



INDIAN INSTITUTE OF MANAGEMENT AMRITSAR
Punjab Institute of Technology Building, Inside Govt. Polytechnic Campus
Polytechnic Road, P. O. Chheharta, G.T. Road, Amritsar (Punjab) – 143105
Phone: 0183 – 2254538

Internal Committee Policy and Procedure

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THE INSTITUTE INTERNAL COMMITTEE POLICY AND PROCEDURE

CONTENTS

CHAPTER	TITLE	PAGE NUMBER
1	PREAMBLE	4
2	OBJECTIVES	4
3	APPLICABILITY	5
4	DEFINITIONS	5-6
5	COMPOSITION OF COMMITTEE	6
6	TENURE OF THE COMMITTEE MEMBERS	6
7	GROUND FOR REMOVAL OF CHAIRPERSON AND COMMITTEE MEMBERS	7
8	FILLING UP VACANCIES ON THE COMMITTEE	7
9	FUNCTION AND POWER OF IC	7
10	PROCESS FOR MAKING A COMPLAINT	7
11	CONCILIATION	8
12	PROCESS OF INQUIRY	8
13	PROCESS OF INQUIRY FOR OTHER HARRASMENT TYPES	9
14	COMPETENT AUTHORITY IN RESPECT OF TYPES OF EMPLOYEE IN THE INSTITUTE	10
15	INTERIM REDRESSAL	10
16	PUNISHMENT AND COMPENSATION	10-11
17	MALICIOUS COMPLAINT	12
18	APPEAL	12
19	PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINTS AND INQUIRY PROCEEDINGS	12
20	DUTIES OF THE INSTITUTE	13
21	WHISTLE BLOWER POLICY	13
22	ANNUAL REPORT	13
23	TRAINING	14
24	REVIEW OF POLICY	14

Shivendra Kumar

1. PREAMBLE

IIM Amritsar (the Institute, for short) is committed to provide a safe and conducive work environment to its employees (teaching/non-teaching etc.) & others directly associated and towards this end, it is essential that each individual be dealt with full fairness, respect and dignity with a view to having a sense of security at the workplace.

Harassment in any form including Sexual Harassment is strictly forbidden in the Institute. Every individual the right to be protected against Harassment, regardless of whether the Accused considers his own behaviour to be normal or acceptable and of whether the affected person/petitioner has the opportunity to avoid the Harassment. Therefore, the Institute encourages and supports all community members who believe they are being harassed to take steps to end the Harassment.

The Institute is committed to provide a safe and constructive working environment free of Harassment for all and to provide the right to work with dignity, the Institute observes a 'zero-tolerance policy' against Harassment of all kinds.

The policy has been formulated to prohibit, prevent or deter the commission of acts of Sexual Harassment at workplace and to provide a suitable mechanism for the redressal of complaints relating to all forms of Harassment. This policy will also be to prevent Sexual Harassment of Women at Workplace and implement the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"), along with its Rules.

To address the issues of Harassment on the Institute campus, an Internal Committee (IC) will be constituted to spread awareness about what constitutes Sexual Harassment, including hostile environment Harassment and quid pro quo Harassment and also investigate complaints of sexual harassment and to propose suitable punishments on the parties involved.

The provisions of the Act will prevail in case of conflict of interest or discrepancy.

2. OBJECTIVES

- i. To create a campus free from any kind of discrimination, Harassment, retaliation, or sexual assault at all levels;
- ii. To proactively move to curb all forms of Sexual Harassment of employees, students and other individuals as applicable;
- iii. To organize sensitization programmes, and workshops against all kinds of Harassment for the faculty, officers, functionaries associated with the Institute, and students, to ensure knowledge and awareness of the rights, entitlements, and responsibilities enshrined in the Act, Rules, Regulations, and under this Policy;
- iv. To act decisively against all gender-based Harassment perpetrated against employees, students and other individuals as applicable.
- v. To promote dialogue about harassment/ sexual harassment in the academic community.

3. APPLICABILITY

This Policy applies to all the employees (teaching/ non-teaching) employed by the Institute at the workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the Principal

Shivani R. Thakur

Employer, 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, or called by any other such name. It also includes students, primarily women employees and with the recognition that students of the third gender are vulnerable to many forms of Sexual Harassment.

