



POLICY FOR PREVENTION OF SEXUAL HARASSMENT

1. Summary

- 1.1. Indian Institute of Technology, Hyderabad (the “**Institute**” or “**IITH**”) is a premier institute of science and technology and has consistently ranked in the top 10 institutes in India for Engineering according to NIRF, thus making it one of the most coveted schools for science and technology in the country.
- 1.2. IITH is committed to conducting and governing itself with ethics, transparency and accountability and has zero- tolerance to any incident of sexual harassment in the Institute in any manner whatsoever. IITH is committed to fostering an environment free from fear and threat of reprisals, prejudice and bias in any manner whatsoever.
- 1.3. Accordingly, IITH has framed this Policy for Prevention of Sexual Harassment (the “**Policy**”) in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “**Act**”) and the Rules framed thereunder as well as Institute’s Code of Conduct and other Policies respecting diversity and equality in respect of hiring, promotions, conditions of service, etc.

2. Scope

- 2.1. This Policy shall be applicable to the members of the Institute including the student members (Undergraduates/Postgraduates/PhD students/ Project Assistants/Research Interns), faculty, staff, residents, members of committees and boards, vendors and service providers and anyone visiting the Institute as applicable.
- 2.2. This Policy also covers within its scope the campus of the Institute and any place visited by the students/faculty members/staff members arising out of or for the representation of the Institute for any field/industrial trips, seminars, conferences, workshops, internships, study tours, excursion, for camps, cultural fests and competitions, sports meet and for the activities of the Institute.

3. Objective

- 3.1. IITH is committed to creating a healthy and dignified educational and work environment that is free from discrimination, prejudices and sexual harassment. IITH believes that all members should, (a) have a safe and healthy educational and work environment that is free from sexual harassment and (b) complement each other as equals and have the right to be treated with utmost respect and dignity.
- 3.2. The purpose of this Policy includes, but is not limited to, the following:
 - a) ensure a safe educational and working environment free from sexual harassment, in which persons belonging to all genders work and complement each other as equals,
 - b) prevent sexual harassment at the Institute,
 - c) detail a mechanism to raise concerns or issues with respect to any instance of sexual harassment at the Institute, and
 - d) provide an appropriate redressal mechanism for grievances raised on sexual harassment.
- 3.3. Sexual Harassment at the workplace is a grave offence which would be treated as

‘misconduct’ and shall result in disciplinary action as mandated by Institute’s relevant Policies, terms of employment and applicable laws.

Definitions

- 3.4. **Aggrieved Woman**: Any woman, of any age in the Institute would mean and include women faculty members, women staff, women students, women vendors, women workers and labourer, women residents and women visitors, who alleges to have been subjected to any act of sexual harassment by the Respondent within IITH.
- 3.5. **Complainant**: Any student members (Undergraduates/Postgraduates/PhD students/Project Assistants/Research Interns), faculty, staff, residents, members of committees and boards, vendors and service providers and anyone visiting the Institute or an Aggrieved Woman who alleged to have been subjected to any act of Sexual Harassment by the Respondent within the Institute.
- 3.6. **Respondent**: A person against whom a complaint of sexual harassment has been made by the Aggrieved Woman.
- 3.7. **Sexual Harassment** includes, but is not restricted to any one or more of the following unwelcome acts or behavior whether directly or by implication, namely,
 - a) Physical contact and advances; or
 - b) Demand or request for sexual favors; or
 - c) Making sexually colored remarks or jokes, letters, messages, calls; or
 - d) Showing pornography, lurid stares, stalking/cyber-stalking; or
 - e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

If any of the following circumstances occur or are present in relation to or connected with any act or behavior of sexual harassment, the same may amount to sexual harassment;

- a) Implied or explicit promise of preferential treatment in the Institute; or
- b) Implied or explicit threat of determined treatment; or
- c) Implied or explicit threat about present or future status or rank in the Institute; or
- d) Interference with the teaching, research, guidance, education, employment, participation or creating an intimidating or offensive or hostile work environment;
- e) Humiliating treatment likely to affect health or safety.

