelcome physical, verbal or non-verbal conduct of unnecessary, improper or unwelcome sexual nature and may include one or more of the following acts or behavior (whether directly or by implication):

1. Unwelcome sexual advances, demands or requests for sexual favours, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature; or
2. Transmitting any message, by mail, telephone, electronic media including social networking websites etc. which is obscene, lewd, suggestive or blatantly sexual in nature; or
3. Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment; or
4. Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes; or
5. Consistent pattern of unnecessary physical contact and advances, staring or targeting unreasonable attention at an individual in day to day dealings; or
6. Any pervasive pattern of behavior which makes an individual uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation; or
7. Stalking or making repeated unnecessary/ unwelcome visits to the place of residence; or
8. Actual sexual assault

The above is only an indicative list and there can be other acts which can be construed as sexual harassment.

## SCHOOL'S APPROACH TOWARDS SEXUAL HARASSMENT

The School views all incidents of sexual harassment seriously and follows a **zero-tolerance** approach towards any act of sexual harassment. All acts capable of being constructed as sexual harassment are prohibited. The principle followed is "**innocent till proven guilty**" and any complaint or report of sexual harassment will be investigated and if proved, appropriate action will be taken against the offender. The nature and seriousness of the offence will be adjudged by the Committee (defined hereunder) depending on several factors, including the presence of the following circumstances while the Employee was being subjected to any acts of sexual harassment :



1. Implicit or explicit promise of preferential treatment in her employment; or
2. Implicit or explicit threat of detrimental treatment in her employment; or
3. Implied or explicit threat about her present or future employment status; or
4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
5. Humiliating treatment likely to affect her health or safety.

The circumstances listed above are not exhaustive. Every proven act sexual harassment will be treated as misconduct and appropriate action will be undertaken for such misconduct.

### **COMPLAINTS HANDLING PROCESS**

The School has established the following process to ensure that any complaint of sexual harassment is dealt appropriately, sensitively and expeditiously in fair and transparent manner.

### **INTERNAL COMPLAINTS COMMITTEE**

#### **JURISDICTION**

The School has an 'Internal Complaints Committee' (hereinafter referred to as "Committee"). The Committee shall be responsible for dealing with all complaints of Sexual harassment relating to all workplaces of the School as per the procedure prescribed under the Act. In case necessitated by circumstances like conflict of interest or sudden spike in number of complaints, the Presiding Officer of the Committee may request the appropriate authority, to reconstitute/reassign members to ensure that the investigation is carried in a fair and just manner.

#### **COMPOSITION**

The committee will have the following members :

<b>Designation</b>	<b>Number</b>	<b>Qualification</b>
Presiding Officer	1	Senior level woman employee
Members	At least 2 (1 Female and 1 Male)	Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
External member	At least 1	From an NGO or association committed to the cause of women or a person familiar with issues relating to sexual harassment
Note: At least 50% of the Committee will be women.		

The names of the members of the Committee will be announced by the Appropriate Authority.

The names and contact details of the relevant Committee members will be displayed on the School notice board.





## QUORUM

The quorum for conducting inquiry in each complaint shall be three as below:

Committee Member	Participation in every meeting
Presiding Officer	Mandatory
Members	One of the two employee members to be selected by Presiding Officer
External member	Mandatory
Note: Presiding Officer will ensure that at least 50% of the members are women	

## TERM OF OFFICE

Each member will hold office for three years only in the Committee from the date of appointment. They will be eligible for reappointment in the Committee at the discretion of the Appropriate Authority.

## RECUSAL

If upon receipt of a complaint or at any stage of the inquiry it comes to light that either the complainant or respondent is related to any of the Committee member or is working in the same chain of command or has any conflict of interest in any other manner, the Presiding Officer shall select the quorum without the member having conflict of interest. In case it is not possible to do so by reason of the person in conflict being the Presiding Officer herself or the external member or number of members in conflict being such that quorum cannot be formed, the Presiding Officer shall inform the Appropriate Authority, who shall then appoint suitable members for inquiring into the complaint.

