

NATIONAL CENTER FOR BIOLOGICAL SCIENCES (NCBS),
INSTITUTE OF STEM CELL AND REGENERATIVE MEDICINE (INSTEM)
& CENTER FOR CELL AND MOLECULAR PLATFORMS (C-CAMP)

Sexual Harassment and Unprofessional Conduct Guidelines

Campus wide procedures and policies

10/12/2013

CAMPUS SEXUAL HARASSMENT GUIDELINES AND PROCESS FOR REDRESSAL

SUMMARY

1. NCBS, inStem, and C-CAMP do not tolerate sexual harassment on their combined campus.
2. There is a Campus Committee constituted to receive complaints on Sexual Harassment, make a formal enquiry and recommend action. The current members of the committee are Dr. Apurva Sarin (chair), Dr. John Mercer, Dr. Nandini Arunkumar, Ms. Nirmala KS, Ms. JaynaKothari, and Ms. Avantika Lal.
3. Complaints may be made to any member of the committee, or other senior members of the campus community, who will forward to the committee.
4. The committee will hear the case within 30 days of a complaint and may set up an enquiry sub-committee to handle the case.
5. The enquiry sub-committee will hear both from the complainant and defendant, as well as any other relevant person.
6. The process shall be conducted to protect the well-being of the parties and confidentiality of the proceedings
7. The committee will make recommendations to the Deans and Director, who will take appropriate action.
8. Appropriate safeguards will be maintained for conflict of interest.

The detailed guidelines and procedures are specified below.

CAMPUS POLICY AGAINST SEXUAL HARASSMENT

1. JURISDICTION

The campus is committed to providing for all members of its community who fall within its jurisdiction including its, academic, non-academic staff, contractual employees and labourers, and students/post-docs at the place of work an environment free from any form of Sexual Harassment or exploitation.

For the purposes of these guidelines, the *Campus/institute* includes National Centre for Biological Sciences (NCBS) and its allied institutes, the Institute of Stem cell biology and Regenerative medicine (instem) & Centre for cellular and Molecular platforms (c-CAMP) which includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, parks, streets, lanes and canteens, etc. on the campus.

Academic staff includes Professors, Associate Professor, Assistant Professor and such other persons as may be designated as such for imparting education/instructions or for giving guidance or rendering assistance to students/post-docs for pursuing any course of study, whether full time, temporary, ad-hoc, part-time, visiting, honorary, consultancy, or on special duty or deputation. All other academic staff of other institutions visiting the campus or participating in any workshop/ seminar/ training/ conference/consultancies is covered by these rules during the stay on campus.

Non - Academic Staff includes any person other than academic staff, such as administrative staff, technical staff, officers, consultants, support staff, contractual workers and daily wagers only to the extent that they are performing campus related activities.

Student/post-doc includes a student of the campus, or others on campus such as visiting students/post-docs, interns, and those visiting the campus as a part of collaborative or exchange program between institutes, students/post-docs participating in workshops/conferences/seminars.

These Rules and Procedures shall be applicable to all complaints of sexual harassment provided the harassment has taken place at work place.

2. CONSTITUTION OF THE INTERNAL COMPLAINTS COMMITTEE

a. An internal complaints committee, hereinafter referred to as “the complaints committee” has been constituted in accordance with **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (hereinafter “the act 2013”).

b. The complaints committee will consist of the representation of members as prescribed in the act 2013, wherein at least one-half of the total Members so nominated shall be women. The nomination of the external member shall be by invitation by the Director from amongst academicians, social activists and/or legal representatives of Non-Governmental Organization (NGO). The director may also nominate other members in consultation with the Dean. These nominations will be final and not open to challenge. The Director being

vested with the power to nominate members in the Committee shall have the power to cancel the nomination of any member. External experts can be called upon for meetings if needed.

The tenure of the complaints committee members will be 2 years from the date of constitution of the committee. Before end of their tenure, the members may suggest names for nomination in their respective place from amongst the section category they are representing.