4. Duties and Responsibilities

- 4.1. IITH has certain duties and responsibilities towards its members which includes but not limited to the following:
 - a) provide safe educational, research and learning environment at the Institute;
 - b) display at any conspicuous place at the Institute, the penal consequences of sexual harassment and constitution of the Internal Complaints Committee (“ICC”);
 - c) organize workshops, awareness programs, orientation programs, seminars and capacity building and skill building programmes at regular intervals for sensitizing the students/faculty members/staff and the members of the ICC with the provision of the Act and this Policy;
 - d) provide necessary facilities, assistance and information to the ICC for dealing with the complaints and conducting the inquiries thereof;
 - e) assist in securing attendance of the Respondent and witness before the ICC;
 - f) provide assistance to the Aggrieved Woman if she chose to file a complaint in relation to the alleged sexual harassment under the Indian Penal Code, 1860 or any other applicable law;

- g) cause to initiate action, under the Indian Penal Code, 1860 or any other law for the time being in force against the perpetrator or if the Aggrieved Woman so desires;
- h) treat sexual harassment as gross misconduct and initiate action based on the recommendation of the ICC;
- i) monitor the timely submission of the reports by the ICC;
- j) include the number of cases filed and disposed of, if any, in the annual report of the Institute, as per Section 22 of the Act.

5. Internal Committee

- 5.1. Institute shall constitute an ICC which at a minimum shall comprise of:
 - a) A Presiding Officer who shall be a woman employed at a senior level at the Institute or nominated from other committees, as provided in the Act;
 - b) Not less than two members amongst the faculty members preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
 - c) One member from amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- 5.2. The ICC may also co-opt additional members from other offices of the Institute, if required, provided that the least one half of the total members so nominated shall be women.
- 5.3. The order constituting ICC for the Institute and penal consequences of sexual harassment are put up on the website of the Institute along with other HR Policies and Guidelines.
- 5.4. The presiding officer or any member of the ICC cannot hold office for a period exceeding 3 (three) years from the date of their nomination. Changes in the constitution of the ICC whenever necessary shall be made as expeditiously as possible. A member can be nominated again, provided that always one half of the ICC shall constitute of women.
- 5.5. In case of demise of a member of ICC or a member cease to be engaged, as the case may be, with IITH during the period of nomination, IITH shall appoint an alternate member to the ICC.
- 5.6. Any member of the ICC shall be removed from the ICC if:
 - a) He/She makes known to the public, press or media by any means of publishing, communicating or in any other manner, any information in relation to the contents of a complaint, the identity and addresses of the Complainant, Respondent and witness, details of the conciliation and inquiry proceedings, recommendations of the ICC, or the action taken against the Respondent. Such non-disclosure obligation shall not apply to information regarding the justice secured to any Complainant. However, care should be taken that the name, address, identity or any other particulars that could lead to the identification of the Complainant or witnesses should not be disclosed; or
 - b) He/She has been convicted for an offense or an inquiry into an offense under any law for the time being in force or in pending against him/her; or
 - c) He/She has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/ her; or
 - d) He/ She has so abused his/her position as to render his/her continuance in office prejudicial to the public interest.

5.7. Composition of the ICC:

Name	Designation	Contact Number	Email
Prof. V. Kanchana	Professor	040-23016702	kanchana@phy.iith.ac.in
Dr. Amrita Deb	Associate Professor	040-23016504	amrita@la.iith.ac.in
Dr. Thenmalarchelvi Rathinavelan	Associate Professor	040-23016154	tr@bt.iith.ac.in
Prof. Subrahmanya Sastry Challa	Professor	040-23016602	csastry@math.iith.ac.in
Smt. Sundari R. Pisupati	Advocate, (BA. LLB (Hons), NLSIU Bangalore, LLM Columbia University, New York.	9391155934	

