

The logo of Fazlani Altius Business School (FABS) is a large, stylized, light pink graphic in the background. It consists of two interlocking, rounded, petal-like shapes that form a central white space, resembling a stylized flower or a modern architectural element.

Policy for Prevention of Sexual Harassment Fazlani Altius Business School (FABS)

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1. POLICY STATEMENT

“The fundamental right to carry on any occupation, trade or profession depends on the availability of a "safe" working environment. Right to life means life with dignity.”

- Verma, CJI, Sujata V. Manohar, B. N. Kirpal

Vishaka & Ors. Vs. State of Rajasthan & Ors.

(1997) 6 SCC 241

FABS has committed itself to being an Institute of choice with standards of excellence, by promoting a work environment that is conducive to the professional growth of its people who spend time together at FABS.

We believe that a secure environment with equal opportunity to all will go a long way in enabling people to work with dignity and mutual respect for each other.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, the Institute has framed a Policy and adopted the same w.e.f. 28th August 2015.

However, it was realized by our team at FABS that a broader initiative had to be evolved that would set in place a framework strong enough to go to the root of the issue and ensure that Sexual Harassment is prevented by:

- a. Adopting the necessary legal constraints;
- b. Discouraging acts of misconduct on the part of other third-party individuals dealing with the Institute on a regular basis;
- c. Creating an awareness of the issues involved through workshops.

As a preventive measure, the Institute has also introduced the policy into the induction programs for its employees and associates.

The Institute has also reviewed and improved its Internal Video Surveillance (IVS) policy by providing for additional CCTV cameras to be placed at strategic locations in and around FABS for better monitoring the activities.

This policy seeks to detail procedures that must be followed by any individual who believes that a violation of this Policy has occurred. Making a false complaint of Sexual Harassment or providing false information regarding a complaint will also be considered a violation of this Policy.

2. APPLICABILITY

This policy shall be applicable to all employees and associates of FABS and is deemed to be incorporated into the applicable Service Conditions & Rules with immediate effect.

This policy shall also extend to Customers, Visitors, Vendors and other third-party individuals and/ or entities who are subject to Sexual Harassment at the Premises (defined hereinafter) of the Institute.

3. SCOPE

The scope of the policy is restricted to the following:

- a. All offices or premises where the Institute's business is conducted;
- b. Any external location visited by the employees and / or associates during or in the course of their employment / association with FABS, where all Institute-related activities are conducted.
- c. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations including the academic / study environment.
- d. Any mode of transport provided by the Institute for the purpose of undertaking a journey to and from the aforementioned locations.

4. ACRONYMS

Acronym	Explanation
FABS	Fazlani Altius Business School
ICC	Internal Complaints Committee
ICCR	Internal Complaints Committee Report
IPC	Indian Penal Code, 1860
IVS	Internal Video Surveillance
LCC	Local Complaints Committee
NGO	Non-Governmental Organization

5. DEFINITIONS

“Act” means to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“Aggrieved” means in relation to a 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.

“Associate” means an individual who is associated to the Institute and shall include:

- a. Visiting Faculty;
- b. Students;
- c. Trainees;
- d. Interns;
- e. New-Joinees;
- f. Guests of the School (including professionals); and
- g. Those employed with FABS on a contractual basis.

“Director” means any of the Directors on the Board of Directors of FABS.

“Employee” means a full-time employee of FABS.

“Respondent” means a person against whom the aggrieved has made a complaint.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (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 other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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:-

- a. Implied or explicit promise of preferential treatment in his / her employment; or
- b. Implied or explicit threat of detrimental treatment in his / her employment; or
- c. Implied or explicit threat about his / her present or future employment status; or
- d. Interference with his / her work or creating an intimidating or offensive or hostile work environment for him / her; or
- e. Humiliating treatment likely to affect his / her health or safety.

“Unwelcome sexually determined behavior” includes but is not limited to:-

- a. Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- b. Making an unwelcome remark with sexual connotations like sexually explicit remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks, etc.
- c. Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material.
- d. Engaging in any other unwelcome conduct of a sexual nature, verbal or even non-verbal, etc.
- e. Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.

6. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees and associates of FABS have a personal responsibility to ensure that their behavior is not contrary to this Policy.

All employees and associates of FABS are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

7. COMPLAINTS COMMITTEE

An appropriate Committee in the form of an **“Internal Complaints Committee”** (ICC) has been formed by the Institute to conduct an inquiry into whether or not a specific conduct constitutes an offence under law or a breach of the service rules.

