



**MADRAS SCHOOL OF ECONOMICS**  
(Recognized as Institution of Special Importance by Government of Tamil Nadu)  
Gandhi Mandapam Road, (Behind Anna Centenary Library), Chennai - 600 025.

## **PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK-PLACE POLICY**

### **PURPOSE & SCOPE**

With regard to the Supreme Court Judgment and guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, the University Grants Commission (UGC) has issued circulars since 1998, to all the universities, advising them to establish a permanent cell and a committee; to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. Keeping the above guidelines in view Madras School of Economics (MSE) has constituted a Committee against Sexual Harassment.

MSE is committed to providing a safe environment for all its employees and students, free from discrimination on any ground and form of harassment at work including sexual harassment. To achieve the above objective, this Policy has been framed in line with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) and University Grants Commission (Prevention, Prohibition and Redressal) of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 (“Regulations”).

### **Declaration of Policy**

MSE shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, ensures the full enforcement of “Fundamental Rights” under articles 14, 15, 19(1) (g) and 21 of the Constitution of India, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

### **OBJECTIVES OF THE POLICY**

1. To fulfill the directive of the Supreme Court, as per UGC directives and the Bangalore University in respect of implementing a policy against sexual harassment in the institution.
2. To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.

3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To provide an environment free of gender-based discrimination.
5. To ensure equal access of all facilities and participation in activities of the college.
6. To create a secure physical and social environment which will deter acts of sexual harassment.
7. To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

**DEFINITIONS:**

- i. Aggrieved Woman means in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- ii. Campus means the location of MSE and its related institutional facilities like libraries, computer lab, seminar halls, reading rooms, office spaces for Ph.D. scholars/project staff/faculty and administrative staff, lecture halls, toilets, student centers, hostels, dining halls, canteens, playground, parking areas, parks like settings, guest house, and other similar amenities. This also includes extended campus and cover within its scope, including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, practice schools, study tours, excursions, short- term placements, places used for camps, cultural festivals, sports meet and such other activities where person is participating in the capacity of an employee or a student of MSE.
- iii. 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, whether for remuneration or not, apprentice, trainee, or working on a voluntarily basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer or called by any other such name.
- iv. Executive Authority means the Chief Executive Authority of MSE engaged in general administration.
- v. Respondent means a person against whom a complaint of sexual harassment has been made by the complainant.
- vi. Sexual Harassment means
  - a) An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates, or creates an 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 behavior (whether directly or by implication), namely-

- i.** Any unwelcome physical, verbal or nonverbal conduct of sexual nature;
- ii.** A demand or request for sexual favors;
- iii.** Physical contact and advances;
- iv.** Making sexually colored remarks; or
- v.** Showing pornography.

**b)** Any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behavior that has explicit or implicit sexual undertones-

- (i) implied or explicit promise of preferential treatment as quid pro quo for sexual favours , or
- (ii) implied or explicit threat of detrimental treatment in the conduct of work , or
- (iii) implied or explicit threat about her present or future status of the person concerned, or
- (iv) creating an intimidating offensive or hostile learning environment
- (v) humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

vii) Student means a person duly admitted and pursuing a program of study either through a regular mode or through work integrated learning programs, including short term training programs in/from MSE.

Provided that a Student who is in the process of taking admission in MSE although not yet admitted shall be treated as Student of MSE for the purposes of this policy, where any incident of sexual harassment takes place against such student ;

Provided that a student who is participant in any of the activities in MSE where such student is enrolled shall be treated, for the purpose of this policy, as a student of MSE where any incident of sexual harassment takes place against such student.

viii) Third Party Harassment refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an Employee or a Student of MSE, but a visitor to MSE in some other capacity or for some other purpose or reason.

ix) Workplace mean the campuses including-

- Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled wholly or substantially financed by funds provided directly or indirectly by the Institute.
- Any sports institution, stadium, sports complex or game venues, whether residential or not, used for training, sports or other activities relating thereof in MSE.
- Any place of work and shall include any place where the employee, student or the respondent visits in connection with his/her work, during the course of his/her employment/contract/engagement with MSE, including transportation provided.