6. Duties of the Internal Committee

6.1. The duties of the ICC are to:

- a) conduct inquiry and provide redressal of complaints relating to sexual harassment in a fair and expeditious manner;
- b) recommend an appropriate psychological, emotional and any other necessary support (counseling security and other assistance) for the Aggrieved Woman, if necessary;
- c) maintain documents, minutes of meetings and discussions held by the ICC with the Aggrieved Woman, Respondent, witnesses, etc, during the course of the redressal proceedings;
- d) ensure strict confidentiality of the contents of the complaint, identity of persons involved and of the redressal proceedings;
- e) ensure protection of the Aggrieved Woman against discrimination/ victimization/ retaliation and recommend appropriate action in case of occurrence thereof;
- f) maintain files with all the information, documents, etc. relating to complaints received and other documents as per the act;
- g) meet periodically, at least twice in a year, to review the measures taken by the Institute for awareness on prevention of sexual harassment or when the complaint is registered; and
- h) prepare an annual report at the end of the calendar year and submit such a report to the concerned District Officer.

7. Registration of Complaint

- 7.1. The Aggrieved Woman may file a written complaint of sexual harassment incident to the ICC at the email ID icc@iith.ac.in.
- 7.2. It shall equally be the responsibility of all the students/faculty members/staff to notify the member of the ICC of an incident of sexual harassment that he/ she is either witness or is brought to his/ her notice by the Aggrieved Woman.
- 7.3. All complaints relating to sexual harassment shall be made within a period of 3 (three) months from the date of incident. In case of a series of incidents, the complaint shall be made within a period of 3 (three) months from the date of last incident.
- 7.4. The ICC on its own discretion and for reasons to be recorded in writing, may extend the time for making the complaint beyond a period of 3 (three) months, if it is satisfied that

the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of 3 (three) months.

- 7.5. The complaint needs to be made in writing by the Aggrieved Woman and specifically addressed to the ICC. Where the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, the complaint can be filed by:
 - a) Her/ His/ Their legal heir; or
 - b) Her/ His/ Their relative or friend; or
 - c) An officer of National Commission for Women or State Women's Commission; or
 - d) Any person who has the knowledge of the incident, with written consent of the Aggrieved Woman.
- 7.6. Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, the complaint can be filed by-
 - a) Her/His/ Their legal heir; or
 - b) Her/ His/ Their relative or friend; or
 - c) A special educator; or
 - d) Qualified psychiatrist or psychologist; or
 - e) The guardian or authority under whose care she/he/ they is/are receiving treatment or care; or
 - f) Any person who has the knowledge of the incident jointly with her relative or friend or special educator or qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care.

8. Service of Notice

- 8.1. Upon receiving the Complaint under this Policy, any notice issued by ICC to the Respondent, Complainant or Aggrieved Woman and the witness shall be served by, (a) official email, (b) personal email to the email ID available on the Institute's website, Registered Post Acknowledgment Due and/ or Speed Post Acknowledgment Due.
- 8.2. The proof of delivery of the aforementioned modes shall be deemed to be sufficient in terms of service of Notice.

9. Resignation from employment

- 9.1. During the pendency of the inquiry proceedings under this Policy, the Respondent, Complainant or Aggrieved Woman and the witness is a faculty member/staff member to the extent applicable, **shall not be permitted to resign without the prior permission of the ICC.**
- 9.2. In case any Respondent, Complainant or Aggrieved Woman and the witness are found to be absconding during the process of Inquiry, the ICC shall take appropriate measures and action under the Institute's Code of Conduct and the HR Policy.

10. Inquiry conducted by the ICC

- 10.1. The Complainant or Aggrieved Woman shall submit the complaint to ICC along with the supporting documents and the names and addresses of the witnesses in writing or by email (mail ID). The Complainant shall contain all the relevant material and details concerning the alleged sexual harassment including the name(s) of the Respondent(s),
- 10.2. Within a period of 7 (seven) working days from the receipt of the Complaint, ICC shall send one copy of the complaint to the Respondent. The Respondent shall file his/her reply to the complaint along with his/her list of documents, names and addresses of witnesses

within a period of 10 (ten) working days from the date of receipt of Complaint by the Respondent.

