

Sexual Harassment Policy and Procedures

The Indian Institute of Astrophysics is committed to providing a working environment that is free of sexual harassment and gender-based discrimination.

In accordance with the guidelines of the Supreme Court of India, and the Central Civil Services (Conduct) Rules of the Government of India¹, IIA's Sexual Harassment Complaints Committee will receive and respond to complaints from employees related to sexual harassment in the workplace, as per procedure.

The Sexual Harassment Complaints Committee:

Prajval Shastri (Chair)

Christina Birdie

Harish Bhatt

Sabyasachi Chatterjee

Shakun Mohini (external NGO member)

All the employees (employees as referred to herein) will come under the purview of the Sexual Harassment Complaints Committee.

This committee will meet at least once in six months, and in case exigencies arise, the meeting(s) of the committee will be convened as and when required.

This committee shall prepare an Annual Report of the complaints received during the year and action taken by them, and submit the same to the Director for onward transmission to the National Commission for Women and the Department of Science and Technology.

Definitions

“Committee” means the Sexual Harassment Complaints Committee

“Employee” means any employee, whether regular/contractual/temporary/ad-hoc/contingent/daily-wages employee, employed directly or through a contractor, all trainees and all students stationed and/or working in the IIA main campus and/or all its field stations and/or on Exchange programmes, all Research Fellows/Honorary Professors/Adjunct Professors/Visitors/Consultants, and includes all those who draw salary/wages/remuneration/stipends/honorarium/fellowship/scholarship etc from the Institute.

¹Office Memorandum No.11013/10/97-Estt (A) dated February 13, 1998 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India.

“Employer” means the Appointing Authority or any other person authorised by the appointing authority.

“Workplace” means all IIA premises, including the campus and all its field stations, all IIA housing and hostels, all locations of work and related tours, and any other location where the interactions occur or occurred by virtue of a prior or current professional relationship or anticipated future professional relationship, including that of employee-supervisor, supervisor-student or peers.

What is Sexual Harassment?

Sexual harassment is unwelcome sexual conduct, and includes any unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome acts of physical intimacy, other visual, verbal or non-verbal physical conduct of a sexual nature, oral, textual or graphic representations of a sexual nature, which are directed (i) at a person, or (ii) in a person's presence, whether or not the representation concerns that person, or (iii) is about a person.

Abetment of sexual harassment shall be deemed to be sexual harassment.

Unwelcome sexual conduct can constitute sexual harassment when:

*It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in an activity of the institute

*the conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance

*the conduct is aimed at coercing an individual to participate in an unwanted sexual relationship

*the conduct may have the effect of causing an individual to change behaviour or work performance

*the conduct creates an intimidating or hostile academic work or living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example,

- It may occur between peers or between individuals in a hierarchical relationship.
- It may be conduct towards an individual of the opposite sex or the same sex.
- It may consist of repeated actions or may even arise from a single incident.

A person shall be guilty of sexual harassment under these rules when s/he indulges in conduct known to her/him to be unwelcome sexual conduct, or should reasonably have been known to such a person to be unwelcome sexual conduct, or s/he indulges in conduct that may reasonably be perceived by the victim as unwelcome sexual conduct.

Functioning of the Committee

The Committee will meet at least once in six months. In addition, the committee may be convened as and when required to deal with a specific exigency.

At least three of the members including NGO Representative should be present in the meeting for quorum purposes.

The Committee will strive to guarantee anonymity of complainants, the accused, witnesses and all persons involved.

All complaints will be dealt with equal seriousness irrespective of the positions held by the persons involved.

IIA will not retaliate against any employee for filing a complaint, or for reporting in good faith, instances of sexual harassment or for participating in or being witness to proceedings to redress an alleged instance of sexual harassment, regardless of the findings of the committee about a given complaint.

Instances of any manner of retaliation by any employee or co-worker or groups of individuals or organisations, may be taken up by the Committee.

Procedure for Complaints

Sexual harassment complaints shall be made to the Chair of the Committee, or to any other member of the Committee who will then forward the complaint to the Chair of the Committee as soon as possible.