## CODE OF CONDUCT FOR INTERNAL COMPLAINTS COMMITTEE MEMBERS

To effectively address workplace sexual harassment complaints in a completely unbiased manner, the Committee is expected to:

1. Have complete knowledge of the Act and the School's Policy on prevention of Sexual Harassment.
2. The Committee members are expected to uphold the policy not only for execution, but also in their day to day demeanour at workplace and beyond.
3. Investigate the main issues in the complaint based on the information gathered
4. Treat the complainant and the accused with full respect.



5. Do not pre-judge. No person is right or wrong till the inquiry is complete and a decision is taken. It should reflect in the language and words used by the Committee members during and outside of the inquiry.
6. Ensure both parties are aware of the process of investigation and redressal as well as their rights and responsibilities within it.
7. Ensure that interim findings before conclusion are prepared and shared with parties to enable them to make their representation.
8. Prepare a comprehensive report with findings, testimonies and recommendations
9. Refrain from getting aggressive, interrupting or insisting on a graphical description of the event.
10. Show empathy, respect, fairness, receptivity and complete attention towards the parties both in conduct and spirit.
11. Do all such things as are necessary to ensure that all steps are taken necessary for parties, to ensure that they are given a reasonable opportunity to present their case and defend themselves so that no prejudice is caused to either of the parties.
12. Accept that each member could have independent views based on the evidence. Try to come to a common convergence based on facts highlighted during the inquiry- do not influence or coerce each other to agree to a viewpoint. Any of Committee members can finally have and record a "Dissenting View" as well in the final report.
13. Copies of proceeding are given to parties and acknowledgment obtained on a day to day basis.
14. Abstain from discussing regarding the complaint amongst the fellow Committee members in the presence of the complainant or the respondent.
15. Refrain from coaching, guiding or influencing the witnesses, the complainant or the respondent during or outside of the inquiry.
16. Ensure that the details of the complaint are not shared with anyone in the organization or outside apart from relevant people in the hierarchy who have a direct role to play in the process.
17. During a redressal process, the Committee is required to ensure confidentiality of the case, non- retaliation / intimidation by the other party and recommend interim measures as needed to conduct a fair inquiry.
18. FOR EXTERNAL MEMBER: Cannot solicit or do any business with any part of the organization (including trainings).

### **LODGING COMPLAINTS OF SEXUAL HARASSMENT**

Any aggrieved woman who experiences sexual harassment at the Workplace must file a complaint in writing to the Committee within 3 months from the date of the last incident. However, this time limit may be extended by the Committee by another 3 months if there are reasons, justifications or circumstances which, in their opinion, had prevented her from filing the complaint. In the event of the physical or mental incapacity or death of the aggrieved woman, then a complaint filed by other people as prescribed under Section 9 of the Act will be entertained.



If the Committee arrives at a conclusion that the complaint is barred by time, it shall not proceed further with the complaint.

### **SETTLEMENT**

After filing the said complaint, if the aggrieved woman so requests, before initiating an inquiry, the Committee may settle the matter through conciliation, provided that no monetary settlement shall be made as a basis of such conciliation. If such a settlement is reached, the Committee will record the settlement and action will be taken by the Appropriate Authority as specified in the recommendation. Copies of the settlement will also be provided to the aggrieved woman and the respondent. If a settlement is arrived at, no further inquiry will be conducted by the Committee, unless the terms of settlement have not been complied with.

### **INQUIRY**

1. If the aggrieved woman does not request for a settlement then, on receipt of such a complaint, the Committee will immediately arrange to fully investigate all relevant details of the matter.
2. The committee shall inquire into the complaints in accordance with the Principles of Natural Justice.
3. Both parties will be given reasonable opportunity to be heard by the Committee. A copy of the findings shall also be given to both parties to enable them to make representations against the findings before the Committee.
4. The Presiding Officer will ensure that day to day proceedings are handed over to the parties and due acknowledgement obtained thereon.
5. This inquiry will be completed within 90 days. Further, within 10 days of completion of the inquiry, the Committee will formally record the result of the inquiry and forward its recommendations for appropriate action to the Appropriate Authority who will act upon the recommendation within 60 days.
6. A copy of the final report will be made available to both parties.