The ICC will be a Centralized Grievance Redressal Committee with a representation across all of FABS locations/branches, to specifically address any complaints of sexual harassment.

The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.

7.1 Internal Complaints Committee (ICC):

The ICC will review all cases of sexual harassment that are reported within the Institute and / or its respective branches, on a case to case basis, for ensuring the treatment of such complaints in a time-bound manner. In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 the ICC will comprise of the following:

- a. Presiding Officer** - The Presiding Officer of the ICC at FABS shall be a woman employed at a senior level at FABS or nominated from one of FABS offices or administrative units.
- b. Internal Members** - A minimum of 2 Internal Members of the ICC shall be nominated from the employees of FABS who are committed to the cause of women or who have an experience in social work
- c. One External Member** - The External Member of the ICC will be an individual who is familiar with the issues relating to sexual harassment.

The present composition of the ICC is provided in **Annexure - A.**

Additional members will be added as may be required from time to time.

The Presiding Officer and every member of the ICC shall hold office for a period not exceeding three (3) years from the date of their nomination; with not less than half the total number of members of the ICC being Women.

The members of the Committee, the Reporting Managers and representatives from the HR department responsible for induction of the trainees and new joiners into the Institute, shall be provided with the necessary training and inputs required by them to effectively handle the Cases reported to them with sensitivity (as is required while dealing with such issues).

The ICC will be responsible for:

- a. Inquiring and investigating into every formal, written complaint of sexual harassment.
- b. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- c. Discouraging and preventing employment-related sexual harassment by conducting workshops and training sessions.
- d. Preparation of the Annual Report that is to be submitted to FABS as well as the District Officer.

8. GRIEVANCE REDRESSAL MECHANISM

The Institute is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

8.1 Informal Resolution Options

- a. When an incident of sexual harassment occurs, the Aggrieved can communicate her disapproval and objections immediately to the Harasser and request the Harasser to behave decently.
- b. At the request of the Aggrieved the ICC may, before inquiring or investigating into the Complaint of the Aggrieved, take steps to settle the matter between her and the Respondent through Conciliation proceedings.
- c. If the harassment does not stop or if the Aggrieved is not comfortable with addressing the Harasser directly, she can bring her concern to the attention of the ICC for redressal of her grievances by making a formal complaint in writing to the ICC. Thereafter, the ICC will provide advice or extend support as requested for by the victim and will undertake prompt investigation to resolve the matter.
- d. During the pendency of an inquiry and on a written request made by the Aggrieved, the ICC may recommend to FABS to grant such relief to the Aggrieved as may be prescribed in the service rules applicable.

- e. In case the ICC find that the degree of offence is covered under the Indian Penal Code, then this fact shall be mentioned in its report (ICCR) and appropriate action shall be initiated by the management for making a police complaint.

8.2 Formal Resolution Mechanism

Filing of a Complaint

- a. An Aggrieved woman who wishes to raise her concern of harassment, but is uncomfortable with the Informal Resolution Options or has exhausted such options, may make a formal complaint to the Presiding Officer of the ICC constituted by the Management.
- b. The Complainant shall submit six (6) copies of the Complaint in a sealed envelope to the ICC along with supporting documents and the names and addresses of the witnesses in writing, which may be in the form of a letter, within 3 months from the date of occurrence of the alleged incident.
- c. Alternatively, the Complainant can send their complaint to the ICC by email to icc@fabsedu.com. On perusal of the said Complaint, if the ICC arrives at a finding that the said Complaint falls within the purview of the Act, the Complainant will then be required to follow the procedure stipulated in sub-clause (a) of 8.2 above.
- d. The Complainant is required to disclose her name, department, division and location she is working in, to enable the Presiding Officer to contact her and take the matter forward.
- e. The ICC shall send one (1) of the copies received from the Aggrieved Woman (Complainant) to the Accused (Respondent) within a period of 7 working days.
- f. The Accused (Respondent) shall file his reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.

Process of Inquiry

- a. The ICC have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (Complainant) or Accused (Respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Presiding Officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

- b. In conducting the inquiry, a minimum of 3 Members of the ICC including the Presiding Officer of the ICC, as the case may be, shall be present.
- c. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- d. The ICC shall conduct such investigations in a timely manner and shall submit a written report containing the finding and recommendations to the Director of FABS as soon as it is practically possible and in any case, not later than 10 days from the date of completion of the inquiry.
- e. The Director of FABS shall act upon the recommendation within 60 days of its receipt by him.
- f. ICCR will also be made available to the concerned parties.

