



POLICY FOR PREVENTION OF SEXUAL HARASSMENT

GOA INSTITUTE OF MANAGEMENT

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Foreword

Sexual Harassment at the workplace is an extension of violence in everyday life and is discriminatory, exploitative and impairs the work environment.

GIM (Goa Institute of Management) is committed to provide a safe and conducive academic environment for its students and work environment for its employees and expects them to combine “Expertise with responsibility”. Towards this, it is essential that each employee and student deals with their colleagues with full fairness and respect and realizes that their behaviour will be attributed to GIM and can affect its cultural ethos.

Our quest for competitive excellence consists of our commitment to ethical conduct and our values, including integrity, honesty and respect for people.

Sexual harassment at the workplace is disturbing and demeaning. It covers a wide range of behaviours of an offensive nature. Workplace harassment affects the dignity of an individual at work. Every employee has the right to be protected against harassment, regardless of whether the accused considers their own behavior to be normal or acceptable and of whether the harassed person has the opportunity to avoid the harassment.

At GIM, we are committed to providing a safe and respectful working environment and harassment of any kind is forbidden.

GIM is committed to providing a work environment free of sexual harassment.

The Sexual Harassment Policy has been formed to prohibit, prevent and deter the commission of acts of sexual harassment at the workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment. This Policy applies to all the employees, workers and students of GIM. The redressal mechanisms for persons not covered under the law, i.e. Prevention of Sexual Harassment of Women at Workplace (Protection, Prevention and Redressal) Act 2013 are separately laid out in this policy which aims to protect students and employees of all genders. Where sexual harassment occurs to an employee or student; GIM will take all necessary and reasonable steps to assist the affected person in terms of support, preventive action and redressal.



Ajit Parulekar
Director

1. INTRODUCTION

Mutual trust and respect among the members of the academic community is an imperative for an enabling academic environment at GIM. Any breach of this trust undermines the essential freedoms of inquiry and expression. Every student, staff member and faculty member must feel personally secure for effective learning to take place.

As a place of work and study, the GIM campus must be free of discrimination and harassment. Every student, staff and faculty must be assured that GIM will take action to prevent any such misconduct and that anyone who engages in such behaviour is subject to disciplinary action.

The law Prevention of Sexual Harassment of Women at Workplace (Protection, Prevention and Redressal) Act 2013 & All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Educational Institutions) Regulations, 2016, mandates GIM to provide an environment free of harassment and discrimination. The redressal mechanisms for persons not covered under the law are separately laid out in this policy which aims to protect students and employees of all genders. GIM is committed to maintaining an academic, working and residential environment which is free of inappropriate and disrespectful conduct of a derogatory nature, especially when such conduct adversely affects a student's or an employee's work or educational environment or results in an intimidating, hostile or offensive environment.

This Policy is with respect to Prevention, Prohibition and Redressal of Sexual Harassment which may arise in the GIM campuses and includes all such places or locations where acts are conducted in the context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation organized by GIM for undertaking such visit.

This Policy covers sexual harassment by fellow employees, students, contractors, vendors or other service providers and visitors, including outsourced employees.

Sexual harassment is determined by the impact on the complainant and not the intent of the Respondent.

2. OBJECTIVES

The objectives of this Policy are:

1. To comply with the requirements of law that require development and implementation of a Policy against Sexual Harassment at the workplace and in an academic institution
2. To evolve an enduring mechanism for the prevention and redressal of sexual harassment cases at GIM.
3. To ensure the implementation of this Policy in letter and spirit through proper reporting of complaints and their redressal.

4. To increase awareness about sexual harassment, gender bias and gender discrimination in its various forms, including in respect of gender identity and sexual orientation

3. MANDATE

The Adoption of this Policy signifies the GIM commitment to:

1. Prevent and prohibit Sexual Harassment of employees and students at the workplace and campus.
2. Make GIM campus and workplace free of sexual harassment.
3. Keeping all sexual harassment complaints and procedures confidential and time bound.
4. Immediate and appropriate disciplinary action for persons found guilty of sexual harassment after investigation.
5. Protection against retaliation to complainants, witnesses, complaint committee members and other employees/students involved in prevention and complaint resolution.

The overall mandate of GIM is to change behavior and attitudes towards ensuring the prevention of sexual harassment at the workplace and campus.

4. DEFINITIONS

1. Aggrieved Woman

“Aggrieved Woman” in relation to work place, means a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

2. Sexual Harassment

An unwanted conduct with sexual undertones 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: —

- (a) physical contact and advances; or
- (b) a demand or request for sexual favours; or
- (c) making sexually coloured remarks; or
- (d) showing pornography; or
- (e) any unwelcome physical, verbal or non-verbal conduct of sexual nature;

3. Employee

“Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

4. Student

a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short- term training programmes in GIM.

5. Workplace means the campus of the GIM, including-

(a) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by GIM;

(b) Any stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in GIM;

(c) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey for study in GIM.