### **JURISDICTION**

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

1. By a member of MSE against any other member irrespective of whether the harassment is alleged to have taken place within or outside the campus.
2. By an outsider against a member of MSE or by a member of MSE against an outsider if the sexual harassment is alleged to have taken place within the campus.
3. By a member of MSE against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that MSE authorities initiate action by making a complaint with the appropriate authority. Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

### **Role and responsibility of Anti-sexual Harassment Committee:**

1. To ensure provision of a work and educational environment that is free from sexual harassment (Sexual harassment is defined by law from the perspective of the person who feels they have been harassed and it occurs if the person who feels they have been harassed feels offended, humiliated, or intimidated by the conduct and it is reasonable, in all the circumstances that the person who feels they have been harassed would feel offended, humiliated or intimidated).
2. To take all reasonable steps (active and preventive in nature) to prevent the harassment occurring; To address any oral/written complaint about: unwelcome sexual advances, unsolicited acts of physical intimacy, unwelcome requests for sexual favors or other unwelcome conduct of asexual nature. Unwelcome conduct of a sexual nature includes oral or written statements of a sexual nature to a person, or in a person's presence.
3. Obtain high-level support from the Administrative Officer and Director for implementing a comprehensive strategy:

- Providing information to all staff and students about what constitutes sexual harassment and about their responsibility not to sexually harass other staff and students
- Providing information and training to managers, supervisors and staff conducting teaching and learning activities on meeting their responsibilities in relation to maintaining a work and study environment free from sexual harassment.

4. Develop a written policy which prohibits sexual harassment. The Institution shall have an Anti-Harassment Policy. The policy outlines the Institute's key commitments and legal responsibilities and provides a definition of sexual harassment and behaviors that are not acceptable.

5. Regularly distribute and promote the policy at all levels of the organization; Ensure that managers and supervisors discuss and reinforce the policy at staff meetings; Provide the policy and other relevant information on sexual harassment to new staff as a standard part of induction; periodically review the policy to ensure it is operating effectively and contains up to date information.

6. Display Anti-sexual harassment posters on notice boards in common work areas and distribute relevant brochures; conduct regular awareness raising sessions for all staff on sexual harassment issues.

7. Ensure that complaints processes:

- are clearly documented;
- are explained to all employees;
- offer both informal and formal options for resolution;
- address complaints in a manner which is fair, timely and confidential;
- are based on the principles of natural justice;
- provide clear guidance on internal investigation procedures and record keeping;
- Give an undertaking that no employee will be victimized or disadvantaged for making a complaint

### **Internal Complaints Committee (ICC)**

Selection of the Internal Complaint Committee members is extremely important as in most cases the committee members, if in sub-ordinate position of power at workplace to that of accused, find it very difficult to diligently carry out the responsibilities bestowed on them as heads or members of the Committee, against the superiors.

### **The Internal Complaints Committee must remember:**

It needs extensive orientation for effective functioning. It cannot function like a criminal court. When the complainant's personal life and career is at stake, the complainant lodges a complaint.

The impact of sexual harassment on a woman makes it difficult for them to converse anything regarding sexual abuse, victimization and harassment. Hence, the time span between the harassment and the actual complaint can be prolonged. It is required to handle complaints in a confidential manner and within a time-bound framework. It mandates to submit an annual report on sexual harassment to the appropriate statutory authority.

**Members of the ICC:**

In pursuance to UGC (Prevention, Prohibition of and Redressal of Sexual Harassment of Women employees and students in (Higher educational institutions) Regulation 2015, notified on 2nd May 2016, the Internal Complaints Committee has been constituted for Madras School of Economics as follows:

Sl.No.	Name	Membership	Email id
1	Dr. Brinda Viswanathan	Chairperson/Presiding Officer	icc@mse.ac.in; icc_all@mse.ac.in
2	Dr. K.R. Shanmugam	Administrative Officer (HR)/ Ex-Officio Member	
3	Dr. Devasmita Jena	Hostel Deputy Warden/ Ex-Officio Member	
4	Dr. Rakesh Nigam	Faculty- Member	
5	Mr. K. Kathirvel	Administrative Staff- Member	
6	Ms. Rama Haran	External Member	
7	Ms.V.Sudha	Administrative Staff- Member	

Further, the following will also be included as members of ICC in case the matter involves students.

Sl.No.	Name	Membership	Email id
1	Aastha Agarwal	2 <sup>nd</sup> year B.A.	<a href="mailto:icc_all@mse.ac.in">icc_all@mse.ac.in</a>
2	Sudheksha	2 <sup>nd</sup> year M.A.	
3	Anirudh Ashok	2 <sup>nd</sup> year PGDM	
4	Tessy Rose Samson	3 <sup>rd</sup> year Ph.D.	
5	Ronak Maheshwari	4 <sup>th</sup> year Ph.D.	

**POWERS OF THE COMMITTEE:**

1. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
2. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.

3. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
4. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
5. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
6. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

### **FUNCTIONS OF THE COMMITTEE**

#### **PREVENTIVE STEPS**

It will be the endeavor of the committee:

- a) To facilitate a safe environment that is free of sexual harassment;
- b) To promote behaviors that create an atmosphere that ensures gender equality and equal opportunities.

#### **REMEDIAL STEPS**

1. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
2. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, in accordance with the PoSH Act, 2013.
3. To advise the competent authority to issue warnings or take the help of the law to stop the harasser, with the complainant consents.
4. To seek medical intervention as per the Act to the complainant.
5. To make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the Respondent if so desires.

