

# Anti-Sexual Harassment Policy

Mahindra International school- Internal Procedure  
Updated: August 2024



## Rationale

At Mahindra International School (the "School"), we believe that every staff member has the right to work in an environment that is respectful, professional, and free from any form of sexual harassment. The School is fully committed to ensuring a workplace where all individuals can perform their duties without the fear of inappropriate behaviour or harassment of any kind.

This policy pertains to interactions between adults within the School community and is supplemented by the **Child Safeguarding Policy**, which addresses interactions involving children. We acknowledge that our diverse community encompasses a wide range of cultural norms and behaviours, and this policy is designed to respect and protect that diversity while ensuring mutual respect and professionalism.

In compliance with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013**, and subsequent amendments (the "Law"), this policy is intended to provide protection to women in the workplace. However, the School also recognizes that individuals of all genders may experience harassment and are equally deserving of protection and support.

## Purpose

The purpose of this policy is to clearly outline the School's commitment to preventing sexual harassment and to detail the procedure for addressing any concerns or grievances. The School is deeply committed to creating and maintaining a safe, supportive, and conducive environment for all staff members and students, regardless of gender.

In line with the Law, this policy extends to all complaints of sexual harassment, regardless of the gender of the complainant. The School strictly prohibits sexual harassment in any form, and it is the responsibility of every member of our community to ensure such behaviour is not tolerated. Any staff member who feels they have experienced sexual harassment is strongly encouraged to bring the matter forward as soon as possible.

For further reference, please see the **Diversity Equity and Inclusion Statement (2020)** and the **Transgender Policy (2021)**.

## Definitions

**Sexual Harassment** is defined as any unwelcome behaviour of a sexual nature, whether explicit or implied, including but not limited to:

- **Unwelcome physical contact or advances**, such as touching, deliberately brushing against someone, or physical assault.

- **Requests for sexual favours**, inappropriate flirtations, unwanted sexual advances, propositions, or threats.
- **Sexually inappropriate comments**, jokes, slurs, or innuendos.
- **Displaying or sharing inappropriate content**, such as explicit images, videos, or other media, including digital communications.
- **Inappropriate background content** during virtual meetings, including sexually suggestive posters, images, or objects.
- **Sexual content** communicated through electronic means, such as phone calls, texts, emails, or social media platforms.

Sexual harassment can occur regardless of the intention of the individual. It is the impact of the behaviour on the person experiencing it that is of primary importance.

**Workplace** includes all physical and virtual spaces where School business is conducted, including:

- The School's premises and all other locations where work-related activities occur.
- Remote or virtual workspaces where business is conducted, such as video or audio conferencing, phone calls, or digital platforms.
- Any function or event, whether physical or virtual, that may affect workplace relations.
- Any act of sexual harassment committed via electronic communication during or outside of working hours.

**Campus** includes the physical grounds of the School and associated facilities, such as classrooms, libraries, student centers, transportation, and off-site locations where School activities occur.

**Employee** refers to any individual employed by the School, whether on a full-time, part-time, temporary, or volunteer basis, including teaching and non-teaching staff.

**Visitor** or **Third Party** refers to any individual visiting the School, attending meetings or events, or interacting with staff members in any capacity.

### **Internal Committee (IC)**

In compliance with the Law, the School has constituted an **Internal Committee (IC)** to address and investigate complaints of sexual harassment. The IC will be composed of the following members:

- A **Presiding Officer**, who will be a senior woman staff member. The Presiding Officer shall vacate her position upon ceasing to be a staff member of the School.
- At least two members from among the staff, preferably individuals with experience in social work or legal knowledge related to sexual harassment.
- One external member from a non-governmental organization or association committed to the cause of addressing sexual harassment.
- At least half of the IC members will be women.

All members of the IC are expected to act impartially and uphold the highest standards of confidentiality and professionalism. The tenure of IC members shall not exceed three years.

### **Removal of IC Members**

An IC member may be removed in the event of the following:

- Breach of confidentiality.
- Conviction or pending inquiry for any offense.
- Involvement in disciplinary action or pending proceedings.
- Misuse of their position in any capacity.
- Resignation, death, disability, or any cessation of their employment.

Should a vacancy arise within the IC, it will be promptly filled in accordance with the Law and School guidelines.

For details of IC, please refer to **Annexure 1**.