- 10.3. ICC shall take immediate necessary action to cause an inquiry to be made into the complaint in accordance with the principle of natural justice. Minimum of 3 (three) members of the ICC including the Presiding officer shall be present during the Inquiry. Both the Complainant or Aggrieved Woman and the Respondent will be given an equal opportunity to be heard. No advocate or legal practitioner shall be permitted to represent the complaint or the Respondent. A copy of the findings of ICC shall be made available to both the parties enabling them to make representation against the findings before ICC.
- 10.4. The ICC may, before initiating an inquiry and at the request of the Aggrieved Woman, take steps to settle the matter between Aggrieved Woman and the Respondent through conciliation: provided that no monetary settlement shall be made as a basis of conciliation.
- 10.5. In accordance with sub-section 3 of Section 11 of the Act, the ICC shall in relation to the complaints filed by a Complainant or Aggrieved Woman have the powers of a civil court as provided under the Code of Civil Procedure, 1908 in respect of the following matters:
 - a) Summoning and enforcing the attendance of any person and examining him/her on oath
 - b) Requiring the discovery and production of documents
 - c) Any other matter
- 10.6. CC shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, after giving advance notice of 15 (fifteen) days in writing, if the Complainant(s) or Respondent(s) fail/fails without sufficient cause to present him(her)self/ themselves for 3(three) consecutive hearings convened by the Presiding Officer. ICC will make every effort to complete the inquiry within a period of 90 (ninety) days of receipt of complaint by ICC.
- 10.7. Interim Measures- ICC during the pendency of the inquiry, on the written request of the Complainant, recommend to (i) ~~to~~ transfer the Complainant or the Respondent to any other branch of the Institute (ii) put the Respondent under suspension or (iii) grant leave to the Complainant up to a period of 3 (three) months or (iv) restrain the Respondent from reporting on the work performance of the Complainant or writing his/ her confidential report and assign the same to another officer. The leave(s) so granted herein would be in addition to the leave sanctioned under the leave policy of the Institute.
- 10.8. During the course of inquiry under this Policy, ICC may, if it deems fit and necessary under the circumstances, place the Respondent under suspension.

11. Investigation Report

- 11.1. On the completion of an inquiry under this Policy, the ICC shall provide a report of its findings to the Director of the Institute, within a period of 10 (ten) days from the date of completion of the inquiry and such report shall be made available to the Complainant and Respondent.
- 11.2. Where the ICC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Director that no action is required to be taken in the matter.
- 11.3. Where the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Director such measures as set out in this Policy.
- 11.4. The Director shall implement the recommendation of the ICC within 60 (sixty) days of its receipt.

12. Disciplinary Action

- 12.1. For the purpose of this Policy, disciplinary action for sexual harassment may result in any one or more of the following:
- a) Written apology
 - b) Warning
 - c) Reprimand or censure
 - d) Suspension during courses of inquiry
 - e) Debarring from holding any position of responsibility or contesting elections or holding positions in any of the student bodies
 - f) Expulsion from the Institute without any notice
 - g) Fixed time suspension during which the student may not enroll for any course, stay in hostel or enter the campus
 - h) Payment of fine
 - i) Withholding award of degree for a fixed period
 - j) Other similar or appropriate punishment
 - k) Clause 19 of Schedule C of IIT H statutes shall be referred in case the disciplinary action/penalty is against a faculty/staff member.
- 12.2. In addition to the disciplinary action that is taken in the preceding clause, the Respondent shall have to undergo counselling sessions and carry out community service to identify and unlearn maladaptive behaviour and to transform them into productive members of the community.
- 12.3. In addition to the disciplinary action taken in clause 12.1, an appropriate amount as determined by the ICC shall be deducted from the salary or wages or any other applicable benefit of the Respondent, in case the Respondent is a faculty member/staff member or is a service provider or an outsider and paid to the Aggrieved Woman or to such Aggrieved Woman's legal heirs as compensation. ICC shall also help the complainant to file the FIR.
- 12.4. If the Respondent fails to pay the amount referred to in the preceding clause to the Aggrieved Woman/ Complainant or her legal heirs, the ICC may forward the order for recovery of the sum as a 'recoverable arrear' to the District Officer in accordance with the Act.
- 12.5. In determining the compensation/penalty required to be paid by the Respondent to the Aggrieved Woman as per preceding clause, the ICC shall have regard to:
- a) The mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - b) The loss in the career opportunity due to the incident of sexual harassment;
 - c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - d) The income and financial status of the Respondent; and
 - e) Feasibility of such payment in lump sum or in installments.