#### **PROCEDURE TO BE FOLLOWED BY THE COMMITTEE**

1. The Committee shall meet as and when any complaint is received by it. Complaint may be received by any member of the committee.
2. The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of 90 days from the last incident.

3. The Committee shall direct the alleged individual(s) to prepare and submit a written response to the complaint / allegations within a period of 7 days to the Committee.
4. Each party shall be provided with a copy of the written statement(s) submitted by the other.
5. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their views. However, should the Respondent choose not to participate in the proceedings, the Committee shall continue ex parte.
6. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
7. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
8. The Committee shall sit on the same day to record and consider the evidence produced by both parties.
9. As far as practicable, all proceedings of the Committee shall take place in the presence of the External Member.
10. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
11. The Committee shall make all endeavor to complete its proceedings within a period of fifteen (15) days from the date of receipt of complaint.
12. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Principal/Management, within a period of 10 days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the Respondent, this shall be specifically mentioned in the Committee's report.
13. In the course of the proceedings before it, if the Committee is satisfied that a prima facie case of sexual harassment is made out against the employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, disciplinary action could be initiated in



the form of:-

1. Warning
2. Written apology
3. Bond of good behavior
4. Adverse remarks in the confidential report
5. Debarring from supervisory duties
6. Denial of membership of statutory bodies
7. Denial of re-employment/re - admission
8. Stopping of increments / promotion/denying admission ticket
9. Reverting, demotion
10. Suspension
11. Dismissal
12. Any other relevant mechanism as per the guidelines of AICTE/ and United Grants Commission

In the course of the proceedings before it, if the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting the complainant as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Principal/Management, with reasons and with recommendations of the action to be taken against such person.

At the culmination of the proceedings before it, if the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Principal/Management, with reasons and with recommendations of the action to be taken against such person.

### **Interim Relief**

During the pendency of an inquiry, on a written request made by the Complainant the ICC may advise the Executive Authority to:

- Transfer the complainant or the respondent to any another section or department to minimize the risks involved in contact or interaction, if such recommendations is made by ICC;
- Grant leave to the aggrieved with full protection of Status and benefits up to a period of 3 months;
- Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus; or

- Take strict measures to provide a safety environment and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

### **Punishment and Compensation**

If the ICC arrives at a conclusion that allegation against the respondent has been proved, it shall recommend to the Executive Authority to take necessary steps for sexual harassment as misconduct, and this may include:

- 1) Written Apology to be tendered by the respondent.
- 2) Suspension;
- 3) Termination;
- 4) Withholding of promotion and/or increments.
- 5) Any other decision which Executive Authority deems fit as per the service rules.

Where the respondent is a student, depending upon the severity of the offence, executive authority may:

- 1) Withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- 2) Suspend or restrict entry into the campus for a specified period;
- 3) Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants.
- 4) Award reformatory punishments like mandatory counselling and or performance of community services.

Compensation: Executive Authority may also issue direction for payment of compensation by the respondent.

The compensation payable shall be determined on the basis of:

- a) Mental trauma, pain, suffering and distress caused to the aggrieved person;
- b) The loss of career opportunity due to the incident of sexual harassment;
- c) The medical expenses incurred by the victim for physical, psychiatric treatment;
- d) The income and status of the alleged perpetrator and victim; and
- e) The feasibility of such payment in lump sum or in instalments.

### **False and Malicious complaint**

When ICC arrives at a conclusion that the complaint made is malicious or false, or the evidences, documents produced are forged or misleading, it may recommend the Executive Authority to take such action as mentioned in the Punishment and Compensation clause, against the woman or the person who

has made false compliant or produced forged document.

The actions recommended by ICC in such cases, should be similar to the ones proposed for the respondent.

Malicious intent must be clearly established through a separate inquiry. Malicious intent on the part of the complainant shall not be established without any inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

### **Appeal**

Any party aggrieved with the recommendations made by the ICC may prefer an appeal to the Executive Authority. The appeal shall be preferred within a period of 90 days from the date of recommendations, communicated to the concerned person. No appeal can be filed against interim relief.

### **Annual Report**

The Chairperson of the Committee will prepare an Annual Report at the end of each academic year, giving a full account of the activities of the Committee during the year gone by.

### **Acknowledgement**

By signing this policy

I acknowledge that I have reviewed the above-listed policies and guidelines of Madras School of Economics and understand my responsibilities.

I agree to report any actual or potential situation or incident that may be contrary to the above policies as soon as I become aware of it.

I agree to abide by the aforementioned policies and I understand that my failure to follow the policies may result in any disciplinary action, as decided by the Committee.

Employee Name:

Designation:

Department:

Date:

Signature: