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## Shiv Nadar School

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### Prevention of Sexual Harassment Policy

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Term	Definitions
Aggrieved Person	In relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of sexual harassment
Complainant	Is any Aggrieved Person (if the Aggrieved Person is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise who makes a complaint alleging sexual harassment under this policy
Respondent	Means the person against whom a complaint of Sexual Harassment is made under this policy
Retaliation/Victimization	Any adverse employment action against an employee because the employee had lodged a Sexual Harassment complaint or participated in the organization's investigation of a complaint of Sexual Harassment.
Sexual Harassment	<p>Any one or more of the following acts of unwelcome sexually determined acts or behavior (whether directly or by implication), namely:</p> <ul style="list-style-type: none"> <li>• Physical contact and advances including touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones or molestation.</li> <li>• A demand or request for sexual favours.</li> <li>• Sexually colored remarks</li> <li>• Showing pornography</li> </ul> <p>Any other unwelcome physical, verbal or non-verbal conduct of sexual nature including but not limited to:</p> <ul style="list-style-type: none"> <li>• Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work related area.</li> <li>• Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature.</li> <li>• Teasing, innuendos and taunts, physical confinement and /or touching against one's will and likely to intrude upon one's privacy.</li> </ul> <p>The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of Sexual Harassment may amount to Sexual Harassment:</p> <ul style="list-style-type: none"> <li>• Implied or explicit promise of preferential treatment in the employment</li> <li>• Implied or explicit threat or detrimental treatment in the employment</li> <li>• Implied or explicit threat about the present or future employment status</li> <li>• Interference with the work or creating an intimidating or offensive or hostile work environment</li> <li>• Humiliating treatment likely to affect health or safety</li> </ul>
Workplace	Means premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by SHIV NADAR SCHOOL or places visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

## Prevention of Sexual Harassment Policy

### 1. Objective:

Sexual Harassment is an offence at Shiv Nadar School.

Shiv Nadar School endeavors to promote a working environment in which persons of both sexes work to complement each other as equals. The school will take practical and reasonable steps to prevent Sexual Harassment through training, awareness, and other initiatives.

If a complaint of Sexual Harassment is raised, it will be addressed giving due regard to sensitivity, confidentiality, privacy and reputation of the involved individuals and by following due process according to the principles of natural justice.

The school will take serious view of, and may impose disciplinary action on any Retaliation/Victimization of the Aggrieved Person/Complainant by the alleged harasser or by anyone else in the organization.

### 2. Scope:

Shiv Nadar School will take serious view of, and may impose disciplinary action on any Retaliation/Victimization of the Aggrieved Person/Complainant by the alleged harasser or by anyone else in the organization.

### 3. Eligibility:

- This policy is applicable to the following, during all activities conducted in the workplace or all work related activities elsewhere:
  - All Employees, Contract Consultants, Associates, Academic Interns of Shiv Nadar School.
  - All suppliers and vendors of Shiv Nadar School.
  - All third parties associated working with the school.

*\* Associate means any person employed with SHIV NADAR SCHOOL for any work on permanent, temporary, part time, ad hoc or daily wage basis, either directly or through an agent, including a contractor, 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, consultant, retainer or called by any other such name.*

#### **4. Purpose:**

The purpose of this policy is as follows:

1. To carry out duties as an employer by:
  - a) Prohibiting Sexual Harassment
  - b) Preventing Sexual Harassment, by taking practical and reasonable steps.
  - c) Addressing issues relating to Sexual Harassment, promptly, confidentially, sensitively, by following due process and principles of natural justice.
  - d) Providing mechanisms for counselling, and necessary or required support services for victims of Sexual Harassment.
2. To comply with the Shiv Nadar School Code of Conduct-Equal Opportunities Employer.

*“Shiv Nadar School shall provide equal opportunities to all its employees and all qualified applicants for employment without regard to their race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.*

*Human resource policies shall promote diversity and equality in the workplace, as well as compliance with all local labour laws, while encouraging the adoption of international best practices.*

*Employees of Shiv Nadar School shall be treated with dignity and in accordance with the school policy of maintaining a work environment free of all forms of harassment, whether physical, verbal or psychological. Employee policies and practices shall be administered in a manner consistent with applicable laws and other provisions of this Code, respect for the right to privacy and the right to be heard, and that in all matters equal opportunity is provided to those eligible and decisions are based on merit.” – Reference Shiv Nadar School Code of Conduct.*

#### **Provisions**

The provisions of the policy are as follows:

##### **1. Circumstances of Sexual Harassment**

Sexual Harassment can occur in a variety of circumstances, including but not limited to the following:

- a) The Aggrieved Person as well as the Respondent may be a woman or a man.