### **Filing a Complaint:**

#### **Who Can File a Complaint?**

Any individual, regardless of age, gender, or employment status, who believes they have experienced sexual harassment by a staff member of the School (referred to as the “Aggrieved Person”), may file a complaint. The term “Respondent” refers to the individual (i.e., the staff member of the School, as defined in this policy) against whom the complaint of sexual harassment has been made.

#### **What if the Aggrieved Person is Unable to File a Complaint?**

If the Aggrieved Person is unable to file a complaint due to physical incapacity, a complaint may be submitted on their behalf, with their written consent, by:

- a) A relative or friend
- b) A co-worker
- c) An officer from the National Commission for Women or the State Women's Commission
- d) Any person with knowledge of the incident

If the Aggrieved Person is unable to file a complaint due to mental incapacity, the following individuals may file a complaint on their behalf:

- a) A relative or friend
- b) A special educator
- c) A qualified psychiatrist or psychologist
- d) A guardian or authority under whose care the Aggrieved Person is receiving treatment
- e) Any individual who is knowledgeable about the incident, alongside the Aggrieved Person's relative, friend, or other caregivers

In cases where the Aggrieved Person is unable to file a complaint for any other reason, a complaint may be submitted by any individual with knowledge of the incident, provided the Aggrieved Person has given their written consent. If the Aggrieved Person is deceased, a complaint may be submitted by any person with knowledge of the incident, with the written consent of the Aggrieved Person's legal heir.

Anyone submitting a complaint on behalf of the Aggrieved Person will be referred to as the "Complainant." Throughout this Policy, the term "Complainant" shall be understood to refer to either the Aggrieved Person or the individual filing on their behalf, as appropriate.

### **How to File a Complaint?**

If they feel comfortable doing so, the Aggrieved Person is encouraged to inform the Respondent(s) that their behavior is unwelcome, offensive, and inappropriate, and that it must stop immediately. Should the behavior persist, or if the Aggrieved Person feels unable to approach the Respondent directly, they are advised to contact the Internal Committee (IC) for further assistance.

To formally file a complaint with the IC, the following steps should be observed:

- a) The complaint must be submitted in writing.
- b) The Complainant should include as much specific information as possible, such as:
  - The time, date, and location of the incident(s).
  - The name and details of the Respondent(s) involved.
  - Names and contact details of any witnesses (if available).
  - Any available documentary evidence (such as text messages, emails, CCTV footage, or audio/video recordings).

- Any additional information or materials that could support the complaint.
- c) The complaint should be filed within three (3) months from the date of the incident, or in the case of a series of incidents, within three (3) months from the date of the most recent occurrence.
- d) The IC has the discretion to extend the filing period by an additional three (3) months if the Complainant can demonstrate valid reasons for the delay.
- e) If an extension is granted, the IC will document the justification for the extension in writing.

Should the Complainant require assistance in drafting the complaint, they are encouraged to seek support from the IC. Complaints can be submitted via email to [mis-ic@misp.org](mailto:mis-ic@misp.org) or in person to any IC member (details provided in Annexure 1). Physical complaints may also be submitted directly to any IC member.

**What if the Complaint is Against Someone Who is Not a Staff member of the School?**

In instances where a staff member experiences sexual harassment from an external party (who is not employed by the School), whether on School premises or elsewhere, it is important that the incident is reported in writing. Upon receiving the written complaint, the School's IC will either liaise with the internal committee of the external party or, if necessary, notify the Police to resolve the matter appropriately.

Alternatively, the School can provide support to the staff member, upon their written request, should they wish to directly contact the internal committee of the external party or the Police.

**Reporting**



## **Informal Intervention**

### **Objective of Informal Intervention:**

An informal intervention may be initiated upon the written request of the Complainant to resolve the matter through mediation or conciliation between the Complainant and the Respondent. This method aims to address concerns in a mutually agreeable manner without a formal inquiry.

1. During the informal intervention process, the Respondent will be made aware of the allegations and will have the opportunity to provide their response.
2. This procedure will be considered complete when both the Complainant and the Respondent reach an agreement on the steps to be taken. Should this not occur, the formal complaint procedure will be followed.

### **Key Aspects to Keep in Mind for Conciliation:**

- Conciliation cannot proceed once a formal inquiry has commenced.
- If a settlement is reached, the Internal Committee (IC) will record the agreement and forward it to the School for necessary actions in line with the IC's recommendations.
- Copies of the recorded settlement will be provided to both the Complainant and the Respondent.
- Once a conciliation is reached, the IC will not be required to conduct any further inquiry on the matter.
- It is important to note that monetary settlements cannot form part of such conciliation.
- If the Complainant feels that the terms of the settlement are not being honoured by the Respondent or that the School has not taken appropriate action, the Complainant may submit a written request to the IC for a formal inquiry.