The complaints committee should comprise of representation from both male and female employees of the institute, wherein at least one half of the members are women:

(i) a chairperson who shall be a woman employed at a senior level (academic or non-academic) at workplace from amongst the employees:

(ii) one representative senior staff (academic or non-academic) from each from NCBS, inStem and c-CAMP.

(iii) one representative member from administrative staff of NCBS, inStem or c-CAMP

(iv) One female member representing the student community

(iv) One legal expert or a member of an NGO, preferably a person familiar with the issues relating to sexual harassment.

c. The complaints Committee shall ordinarily meet twice in a year. An urgent meeting may be convened by the chairperson. All members shall attend the meeting of the complaints Committee and any member other than the external member/s who is absent from two consecutive meetings without prior intimation, shall be liable to cancellation of his/her membership. At least 60% of the complaints committee, of which two members are women, should be present to constitute a quorum. Where there is difference of opinion among the members, the majority shall prevail. If the chairperson cannot make it to a meeting, she may nominate another chairperson from among the members of the committee.

d. The Director, in consultation with the Deans of inStem and NCBS, CEO of cCAMP, and the Head, academics of inStem and NCBS, has constituted a committee, and the list members of which are given in Annexure of this document. The director shall ensure display at any conspicuous place in the workplace, the order constituting, the complaints Committee.

e. The complaints Committee shall have statutory status and be empowered to carry out the enquiry and investigations into complaints of sexual harassment.

3. SCOPE AND FUNCTIONS OF THE COMMITTEE

The complaints committee aims to promote equality, non-discrimination and gender justice, curb incidents and acts of Sexual Harassment and ensure that an atmosphere free of such

harassment is created. In doing so the committee will receive any complaint from any member of the campus and ensure that all measures are duly taken to address the issue and that an outcome is reached in no more than 30 days from the date of the complaint.

4. THE COMPLAINTS MECHANISM

a. A complaint of sexual harassment at workplace may be made directly, preferably in writing, to any member of the internal complaints Committee (hereinafter “complaints committee”) or through academic and non-academic staff, or any campus association/s (such as students or post doc associations). Where an oral complaint is made, the chairperson of the committee will reduce it to writing and the document will be signed by the complainant.

The Internal Complaint Committee is vested with the powers to receive complaints on Sexual Harassment, make enquiry and prepare report with findings and recommendation to the Disciplinary Authority, the institute Director for the purposes of the Campus.

b. In view of the complaints lodged by victims of sexual harassment in the work place, the complaints committee will make enquiry, prepare and submit the report with findings to the Deans and/or head academics as the case may be, who will further make recommendations to Director. The Director after considering the report and recommendations will initiate disciplinary proceedings and, if required and pass necessary orders.

c. For the purposes of enquiry, the complaints committee may summon any person, and the entire enquiry shall be completed within a period of thirty days, from the date of the complaint.

d. A copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the complaints Committee. The complainant and the defendant shall be given an opportunity of being heard.

5. PROCEDURE OF DISPOSING OF COMPLAINTS

a. The complaints committee will conduct enquiries into the complaints received, and recommend penalties against the defendant in accordance with the rules and procedures laid down in these guidelines.

b. A copy of the complaint should be circulated to all committee members within 3 days of receipt of the complaint, and a meeting be called by the chairperson, no later than 10 days after the receipt of the complaint.

c. The complaints committee may further constitute an Enquiry Committee with careful consideration of representation appropriate to the case. Where a complaints committee member has been charged with sexual harassment, such member will step down as a member, till the enquiry is completed.

d. Where a disciplinary authority, the Director or Dean are involved in a case of sexual harassment, the recommendations of the committee will be made to the Director, TIFR.

e. The complaints Committee shall prepare a document containing a summary of the complaint based on the investigations of the enquiry committee. A copy of this document will be made available for the complainant and the defendant.

f. The defendant will be given no more than 5 days to file a response to the charges and the internal complaints committee will accordingly provide a reasonable opportunity to the defendant to present/defend the case in a scheduled hearing meeting. Where the defendant fails to be present at such a meeting, an *ex parte* decision shall be made by the committee. The defendant may be accompanied by a representative.