- b) The Aggrieved Person or the Respondent does not have to be of the opposite sex.
- c) The Respondent can be the Aggrieved Person's Supervisor, an agent/contractor of SHIV NADAR SCHOOL, a Supervisor in another project/department or any employee of the school.
- d) The Aggrieved Person does not have to be person harassed, but could be anyone affected by the offensive conduct.
- e) It may occur without economic injury to the Aggrieved Person.
- f) It may occur at the work place or any other place where the Aggrieved Person is engaged in work related activities for Shiv Nadar School.
- g) It may occur at any place where the Aggrieved Person interacts with another person with whom the Aggrieved Person has a work place relationship. Examples: hotels, guest house, transit quarters, holiday homes, picnics, trekking expeditions, work related travel, or travel to/from work in company provided transportation.
- h) It may occur with the Aggrieved Person deputed to client sites.
- i) It may occur by way of an act or omission by a third party or outsider while the Aggrieved Person was at work or doing work related activity for and on behalf of the school.

## 2. Prevention of Sexual Harassment

- a) At Shiv Nadar School, Sexual Harassment is prohibited, and all persons to whom this policy applies have an obligation to refrain from indulging in any activity that leads to, or creates circumstances of Sexual Harassment. The workplace practices and conduct must be safe and conducive for all employees.
- b) The school will take steps to create awareness through various internal communication channels such as intranet, posters, notices, and training/awareness sessions to prevent incidents and keep employees informed on redressal procedures.
- c) The organization will organize workshop and awareness program at regular intervals for sensitizing the employees with the provisions of the act.
- d) Shiv Nadar School will provide a safe working environment at workplace which shall include safety from the persons coming in contact at the workplace.
- e) The school will display at secluded/ conspicuous places, the penal consequences of sexual harassment.
- f) The organization will provide necessary facilities to the internal

committees for dealing with the complaint and conducting an inquiry. It will also monitor the timely submission of the reports by the internal committee.

- g) The organization will provide assistance to the women if she chooses to file a complaint in relation to the offence under the Indian Penal Code.

### 3. Redressal System

A committee to redress complaints on Sexual Harassment will be created at the Corporate Level, called “Core Harmony Committee” (CHC), and at the school level, called “School Harmony Committee (SHC)”. The members are nominated for a maximum of three years from the date the committee is instituted. These committees will serve to prevent and respond to complaints as an internal complaints committee.

- a) The SHC will be the first level of recourse for any complaints of Sexual Harassment from the employees in the school. An Aggrieved Person or a Complainant can directly approach the Presiding Officer of the SHC to discuss concerns/complaints of Sexual Harassment and can make a formal written complaint by email sent to: [gurgaon.posh@sns.edu.in](mailto:gurgaon.posh@sns.edu.in), [noida.posh@sns.edu.in](mailto:noida.posh@sns.edu.in) and [faridabad.posh@sns.edu.in](mailto:faridabad.posh@sns.edu.in) at respective employee locations.

**Note:** *In India, the Internal Complaints Committees (such as SHC and CHC) are deemed to be Inquiry Authorities and will be deemed to have the same powers as vested in a civil court.*

- b) The CHC will be constituted of a Senior Lady Executive at the level of ED/ Director/ Principal or higher (Presiding Officer), along with a member of senior management and an external expert (who is familiar with the issue of Sexual Harassment) from a Non-Governmental Organization (NGO), or from an academic institution.

The latter two members will be selected on the basis of a recommendation of the Presiding Officer of the CHC, so that at least 50% of the members of the CHC are women.

- c) The composition of the SHC will be as follows:
  - o The chairperson (aka Presiding Officer) of the SHC, who convenes and chairs the hearings of the Committee.
  - o Not less than two members from amongst employees preferably committed to the cause of women, or who have had experience in social work or have legal knowledge;

- A third party representative from an NGO or other body, who is familiar with the issue of Sexual Harassment.
- At the school a number of persons can be identified, named, and trained to serve on the committee. The chairperson of the SHC will convene the committee with adequate representation as required by local laws, to address a specific complaint. For any committee meeting or hearing, a minimum of three members must be present.