## **Formal Complaints Procedure**

If the Complainant does not opt for conciliation, or if the terms of the conciliation are not being followed, the IC will initiate a formal inquiry upon receiving a written request from the Complainant. The following steps outline the formal procedure:

### **Process for Formal Inquiry:**

1. Upon receipt of the complaint, the IC will forward a copy of the complaint to the Respondent within 7 (seven) working days. If the complaint is received via email, it will be sent to the Respondent with clear instructions to maintain confidentiality at all times.

2. The Respondent is expected to submit their response, along with any supporting documents, witness names, and contact details (if applicable), within 10 (ten) working days of receiving the complaint.
3. Both the Complainant and Respondent may request witnesses to support their case and must communicate the names of these witnesses to the IC in writing.
4. Any evidence or documents presented by either party should be duly signed and certified as authentic.
5. The IC has the authority to summon individuals, request documents, and conduct interviews as necessary for the inquiry. Refusal to cooperate with the IC by any staff member will be considered misconduct and could lead to disciplinary action.
6. Should either the Complainant or Respondent fail to attend 3 (three) consecutive hearings without sufficient reason, the IC may terminate the inquiry or make an ex-parte decision. Written notice will be provided at least 15 (fifteen) days in advance to ensure fairness.
7. A minimum of 3 (three) members, including the Presiding Officer and an External Member, must be present during the inquiry. The inquiry process should be completed within 90 (ninety) days.
8. All involved parties will be notified in writing regarding the time and dates of IC meetings.
9. All proceedings will be documented and treated with the utmost confidentiality, with access restricted to those who require it for legitimate purposes.
10. All individuals involved in the inquiry, including witnesses, will be required to sign a confidentiality agreement.
11. Neither the Complainant nor the Respondent will be allowed legal representation at any stage during the IC proceedings.
12. The IC will conduct thorough interviews with all relevant parties and witnesses, documenting all information regarding the complaint, including the nature of the alleged behaviour, time, and location.
13. Records will be securely stored and treated with confidentiality for a period of seven years.
14. The Respondent will be given full opportunity to respond to all formal allegations, and there will be no presumption of guilt until the inquiry is complete.

### **Guiding Principles for the Inquiry:**

- The IC will conduct the inquiry with fairness, providing both the Complainant and the Respondent ample opportunities to present their case.
- The IC will remain sensitive to the covert nature of sexual harassment, understanding that direct or corroborative evidence may not always be available.
- The socio-economic status, professional hierarchy, and power dynamics between the parties will be carefully considered when making recommendations.
- In cases of harassment involving electronic communication or social media, the IC will take into account the public humiliation and the exposure of unintended individuals.

### **Actions During a Pending Inquiry**

Upon a written request from the Complainant, the IC may recommend interim measures to the School while the inquiry is in progress:

#### **For Staff members:**

- Grant the Complainant leave for up to 3 (three) months, in addition to their regular leave entitlement.
- Transfer the Complainant or the Respondent to a different workplace.
- Prevent the Respondent from evaluating the Complainant's work performance or completing their confidential report, assigning the task to another staff member.
- Restrict the Respondent from supervising the Complainant's academic or professional activities.
- Instruct the Respondent to refrain from any form of communication with the Complainant, including electronic messages, emails, or social media.

#### **For Third Parties or Visitors:**

- Ensure that the Respondent is restricted from entering the School premises or contacting the Complainant or witnesses.
- Recommend disciplinary action as appropriate, including notifying law enforcement, with the consent of the Complainant.

#### **School's Discretion:**

The School reserves the right to require any party to take leave or work remotely while the inquiry is ongoing, as a preventive measure to avoid retaliation or further incidents.

## **Inquiry Report and Possible Actions**

### **Completion of Inquiry:**

Upon completion of the inquiry, the IC will submit a detailed report to the School within 10 (ten) days. Both the Complainant and the Respondent will receive a copy of the report.

- **If Allegations Are Not Proven:**

The IC will recommend no further action be taken.