13. Victimization or Retaliation

- 13.1. The ICC shall ensure that any Aggrieved Woman subjected to sexual harassment or any member giving evidence in connection with an instance of sexual harassment is not victimized or discriminated against, while dealing with complaints of sexual harassment in the Institute.
- 13.2. No Complainant will be subjected to retaliatory action relating to his or her report of any alleged sexual harassment.
- 13.3. The ICC shall forbid and take necessary steps to prevent any form of retaliation against witnesses. Where the witness is found to be false and malicious, action shall be taken

against him/her as defined in this Policy.

14. Confidentiality

- 14.1. All proceedings, documents and records maintained under this Policy shall be confidential.
- 14.2. Special privacy safeguards will be applied to the investigation and complaints will be handled on a confidential “need to know” basis. A pseudonym may be used in place of the Complainant’s name.
- 14.3. All persons involved in the proceeding under this Policy including the parties, witnesses, facilitators, ICC members shall be under a duty to respect and maintain confidentiality.
- 14.4. The contents of the complaint made, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings recommendations of the ICC, as the case may be, and the action taken by the Director of the Institute or the District Officer under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner.
- 14.5. However, information may be disseminated regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity and any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses.
- 14.6. Any person who is entrusted with the duty to handle or deal with the complaint, inquiry or recommendations or action under this Policy and contravenes the provision of confidentiality will be subject to disciplinary action.

15. False or Malicious Complaint and False Evidence

- 15.1. Where the ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or the Complainant has produced any forged or misleading document, the ICC may take action against the Complainant in accordance with the provisions pertaining to ‘Disciplinary Action’ (Clause 12).
- 15.2. A mere inability to substantiate a complaint or provide adequate proof will not attract action against the Complainant.
- 15.3. Before any action is recommended by the ICC, the malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed in the rules framed by the Institute under this Policy.
- 15.4. Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents, ICC may take disciplinary action against the witness.
- 15.5. In cases of proven false or malicious complaints, the Institute shall take appropriate steps to restore the reputation of the Respondent in the Institute.

16. Appeal

- 16.1. Any person, if aggrieved by the findings and recommendation of the ICC or non-implementation of ICC recommendations, may file an appeal to a court or tribunal in accordance with the Act, within a period of 90 (ninety) days of the recommendations.

17. Annual Reports

- 17.1. ICC shall prepare an Annual Report at the end of the financial year and submit such report to the District Officer as required under the Act.
- 17.2. The Annual Report shall contain the following details:
 - a) Number of complaints of sexual harassment received in the year;
 - b) Number of complaints disposed of during the year;
 - c) Number of cases pending for more than 90 (ninety) days;
 - d) Number of workshops or awareness programs against sexual harassment carried out;
 - e) Nature of action taken by the Institute.

18. Awareness

- 18.1. IITH shall conduct training sessions, workshops, and awareness programs for sensitizing the students/faculty members/staff members with the provisions of the Act and on sexual harassment. It is highly encouraged that the students/faculty members/staff members shall attend these awareness programs and/or training sessions.
- 18.2. Any clarification(s) or explanation in respect of this Policy shall be provided by the ICC Members.
- 18.3. The students/faculty members/staff members may approach the ICC in case they need any clarification on specific provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