g. A further meeting may be scheduled no later than 7 days of receipt of the response. The chairperson may call upon the complainant after hearing the defendant, if need be. The complainant may be accompanied by a representative. In the event the complainant or a representative is not willing to be present in the meeting, the internal complaints committee will examine the case in absentia. Where possible, the complaints committee may call upon a witness.

h. Under no circumstances during any of the enquiry proceedings or meetings, the complainant and/or their witnesses and the defendant shall be called at the same time so as to ensure freedom of expression and an atmosphere free of intimidation.

i. The complaints committee shall be empowered to request for appropriate measures to ensure safety and well-being of all parties involved in the complaint.

j. Where based on the investigations of the enquiry committee and the internal complaints committee, a case of sexual harassment is established, the internal complaints committee will make its recommendations to the deans and/or the Director. The Director shall then pass the final order and will have no discretion to change the recommendation of the internal complaints Committee.

k. Where following enquiry and examination, a prima facie case of sexual harassment is not made out; all members will make a written report of the same and forward to the director for dismissal of the complaint.

l. The identities of the complainant and defendant should be kept confidential

m. All the proceedings of the committee shall be recorded in writing and endorsed by all members of the committee.

6. DISCIPLINARY ACTION:

a. Any member of the campus community, faculty, staff, contractual employee, service provider and students/post-docs are liable to disciplinary action, where a case of sexual harassment has been established.

b. Suitable disciplinary action will be taken against a defendant who is found guilty of sexual harassment. The issuance of the final order, with regard to the alleged act of sexual harassment will be no later than 3 months from date of receipt of the complaint.

7. MISCELLANEOUS:

a. The complaints committee in its proceedings will be sensitive to the nature of the sexual harassment and shall be cognizant of the fact that the aggrieved person may not be able to present evidence. The complaints committee will discount any evidence that is based on the character, personal life, and conduct, personal and sexual history of the aggrieved person.

b. All information received in the course of the examination and enquiry of the complaint of sexual harassment shall be considered confidential and shall not be made available to anyone other than the complainant. The institute will take measures to adhere to complete confidentiality as a policy.

JUSTIFICATION FOR THE REVISED POLICY

The Supreme Court of India, in its *Vishakha and others vs. State of Rajasthan and others* judgement mandated the constitution of a committee to combat sexual harassment in the workplace. Accordingly, a “Women’s cell” was constituted at NCBS in accordance with the guidelines laid down in the judgement. With the current enactment of **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (“the act 2013”), National Centre for Biological Sciences (NCBS) and its allied institutes, the Institute of Stem cell and Regenerative medicine (inStem) & Centre for cell and Molecular platforms (c-CAMP), “the campus” and/or “institute” (used interchangeably in the policy text), have reconstituted the committee and hereby provide guidelines for gender neutral policies and procedures against any form of Sexual Harassment on campus, and includes in particular protection of women on campus.

ANNEXURE

The Internal Complaints Committee against Sexual Harassment

Composition

The Committee draws its membership from the faculty, administration, service staff, temporary employees/staff, contractual employees and students and post-docs, as well as legal experts and members of NGOs from outside the campus.

The members of the committee for the current academic year are:

S. No	NAME		EXTENSION	EMAIL ID
1	Dr. Apurva Sarin	Senior Faculty, NCBS	23666080	sarina@ncbs.res.in
2	Dr. John Mercer	Senior Faculty, inStem	23666606	jam@instem.res.in
3	Ms. Nirmala KS	Admin Staff, NCBS	23666343	nirmala@ncbs.res.in
4.	Ms. Jayna Kothari	Centre for Law & Policy Research, Bangalore	22865757	jayna.kothari@clpr.org.in
5.	Dr. Nandini	C-CAMP	67185052	nandiniak@ncbs.res.in
6.	Ms. Avantika Lal	Student, NCBS	23666506	avantika@ncbs.res.in