**Note:** In India, the chairperson of the SHC must necessarily be a senior Lady executive, and at least 50% of the SHC members must be women.

#### 4. Responsibilities of the Redressal Committees

##### Responsibilities of the CHC

- Ensure implementation of this Policy across the organization in letter and in spirit.
- Appoint, supervise, update, and monitor the working and effectiveness of the SHC.
- Operate as the appellate authority for appeals against decisions of the SHC.
- Maintain records at the organization level, undertake appropriate analysis, and apprise the management of the same on a periodic or on a need basis.
- Submit organization level reports for statutory compliance to the relevant government authorities.
- Create orientation and training material, or any other collateral such as notifications, for creating awareness on Sexual Harassment, the guidelines, ongoing updates on legislations and employees rights and remedies.

##### Responsibilities of the SHC

- Ensure that the redressal procedure of this policy in the School is implemented in both letter and spirit.
- Operate as the first level inquiry authority for complaints received from Complainant/Aggrieved Person in the school.
- Take preventive action to arrest development of systemic hostile or offensive work environments.
- Enquire into complaints of Sexual Harassment, promptly and thoroughly, and make adequate recommendations to correct the situation, and effectively deal with the Respondent.
- Take immediate and appropriate corrective action to end or prevent any further harassment, and provide interim relief to the Aggrieved Person (transfer if sought by the Aggrieved Person, restraining Respondent from

- making employment/appraisal decisions applicable to the Aggrieved.
- If the Respondent is found guilty after following the inquiry process, then recommend appropriate disciplinary action ranging from reprimand to discharge, where necessary. Generally, the corrective action/remedial measure must be commensurate with the severity and persistence of the misconduct.
  - Make follow up enquiries to ensure the harassment has not resumed or the Complainant is not being victimized.
  - Ensure complete confidentiality of the process. Any violation of this by way of any direct or indirect sharing of such information with persons not directly related to the complaint without good reason can result in disciplinary action against the concerned committee member.
  - Respond to complaints of retaliatory behavior towards or victimization of the Aggrieved Person/Complainant, if these occur after the investigation.
  - Report on incidents at the school level, undertake appropriate analysis and apprise the CHC of the same on a periodic/need basis.

#### **5. Retaliation/Victimization**

- Shiv Nadar School will not accept, support or tolerate Retaliation/Victimization in any form against any person who, acting in good faith, reports acts of Sexual Harassment. Any person who engages in such Retaliation/Victimization directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.
- Retaliation/Victimization will be treated as a major misconduct.
- Retaliation/Victimization against those reporting Sexual Harassment is prohibited by this policy.
- Anyone suspecting or experiencing Retaliation/Victimization should report to the appropriate authorities.
- Anyone feeling that a complaint of Retaliation/Victimization did not get a prompt response can contact Chief Ethics Officer (Core Office Presiding Officer) directly.
- Retaliation/Victimization cases are treated as seriously as an alleged case of Sexual Harassment even if the original harassment complaint is not proven.
- Retaliation/Victimization behavior on the part of the Respondent or anybody acting at his/her behest and take appropriate action wherever required.

## **6. Confidentiality**

Individuals involved in the complaints process/system must refrain from divulging the details of the complaint, any information gathered in the course of the inquiry and the identities of the persons involved. Specifically, the contents of the complaint, the identity and addresses of the Aggrieved Person, Respondent, and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of committee, action taken by Shiv Nadar School under the provisions of this policy shall not be published, communicated or made known to the public, press and media in any manner. Any breach of confidentiality will be taken seriously and the persons involved in this breach will be liable for disciplinary action.

## **7. Disciplinary Action**

Any disciplinary action undertaken is as per the local Shiv Nadar School Disciplinary Action process applicable. The nature and severity of disciplinary action against the guilty will be commensurate with the seriousness of the offence. This could range from but will not be limited to:

- Mandatory written apology
- Mandatory training and/or counselling sessions
- A letter of warning that will be filed in the personal file
- Immediate transfer to a different location/department
- Withholding of promotion and/or increment or both
- Dismissal/Termination from the services of the organization.
- Any other action that the committee may deem fit

## **8. False or Motivated Complaints**

In case the SHC/SHC 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 has produced any forged or misleading documents, it may recommend to the Organization to take suitable action against the Complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. Further, the malicious intent on part of the Complainant needs to be established through the inquiry process before any

action against such Complainant is recommended by the CHC or the SHC to the Organization.

## 9. Police Complaints

Where an Aggrieved Person lodges a complaint alleging Sexual Harassment directly with the police, intimation regarding the same should preferably be sent to the SHC/CHC by the Aggrieved Person as soon as possible.

### *Procedures*

#### 1. Redressal of Sexual Harassment

Employees can approach the chairperson of the SHC to discuss concerns or instances of Sexual Harassment and, if deemed appropriate, make a formal written complaint by email, sent to: [gurgaon.posh@sns.edu.in](mailto:gurgaon.posh@sns.edu.in), [noida.posh@sns.edu.in](mailto:noida.posh@sns.edu.in), [faridabad.posh@sns.edu.in](mailto:faridabad.posh@sns.edu.in), [core.posh@sns.edu.in](mailto:core.posh@sns.edu.in) at employees respective locations to know about details that should be included while raising a complaint.

**Note:** All complaints will be kept confidential. Anonymous complaints are discouraged.

- On receipt of the written complaint, the chairperson of the SHC or her delegate will contact the Complainant as soon as possible or at least within 3 working days to understand the complaint, and to provide necessary support services.
- The chairperson of the SHC will arrange for preliminary inquiries to assess the complaint. If conciliation is opted for by the Aggrieved Person, the same will be attempted through informal approach and if conciliation is reached, it will be recorded with copies to both parties.
- After preliminary inquiries, if the chairperson of the SHC deems it necessary, and if the Complainant wishes, a formal meeting of SHC will be convened to address the complaint and the SHC will meet with the Complainant.
- In the preliminary meeting of the SHC with the Complainant, the policy and procedures for both formal and informal inquiry will be explained to the Complainant. The Complainant will be under no duress to accept one or the other option.

- **Procedure for Formal Inquiry**

- The genuineness of the complaint and the need for a formal inquiry will be established by the SHC.
- Formal notification of charges will be issued to the Respondent, and a written response will have to be submitted as soon as possible and in any case, in no more than 10 days.
- Where there is a need for additional facts, the SHC is authorized to nominate internal or external persons to undertake fact-finding, or make the necessary detailed enquiries on its behalf and report the same to the SHC. The SHC may also undertake any other means it deems appropriate to arrive at the facts or to get information relevant to the case. This may include personal interviews with concerned employee, request for documents or records and so on.
- The formal inquiry will be conducted in accordance with the principles of natural justice.
- In case the SHC comes to the conclusion that the complaint is false and the intent of the Complainant is mala fide, necessary disciplinary action may be initiated against the Complainant.

- **Procedure for Informal Inquiry**

- In case the Complainant expresses a desire to opt for the informal route to achieve conciliation, the SHC must support the Complainant to do so.
- To reach conciliation, the SHC may facilitate a meeting between the Aggrieved Person and the Respondent if the Aggrieved Person wishes for it.
- The agreed terms of resolution of the complaint are formalized in a report and signed by both parties and necessary action taken to protect the interests of the Complainant/ Aggrieved Person and the Organization. This report is filed for records.
- In case the informal route fails or the Complainant so chooses, the SHC will initiate a formal inquiry.
- **Committee members must maintain minutes of the meeting, and the final report of the committee must be in the format as specified.**

## **2. Implementation of Disciplinary Action**

- The action recommended by SHC must be implemented by the Regional HR Head or a nominated disciplinary authority.
- The disciplinary action to be taken will be informed to the parties in writing by the disciplinary authorities within reasonable time (not exceeding 10

working days) following the completion of the inquiry.