### **INTERIM RELIEF**

During the pendency of an inquiry, the complainant may submit a written request to the Committee for any of the following as an interim measure of relief:

1. Transfer the aggrieved woman or the respondent to any other workplace; or
2. Grant leave to the aggrieved woman up to a period of 3 months, in addition to her normal leave entitlement; or
3. Restrain the respondent from assessing the aggrieved woman's or the complainant's work performance; or
4. Grant such other relief as may be appropriate.





The Committee will consider the same in the facts and circumstances of the case and decide as to the necessity of such relief. If the Committee recommends to the School any of the above actions, the School will carry out the same and inform the Committee.

### **POWER OF THE COMMITTEE FOR CONDUCTING AN INQUIRY**

For the purpose of conducting an inquiry into any complaint received by it from an aggrieved woman, the Committee may:

1. Summon and enforce the attendance of any person and examine him/her on oath;
2. Require the discovery and production of documents; and
3. Perform or require performance of any other such act which maybe prescribed under the Act.

### **ACTION AGAINST THE OFFENDER**

- a. The Committee may recommend such action necessary to meet the ends of justice as it deems fit, including but not limited to such disciplinary action as may be specified in the terms of employment of the offender (s), based on the circumstances and seriousness of the offence
- b. If the Committee so deems fit and appropriate, then it may direct the respondent to pay compensation to the complainant (either through deduction from salary or in case respondent has left the School or is on leave, then by directing payment)
- c. If such compensation is not paid, then recovery of this amount will be done as an arrear of land revenue as per law.

### **INVOCATION OF INDIAN PENAL CODE**

If the aggrieved woman chooses to file a complaint in relation to the offence under the Indian Penal Code or any other applicable law, the School will provide such assistance to her as she may require. Furthermore, the School may also cause to initiate action, under the Indian Penal Code or any other applicable law, against the offender. If the offender is an employee of a different entity/ organization/ school, then if the aggrieved woman so desires, the School will cause to initiate action in the workplace at which the incident of sexual harassment took place.

### **FRIVOLOUS OR MALICIOUS COMPLAINTS**

Where the Committee arrives at a conclusion that the allegation against the offender is malicious or the complainant has made the complaint knowing it to be false or has produced



any forged or misleading document, then the same will be viewed very seriously by the School and appropriate action will be taken against such complainant.

### **CONFIDENTIALITY**

Any complaints or incidents reported under this policy shall be treated with all possible care, sensitivity and discretion and any information pertaining to the 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 Committee and the action taken by the employer will be not be published, communicated or made known in any manner to the public, press or media.

For creating awareness, the School may disseminate information through internal communication after ensuring that the particulars have been so changed that identification of the aggrieved woman and witness is not possible.

### **ANNUAL REPORT BY COMMITTEE**

The Committee will submit to the Appropriate Authority an annual report for each calendar year containing the following details:

1. Number of complaints of sexual harassment received in the year
2. Number of complaints disposed off during the year
3. Number of cases pending for more than 90 days
4. Number of workshops or awareness programs against sexual harassment carried out
5. Nature of action taken by the Appropriate Authority of the School.

The responsibilities of the Appropriate Authority of the School will be to ensure the following:

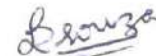
- a. Review of this policy from time to time to ensure that the same is in line with the law of the land.
- b. Conduct awareness programs and create forums for dialogue to sensitize all employees about the provision of the Act and this Policy.
- c. Conduct seminars and workshops for the Committee members.
- d. Receive from Committee, upon conclusion of inquiry, all documents and evidence pertaining to each complaint and preserve the same in a secure manner to ensure strict confidentiality.



**Sunil Rane**

**Treasurer cum Hon. Secretary**

**Mahindra Education Society**



**Lorna D'souza**

**Headmistress**

**Mahindra Academy**