6. Campus

“Campus” means the location or the land on which GIM and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, park-like settings and other amenities like health centres, canteens, bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of GIM including transportation provided for the purpose of commuting to and from GIM, the locations outside GIM on field trips, internships, study tours, excursions, short- term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of GIM.

7. Internal Committee (IC) means an Internal Committee constituted under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

8. Respondent

Respondent shall mean a person against whom a complaint of sexual harassment is made under Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

5. PROHIBITION OF SEXUAL HARASSMENT

1. Right to work in a safe environment

Every person shall have a right to be free from sexual harassment and the right to work in an environment free from any form of sexual harassment. Preventing the menace of sexual harassment and making the campus and workplace free of sexual harassment will be the moral responsibility and accountability of the entire institute.

2. Responsibility of the Technical Institute

GIM shall endeavor to provide an environment for its employees and students free from sexual harassment and discrimination at the workplace and on campus; and to ensure that the atmosphere in GIM is in no way offensive to them.

6. INTERNAL COMMITTEE

In furtherance to the law, GIM shall constitute an Internal Committee.

Constitution of IC

1. GIM shall, by an order in writing, constitute a Committee to be known as the “Internal Committee”:
2. The Internal Committee shall consist of the following members to be nominated by the GIM, namely: —
 - a) Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees:
 - b) Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
 - c) Three students (comprising of atleast one girl student) of Pre-Final/Final year.
 - d) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment: Provided that at least one-half of the total Members so nominated shall be women.
3. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by GIM.
4. The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by GIM, as may be prescribed.
5. Where the Presiding Officer or any Member of the Internal Committee, —
 - a) contravenes the provisions of Act; or
 - b) has been convicted for an offense or an inquiry into an offense under any law for the time being in force is pending against him; or
 - c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

7. COMPLAINT

Any aggrieved woman may make, in writing, a complaint of sexual harassment at the workplace to the IC within three months from the date of the incident and, in case of a series of incidents, within three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing. Provided further that the IC for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the name of the respondent. If the complainant feels that she cannot disclose her identity for any particular reason, in that case, the complainant shall address the complaint to the Director, GIM and hand over the same in person or in a sealed envelope.

Save as provided otherwise, a complaint may be lodged with the Chairman of the Board of Governors in cases where the allegation of sexual harassment is against the Head of the Institution.

8. INQUIRY/ REDRESSAL MECHANISM

Written complaints (6 copies) along with supporting documents and names and addresses of the witnesses have to be filed within 3 months of the date of the incident. The timeline is extendable by another 3 months.

Any complaint received should be immediately forwarded to the Presiding Officer of the IC, and this must be notified to other IC members at the earliest and not later than 3 days and a meeting should be called to discuss the matter.

Upon receipt of the complaint, a copy of the complaint is to be sent to the respondent within 7 days.

Upon receipt of the copy of complaint the respondent is required to reply to the complaint along with a list of supporting documents, and names and addresses of witnesses within 10 working days.

The inquiry has to be completed within a total of 90 days from the receipt of the complaint.

The inquiry report has to be issued within 10 days from the date of completion of inquiry.

The employer is required to act on the recommendations of the IC within 60 days of receipt of the Inquiry report.

Appeal against the decision of the committee is allowed within 90 days from the date of recommendations.

9. ALTERNATE REDRESSAL MECHANISM

- a) The Committee may, before initiating an inquiry, at the request of the aggrieved person, take steps to settle the matter between the complainant and the respondent through conciliation.
- b) No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the IC shall record the settlement so arrived and forward the same to the employer for necessary compliance.
- c) The Committee shall provide copies of the settlement as recorded to the aggrieved person and the respondent.
- d) Where any settlement between the aggrieved person and respondent is reached, the Internal Committee shall record the Dispute Resolution process and the settlement reached; and shall send it to the Director, who shall implement the terms of the settlement, to the extent required therein. A copy of the same will be furnished to the aggrieved person and the respondent.
- e) Notwithstanding the settlement reached in the dispute resolution process, the aggrieved person shall have the right to withdraw from any dispute resolution process undertaken or to challenge any settlement on the ground that her/his consent for the settlement was obtained by force, fraud, coercion or undue influence or on the ground that the terms of settlement have been breached within a week.
- f) Any Dispute Resolution carried out by the Internal Committee shall be completed within 30 days from the date of the receipt of the complaint.
- g) Where no mutually agreeable settlement can be reached during the Dispute Resolution process, the Internal Committee shall proceed to conduct the inquiry as per the procedure prescribed.
- h) Where a settlement is arrived at, no further inquiry shall be conducted by the IC.
- i) If conciliation is found to be not feasible, notice will be issued to both parties for the conduct of the inquiry.

The IC may direct the Director to ensure the safety and protection of the aggrieved person if and when required.

10. INTERIM MEASURES

As an interim measure, IC may recommend

- a) the transfer of the aggrieved person or the respondent to another section or department as deemed fit by the IC;
- b) grant leave to the aggrieved person;

- c) restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved person;
- d) grant such other relief to the aggrieved person as the case may require.

Power of Internal Committee

Every Internal Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:

- * Summoning and enforcing the attendance of any witness and examining him on oath;
- * Requiring the discovery and production of any document or other material which is producible as evidence;

Any other matter which may be prescribed

Interim Reliefs

- a) Transfer of the aggrieved person or the respondent to any other workplace;
- b) Granting leave to the aggrieved person up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement;
- c) Restrain the respondent from reporting on the work performance of the aggrieved person.

Punishment and Compensation

The POSH Act prescribes the following punishments that may be imposed by GIM on an employee for indulging in an act of sexual harassment:

- a) Punishment prescribed under the service rules of GIM;
- b) If the organization does not have service rules, disciplinary action, including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service,
- c) Deduction of compensation payable to the aggrieved woman from the wages of the respondent.

The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:

- * The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- * The loss in career opportunities due to this particular incident.
- * Medical expenses incurred by the victim for physical or psychiatric help.
- * The income and financial status of the respondent.
- * Feasibility of such payments in lump sum or in installments.

Action for false or malicious Complaint or false evidence

If the Internal Committee concludes that the allegation made by the complainant is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules of GIM can be taken against such complainant.

The statute provides that disciplinary action such as written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counseling session, or carrying out community service may be taken. POSH Act further clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious.

Withdrawal of Complaints

The complainant may withdraw the complaint in writing at any time during the inquiry procedure. However, IC must ascertain the reasons for withdrawal of the complaint, record the same in writing and get it counter-signed by the complainant.

The inquiry on the complaint shall, on such withdrawal, be terminated.

11. CONFIDENTIALITY

It shall be the duty of all the persons and authorities designated to ensure that all complaints of sexual harassment lodged shall be confidential. After the initiation of an inquiry, such confidentiality shall be continued so far as is possible.

The name of the aggrieved person or the respondent or their identity shall not be revealed except to the extent as required by law or for the purpose of implementing the recommendations of the IC.

12. OTHER MEASURES

Sexual Harassment Awareness

GIM will organize the display of posters to create awareness of their right against sexual harassment. These posters shall contain information on what constitutes sexual harassment, the recourse available for information, help and guidance and redressal. These posters will be prominently displayed at appropriate places like offices or other buildings, hostels, canteen, library as well as other common areas of GIM. A few of them will be of permanent nature in the campus.

Primed leaflets/notices containing the above message will be put on all the notice boards of various departments, offices, hostels and other vulnerable areas.

Names of members of the IC will be displayed on the notice boards of various departments, offices, residential hostels and other common areas, giving information of the persons to whom the complaint of sexual harassment can be made.

Sexual Harassment Awareness Training

The Director, GIM to identify necessary resource persons to sensitize and train all the staff members/students, men and women to recognize sexual harassment, understand the impact of sexual harassment on individuals especially women, deal with it when it occurs, complaint mechanism and to prevent it.

The Director will also provide facilities for capacity building of the members of the IC.

13. PERSONS NOT COVERED UNDER THE POSH ACT

GIM is committed to act decisively against all gender-based violence perpetrated against employees and students of all sexes. It recognises that primarily women, and some men and persons of the third gender are vulnerable to many forms of sexual harassment, humiliation and exploitation. Whenever there is a case which does not come under the purview of “aggrieved woman” as defined under the POSH Act 2013, the Director shall constitute a three-member team on a case-to-case basis and the same shall be known as the “Complaints Committee” (CC).

The Complaints Committee shall consist of the following:

- A senior teaching faculty
- A senior staff from administration
- An external member from a voluntary organisation, depending on the nature of complaint.

The CC shall:

- adhere to the principle of natural justice at all times
- Be entrusted to do fact-finding
- recommend necessary measures to the Director from time to time keeping in the best interest of employees and students
- complete the inquiry within the period of ninety days from its constitution
- have further 5 working days to submit the inquiry report containing the findings / recommendations to the Director

The Executive Authority / Director shall take necessary steps on the recommendation given by the ‘CC’ being the final and appellant authority.

14. ENFORCEMENT OF POLICY

GIM shall

- * Take complaints of sexual harassment seriously and investigate all sexual harassment charges quickly, thoroughly and professionally;
- * Maintain an accurate record of investigations and findings;
- * Take steps to ensure that the complainant, witnesses, the IC/CC and others who are instrumental in implementing this policy along with the procedure for taking complaints and for inquiry, etc. do not face retaliation;
- * Ensure confidentiality and a time-bound response to the complaint;
- * Take immediate action when sexual harassment is discovered or suspected;

- * Discipline appropriately any employee/student found to have engaged in sexual harassment;
- * Safeguard employees from third-party work-related sexual harassment.

For further details regarding the Act and AICTE regulations, kindly consult the provided resources:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 can be accessed at- <https://wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Act.pdf>

Handbook on Sexual Harassment of Women at Workplace can be accessed at:- <https://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

[All India Council for Technical Education \(Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions\) Regulations, 2016.](#)

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