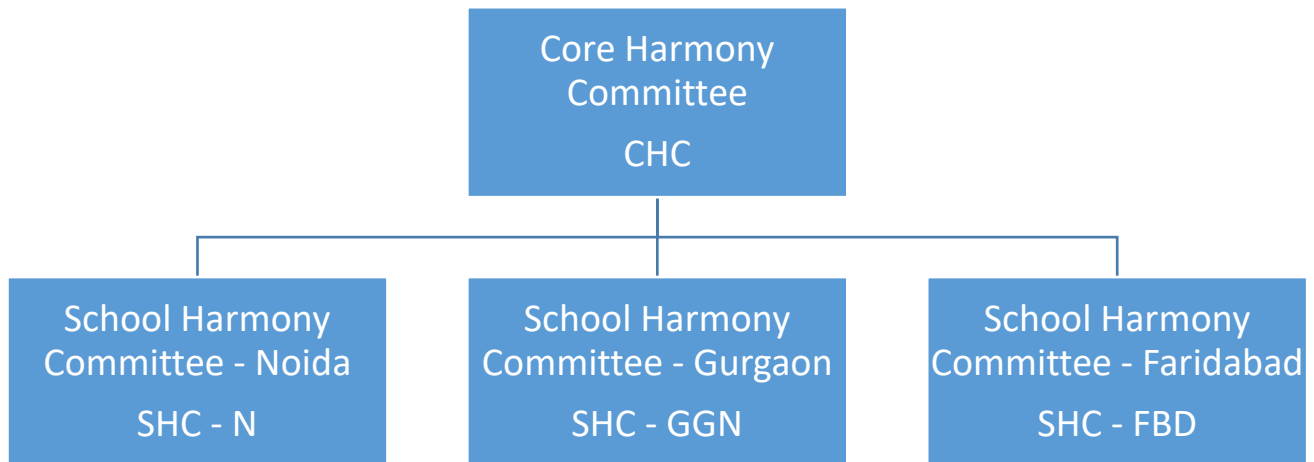
- Failure or refusal of any persons to co-operate, or to disturb or misguide the committee during its investigations may result in disciplinary action against such persons as deemed appropriate by the concerned authorities.
- All inquiries for complaints of Sexual Harassment must be completed within 90 days of commencement of the inquiry or as per prevailing legal provisions in the country under question, whichever is less.
- The disciplinary action recommended by the SHC must be disclosed to the Respondent and the Complainant/Aggrieved Person separately.

### 3. Actions Taken in case of Redressal Failure

- If the conclusions of the SHC are unsatisfactory to either individual, an appeal in writing may be forwarded to the CHC within ten calendar days.
  - In case of complaints, which the committee deems as being outside its jurisdiction, for example, offences of a criminal nature, the law of the land will apply. The SHC will provide the necessary assistance to do the same.
- **Note:** *In India, in case of complaint of a criminal nature, which is an offence under the Indian Penal Code or under any other law, it is the duty of the employer to assist the Complainant/Aggrieved Person in initiating appropriate action, in accordance with the law. Also such Complainants/Aggrieved Persons must not be victimized and they must have an option to seek transfer of the Respondent or their own transfer.*

## Appendix A – Redressal Organization Structure

### Redressal Organization



**CHC Members:** Leena Aparajit (Chair Person) (9810338837), Members: Arti Dawar (9899113283), Payal Kapur (9810200132), and Divakar Sharma (9654892244)  
External (NGO): Seema Rajput (9599573333)

#### **SHC Members:**

**Gurgaon School:** Sunayana Roy Chaudhury (Presiding Officer) (7290024187), Members: Capt. Gurmeet Kaur (8595155725), Shveta Kapoor (9910564300), Manisha Lal (9811502551), Aditi Chopra (9560687168) and Surjeet Dogra (9873868039)  
External (NGO): Shubhra Puri (9910148148)

**Faridabad School:** Anjana Ramdev (Presiding Officer) (9891124595), Members: Jacqueline (9810609971), Meenakshi Sharma (8447495680), Aakriti Sethi (9899238694), S. Laurence Dass (921396146)  
External (NGO): Seema Rajput (9599573333)

**Noida School:** Soniya Mawani (Presiding Officer) (7290064008), Members: Sumita Malik (9811281073), Deeksha Bhatia (9582227400), Mohd. Faheem (9990611143), Arun Kumar (8130196613), Amit Joshi (8860808618)  
External (NGO): Seema Rajput (9599573333)

**Form for lodging complaint to the Committee for Prevention and  
Redressal of Sexual Harassment at Workplace**

**Name of the Complainant** : .....

**Department** : .....

**Complaint Against** : .....

**Date of occurrence of event** : .....

**Summary of Complaint** : .....

## Appendix B - Redressal Procedure