8.3 Finding, Decision & Remedial Action

Where the ICC arrives at the conclusion that:

The allegation against the Respondent has been proved

It shall recommend to the employer to take action which may include any of the following (as per the Service, Conditions & Rules):

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the Respondent from Service; or
- g. Undergoing a Counseling session;
- h. Carrying out Community/Social Service.

The Institute can also take actions other than the above mentioned, if it deems fit.

The allegation against the Respondent is malicious or

- a. The Aggrieved or any other person making the complaint has made the complaint knowing it to be false; or
- b. The Aggrieved or any other person making the complaint has produced any forged or misleading document,

It may recommend to the Institute to take action against the Complainant or the person who has made a complaint, in accordance with the provisions of the Service Conditions & Rules applicable to her. Such action may include termination of services and / or expulsion from FABS.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. A malicious intent on the part of the Complainant can be established only after conducting an inquiry into the complaint.

Any witness has given false evidence during the inquiry or

- a. Produced any forged or misleading document

It may recommend to the Institute or Employer of the witness, to take action as may be prescribed in the provisions of the statutory laws.

For more details, refer to the pictorial representation of the process flow given in **Annexure – B.**

9. CONFIDENTIALITY

The Institute understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

The contents of the complaint, the identity and addresses of the Aggrieved, Respondent and Witnesses, any information relating to conciliatory and inquiry proceedings, recommendations of the ICC and the action taken by the Institute shall not be published, communicated or made known to the public, press or media in any manner.

Any person who violates the above shall be penalized by the Institute with such amount as may be prescribed in the applicable statutory rules.

9.1 Access to Reports & Documents

All the records and complaints, including contents of meetings, results of investigation and other relevant material will be kept confidential by the Institute except where disclosure is required under disciplinary or other remedial processes.

10. PROTECTION TO THE COMPLAINANT / VICTIM

The Institute is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The institute will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action as stated above.

11. PREVENTIVE MEASURES

The Institute will take reasonable steps to ensure prevention of sexual harassment to its employees and / or associates, including:

- a. Circulation of applicable notices, guidelines, policies and other relevant information from time to time.
- b. Introducing this policy to the employees and associates into the orientation program, at the time of their induction into FABS.
- c. Conducting regular workshops on gender-sensitivity and the issues involved therein.
- d. Constant review of the IVS Policy of FABS and its implementation to ensure better Surveillance of its premises.
- e. Arranging for counseling sessions with social workers from an NGO.

12. POLICY IMPLEMENTATION & REVIEW

This Policy will be periodically reviewed by the legal team at FABS and is subject to modification. The Institute reserves its right to amend, abrogate, modify, rescind / reinstate the entire policy or any part thereof from time to time pursuant to applicable laws and regulations and promptly disclose details about the nature of the amendment or waiver on the Institute's website (<http://www.fabsedu.com/>) and in applicable regulatory filings.

Any amendment to or waiver of the provision(s) of this policy must be approved in writing by the Institute's Director and / or such other committee as may be constituted by the Director for the said purpose.

13. CONCLUSION

***"The world suffers a lot. Not because of the violence of bad people,
but because of the silence of good people."***

- Napoleon Bonaparte

The Institute reiterates its commitment to providing its people with a workplace free from harassment and / or discrimination of any form and a secure environment where every individual is treated with dignity and respect.

In acknowledgement of these values and in consonance therewith, FABS will not tolerate any form of Discrimination and / or any act of Sexual Harassment.

Violation of this Policy will call for strict disciplinary action up to and including termination of services or expulsion from the Institute.

14. ANNEXURES

ANNEXURE - A

Current Composition of the ICC

The Composition of the Internal Complaints Committee (ICC) effective 28th August, 2015 is as below:

FABS INTERNAL COMPLAINTS COMMITTEE (ICC), 2015 - 2018		
ICC Member	Designation	Email Id
Ms. Rashmi Sahoo	Presiding Officer	iccpo@fabsedu.com
Dr. Shivakant Upadhyay	Secretary	iccsec@fabsedu.com
Mr. Atif Khan	Member	iccim@fabsedu.com
Dr. Aparna Rao	Member (External)	iccem@fabsedu.com

ANNEXURE - B

Process Flow