The complaint can be lodged through email or in writing or orally before the committee. The committee shall ensure that confidentiality is maintained at all levels while dealing with sexual harassment matters.

The Chair of the Committee will record the complaint, and convene a meeting of the Committee as soon as is reasonably possible, within a maximum of three weeks from receiving the complaint. Any postponement beyond this date must have recorded reasons circulated to the whole committee and to the complainant.

The Committee shall study the complaint, any official records that may pertain to the case, and may hear the complainant, the accused and witnesses as required to conclude whether or not there is a prima facie case of sexual harassment. This period should normally not exceed four weeks, and any delays should have recorded reasons.

During this period, if any of the involved parties so desire, the Committee may consider the request that the parties not be brought face to face or caused to be in the same room.

The Committee will then proceed with an enquiry into the complaint, governed by the principles of natural justice.

In addition to initiating an enquiry into the complaint,

(a) pending completion of the enquiry, the Committee may recommend to the Director that, in order to protect the complainant's safety, her/his location and/or mode of work in the Institute may be modified if s/he so desires. Alternatively, to protect the complainant's safety, the committee may also recommend to the director that the location and/or mode of work of the accused in the Institute be modified.

(b) the Committee may recommend to the Director that steps be taken to ensure that the accused is not deputed on official work or granted leave in a manner that will unreasonably interfere with the completion of the enquiry.

(c) the Committee may take specific steps to ensure that neither the complainant nor his/her confidantes, and/or any witnesses in the case are subject to any kind of influences and/or intimidation in any manner.

(d) In the event that the accused is of higher professional rank than the Chair of the Committee, the Committee may recommend to the Director an eminent outsider who is a woman academic or government servant (in service or retired), who may be inducted to chair the enquiry.

To proceed with the enquiry, a written statement of charges shall be given to the accused and the complainant, which shall include all the allegations in the complaint and the alleged date, time and location of the alleged incidents.

A period of 15 days shall be given to the accused to give the Committee a reply in writing. The reply may include questions that the accused wishes to put to the complainant.

If the accused does not respond to the written statement of charges within the stipulated period of 15 days, the Committee may send a second notice and give a period of one week to respond.

The Committee shall then schedule a hearing by giving both the complainant and the accused 15 days notice. Both parties must confirm in writing within 5 working days of receiving the notice of hearing that they will be present for the hearing or request postponement of up to a week with adequate reasons stated in writing/email.

Both the complainant and the accused will be permitted to supply a set of questions to cross-examine the other party and a member of the Committee shall perform the task of asking the said questions.

On no account shall the past sexual history of the complainant or witnesses be taken into account while establishing and/or deciding on the incidence of sexual harassment.

An adverse inference shall be drawn if the accused is found to discuss or comment in any manner, whether during the hearing or outside it, upon the sexual history of the complainant with any individual, group of individuals or co-workers.

An adverse inference shall be drawn if the accused is found to influence or intimidate the complainant and/or his/her confidantes and/or any other witnesses or persons who may be involved with or may have information about the case.

An adverse inference shall be drawn against an accused who is found guilty, where the accused is in a position of authority (supervisory, evaluatory, or otherwise) over the complainant.

The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

The Enquiry Committee shall have the power to summon any official record, pertaining to the complainant as well as the accused.

The Enquiry Committee shall have the right to summon (in writing) as many times as required, the accused, the complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

If the accused does not respond to the statement of charges within the stipulated period (including the extension period if any) granted by the Committee and if the accused fails to appear for the hearing, the committee can reach a decision in absentia.

The total time taken between receipt of the complaint by the Committee and completion of the enquiry process shall normally not exceed 4 months. Under no circumstances can this total time exceed a year.

It is expected that all the decisions/recommendations will be arrived at by the committee unanimously. However, any member will have the right to write a note of dissent, which should be appended to the minutes, but which may be overruled by the Chair of the Committee giving full justification for the overruling.

The decision of the Committee will be conveyed to the Director in writing along with recommended action if any, and a copy of the same shall be sent to the accused and the complainant.

A review of the the procedures and guidelines will be done by the Committee at the end of the year and a report shall be given to the Director, that may include recommendations for modifications to the procedures and guidelines.