- **If Allegations Are Proven:**

Depending on the findings, the IC may recommend one or more of the following actions:

- Counselling for the Respondent.
- Disciplinary action, such as suspension, probation, or termination.
- Issuing formal warnings to be included in the Respondent's personnel file.
- Requiring formal apologies and an assurance that the behavior will cease.
- Withholding promotions, pay raises, or increments.
- Requiring the Respondent to undertake community service.
- Financial compensation to the Complainant, if applicable, through salary deductions or alternative means.

The School will take appropriate action based on the IC's recommendations within 60 (sixty) days.

### **Determining Compensation for the Complainant**

When determining appropriate compensation for the Complainant, the IC will thoughtfully consider the following factors in accordance with the law:

- **Mental and Emotional Impact:** The extent of mental trauma, emotional distress, and suffering experienced by the Complainant.
- **Career Impact:** Any impact on career opportunities resulting from the incident of sexual harassment.
- **Medical Expenses:** Costs incurred by the Complainant for physical or psychiatric treatment related to the harassment.
- **Financial Status of the Respondent:** The financial situation of the Respondent to ensure the feasibility of compensation payments.

- **Payment Arrangements:** Whether compensation can be provided in a lump sum or through instalments, depending on the circumstances.

### **Recommendations for Third Parties**

In cases where the Respondent is a Third Party, the IC may recommend the following actions to address the situation:

- **Issuing a Warning:** Providing a formal warning to the employing organization, association, or firm (if applicable).
- **Access Restrictions:** Restricting the Respondent from entering the School premises or engaging with the School in any capacity.
- **Service Withdrawal:** Withdrawing the Respondent's right to provide services to the School for a specified period (if applicable).
- **Assisting with FIR:** Supporting the Complainant in filing a First Information Report (FIR) with the relevant authorities, if desired.
- **Blacklisting:** Considering the option of debarring or blacklisting the Respondent from the School.
- **Other Measures:** Suggesting any other appropriate actions as necessary.

The School is committed to implementing the IC's recommendations within 60 (sixty) days of receipt.

### **Considerations for Outcomes**

The IC will base their recommendations on:

- **Severity and Frequency:** The seriousness and frequency of the harassment.
- **Evidence:** The weight and reliability of the evidence provided.
- **Complainant's Wishes:** The preferences and needs of the Complainant.
- **Level of Contrition:** The degree of remorse and acknowledgment of the Respondent.
- **Prior Incidents:** Any previous incidents or warnings related to the Respondent.

### **Addressing Malicious Complaints**

**In the event that a complaint is found to be made with malicious intent:**

- a) If it is determined that a complaint was made to damage the Respondent's reputation, settle personal or professional disputes, or was otherwise false or misleading, the IC will recommend appropriate actions against the Complainant. These actions may include any measures that would have been taken if the complaint had been legitimate.
- b) The mere inability to substantiate a complaint or provide sufficient proof will not automatically lead to action against the Complainant. Malicious intent must be clearly established through the inquiry process before any action is recommended.

### Procedure for Filing an Appeal

Should any party (whether the Complainant or the Respondent) wish to challenge the recommendations made by the Internal Committee (IC) or the implementation of those recommendations, the following appeal procedure should be followed:

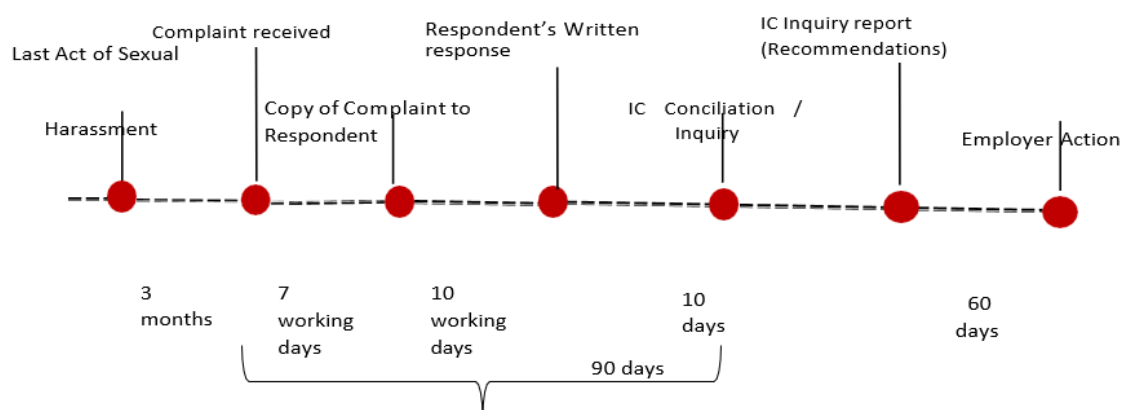
#### 1. For Cases Where the Complainant is a Woman:

- If the inquiry process conducted by the IC involves a female Complainant, any party aggrieved by the IC's recommendations, or their non-implementation may file an appeal.
- The appeal should be directed to the Appellate Authority, in accordance with the applicable service rules and legal provisions.
- Please ensure that the appeal is submitted within 90 (ninety) days from the date of the IC's recommendations.

#### 2. For Cases Where the Complainant is Not a Woman:

- If the inquiry process conducted by the IC involves a Complainant who is not a woman, any party who feels aggrieved by the IC's recommendations or their non-implementation may reach out to the Director/HR.
- The Director/HR will carefully review the appeal and address any issues or concerns related to the recommendations or their implementation.

### Timelines



## **Confidentiality**

Maintaining confidentiality is crucial in addressing incidents of sexual harassment. Therefore, all discussions, decisions, and documentation related to the incident must be handled with the utmost discretion. This includes:

- The content of the complaint
- The identities and addresses of the Complainant, Respondent, and witnesses
- Any information related to conciliation and inquiry proceedings
- The inquiry report and recommendations made by the Internal Committee (IC)
- Actions taken in response to the inquiry

Such information should not be published, communicated, or made known to the public, press, or media in any form. However, the School may share information about the justice achieved for the victim without disclosing identifying details.

Confidential information may be shared with Government authorities as required by law. Any breach of confidentiality will be taken seriously, and the individual responsible may face penalties as stipulated by service rules and/or legal provisions. The School may impose a penalty of Indian Rupees five thousand (₹5,000) and take any other appropriate action as deemed necessary.

## **Protection Against Retaliation**

The School is dedicated to ensuring that no individual experiences retaliation for filing a complaint or participating in the inquiry process. Retaliatory actions against anyone who, in good faith, reports an incident or engages in the inquiry process are strictly prohibited. Such actions will be met with severe disciplinary measures, which may include legal action and/or a police complaint, as necessary.

If you suspect that you or someone you know is facing retaliation for raising a concern, please reach out to the IC promptly. The School will take all necessary steps to protect individuals from any form of retaliation and to address such issues effectively.

## **Filing a Complaint with the Police**

This Policy is designed to work in conjunction with, rather than replace, legal remedies available under the law. Individuals have the right to file a complaint with the police if they believe that a criminal offence has occurred. The School is here to assist with this process should assistance be requested.

Please note that the School's internal proceedings will continue independently of any legal actions initiated by the Complainant. We remain dedicated to providing support throughout both internal and external legal processes to ensure a fair and just resolution.

For complaints involving sexual harassment or other offenses against a child, the provisions of the Protection of Children from Sexual Offences Act, 2012 ("POCSO"), and the Juvenile

Justice (Care and Protection of Children) Act, 2015 will apply. We are committed to addressing these matters in accordance with the relevant legal requirements. Please note that a child is defined as any individual under eighteen years of age.

### **Responsibilities of Employees**

We kindly request all employees to uphold the following responsibilities to foster a respectful and professional workplace environment:

- a) **Personal Responsibility:** Ensure that your behaviour aligns with this Policy and the School's values.
- b) **Exemplary Conduct:** Model dignified workplace behaviour and adhere to the School's ethical standards.
- c) **Professional Boundaries:** Maintain appropriate boundaries while performing your duties and representing the School.
- d) **Healthy Environment:** Contribute positively to a healthy work environment.
- e) **Address Inappropriate Behaviour:** Do not ignore or tolerate inappropriate behaviour, regardless of the individual involved.
- f) **Cooperation:** Support and cooperate fully during any inquiry, including providing truthful information and maintaining confidentiality.
- g) **Seriousness of Allegations:** Understand that the School takes all allegations seriously and seek cooperation in the inquiry process.
- h) **Discretion and Confidentiality:** Handle information related to suspected violations with discretion and avoid independent investigations. Report any inappropriate behaviour to the IC promptly.
- i) **Avoid Malicious Complaints:** Refrain from misusing this Policy or the law for personal grievances or benefits.
- j) **Social Media Responsibility:** Represent the School responsibly on social media, ensuring that your posts and comments are professional and respectful.
- k) **Virtual Work Etiquette:**
  - Schedule video/audio calls during working hours whenever feasible.
  - Indicate your preferred call modality and allow flexibility for confirmation.
  - Seek consent before initiating a video call for one-on-one conversations.
  - Respect colleagues' preferences for video or audio calls and maintain professional boundaries.
  - Follow a professional dress code and ensure your background is appropriate during video calls.

- Avoid sharing or forwarding inappropriate content and respect privacy in communications.
- Do not repeatedly send messages or engage in personal discussions without a positive response.
- Refrain from repeatedly requesting friend/follow requests on social media.
- Avoid engaging in online bullying, stalking, or harassment.

For further guidance on responsibilities, please refer to the Staff Code of Conduct document, which provides additional expectations for behavior within the organization.

### **Responsibilities of the IC**

The Internal Committee (IC) is entrusted with the following responsibilities:

- a) **Complaint Handling:** Receive and address complaints of sexual harassment with care and thoroughness.
- b) **Assistance:** Offer assistance to the Complainant in filing a complaint if they require help.
- c) **Priority:** Treat the inquiry as a matter of priority.
- d) **Quorum and Presence:** Ensure a quorum of at least three members is present, with the Presiding Officer attending all meetings.
- e) **Consent for Recording:** Obtain consent from parties involved before recording inquiry proceedings.
- f) **Fair Process:** Uphold principles of natural justice, treating all parties with dignity and respect, and ensuring a fair and impartial inquiry.
- g) **Protection:** Strive to prevent any further victimization or discrimination of Complainants and witnesses during the inquiry.
- h) **Conflict of Interest:** Recuse yourself from inquiries if a conflict of interest or bias is present.
- i) **Confidentiality:** Ensure confidentiality throughout the inquiry process, whether conducted in person or virtually.
- j) **Documentation:** Maintain detailed records of all inquiry proceedings and reports.
- k) **Media Contact:** Refrain from discussing potential or ongoing cases with media or unauthorized individuals.
- l) **Complaint Review:** Regularly review the status of all complaints received.
- m) **Protection from Threats:** Recommend actions against anyone who threatens or intimidates the Complainant or IC members.
- n) **Training and Familiarization:** Read and understand the Policy and engage in relevant training.

- o) **Reporting:** Compile and submit annual reports to the appropriate authorities.
- p) **Non-Sexual Harassment Complaints:** Forward complaints not related to sexual harassment to the appropriate person or committee.

### **School's Responsibilities**

The School is committed to:

- a) **Zero Tolerance:** Address all acts of sexual harassment as serious misconduct and take prompt, appropriate action.
- b) **Awareness Programs:** Provide regular gender-sensitization workshops and awareness programs.
- c) **Prevention:** Use posters and other mediums to raise awareness about preventing sexual harassment.
- d) **Meeting Scheduling:** Encourage supervisors to schedule calls and meetings during working hours and avoid insisting on video calls if employees face difficulties.
- e) **IC Support:** Provide necessary facilities and technical support to the IC.
- f) **Attendance Facilitation:** Assist in securing the attendance of the Respondent and witnesses.
- g) **Fair Inquiry:** Support the IC in conducting a fair and timely inquiry and implementing its recommendations.
- h) **Legal Assistance:** Assist the Complainant with filing complaints under the Indian Penal Code if desired.
- i) **Monitoring:** Consult with involved parties to monitor the situation and their well-being.
- j) **Education:** Educate and remind all staff and volunteers of their responsibilities in maintaining a harassment-free workplace.

### **Amendments**

The School reserves the right to amend this Policy to comply with any new laws, rules, or regulations related to sexual harassment. The Policy will be reviewed bi-annually or as needed to incorporate any necessary amendments. This Policy is not intended to create any contractual obligations, and in case of any disputes, legal provisions will take precedence over this Policy.

## Annexure 1

### Members of the Internal Committee

Name	Role	Contact
Anita Naik	Presiding Officer	<a href="mailto:mis-ic@misp.org">mis-ic@misp.org</a>
Megha Sharma	Member	
Shweta Deokar	Member	
Arif Shaikh	Member	
Aparna Gonate	External Member	

Should you find it challenging to submit a written complaint, please do not hesitate to reach out to any member of the Internal Committee (IC) for assistance. They are available to help you draft and submit your complaint.

You may file a complaint in person during office hours, which are from 8:00 AM to 4:00 PM, by contacting any IC member. Alternatively, you can submit your complaint electronically to the IC at [mis-ic@misp.org](mailto:mis-ic@misp.org).