4. DEFINITIONS

- i. "Accused" means the person against whom the petition is filed.
- ii. 'Act' means The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (14 of 2013).
- iii. "Aggrieved Person" means in relation to the workplace, a person of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Accused;
- iv. Any term not specifically and explicitly defined in this Policy but is defined in the POSH Act and IIM Act shall have the same meaning for the purpose of this Policy also.
- v. "Campus" means the physical and virtual location of the Indian Institute of Management AMRITSAR and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, parking areas, park-like settings, and other amenities like health centres, canteens, Bank counters, etc., visited by the students, workers, and employees. The campus also includes extended campus and covers within its scope places visited by the students and employees of the Institute, including transportation provided to commute to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets, participating in meetings and conferences, and such other activities. Additionally, the campus also includes all virtual platforms, whether owned or used by the Institute, for facilitating work-related relationship. The rules of professional etiquette apply for the virtual campus, too. Therefore, this act would be applicable for even any Harassment that occurs on the virtual campus and other digital media such as WhatsApp, Facebook, LinkedIn, etc.
- vi. "Chairperson" means the Chairperson of the IC;
- vii. "Competent Authority" means any person or organisation with statutorily delegated or vested authority, capacity, or power to perform a designated function.
- viii. "Complainant" means, in relation to the campus, a person of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Accused. For the avoidance of any doubt, Complainant also includes genders other than women.
- ix. "Director" means the Director of the Institute;
- x. "Disciplinary Action" means any action that can be taken on the completion of/during the investigation proceedings, including but not limiting to a warning, the imposition of fines, suspension of official duties, expulsion, termination, or any such action as is deemed to be fit considering the gravity of the matter and to meet the end of justice.
- xi. "Disciplinary Authority" means such authorities who have been entrusted with powers to impose any penalty on the employees (teaching/non-teaching) and on other applicable category of individuals, as appropriate.
- xii. "Employee" means a person employed at a workplace for any work on a regular, temporary, ad hoc, or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the Principal Employer.
- xiii. "Harassment" means the act of unwanted and unwelcome actions of one party or a group, including threats and demands. The purposes may vary, including religious biases, regional biases, caste biases, racial prejudice, personal malice, an attempt to

Sh. J. P. Thakur

force someone to quit a job or grant sexual favours, or merely gain sadistic pleasure from making someone anxious or fearful.

- xiv. "Sexual Harassment" means "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and 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 behaviour (whether directly or by implication), namely:
- (a) Physical contact and advances; or
 - (b) A demand or request for sexual favour; or
 - (iii) Making sexually coloured remarks; or
 - (c) Showing pornography; or
 - (d) Any other unwelcome physical, verbal or non – verbal conduct of sexual nature;
 - (e) Teasing, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy; also, any correspondence, messages, inappropriate jokes, audio or video recordings which are unwelcome and sexually coloured and are sent, transmitted or conveyed through any electronic means also amount to Sexual Harassment. The aggrieved person has the right to seek redressal in such instances.
- xv. "Student" means a person duly admitted and pursuing a programme of study either through regular mode or distance/virtual mode, including short-term/long-term training programmes at the Institute.

5. COMPOSITION OF INTERNAL COMMITTEE (IC)

The Internal Committee composition shall be as follows:

- i. A Chairperson who shall be a senior female employee of the Institute, nominated by the Director;
- ii. Two faculty members and two non-teaching employees, preferably committed to the cause of women, familiar with the issues relating to Sexual Harassment will be nominated by the Director;
- iii. At least one-half of the total members of the IC shall be women.
- iv. Persons in senior administrative positions at the Institute, such as the Director and Deans, shall not be the IC members to ensure the autonomy of their functioning.

6. TENURE OF THE CHAIRPERSON AND COMMITTEE MEMBERS

The Chairperson and every Member of the IC shall hold office for such period, not exceeding three years, from the date of their appointment. The tenure of members can be extended by three more years upon completion of their first term of three years.

7. GROUNDS FOR REMOVAL OF CHAIRPERSON AND COMMITTEE MEMBERS

If the Chairperson or any member of the IC:

- i. contravenes the provisions of section 16 of the Act; or
- ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- iii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- iv. has so abused his position as to render his continuance in office prejudicial to the public interest and/or the interest of the institute;

Shivaji Patil

Such Chairperson or Member, as the case may be, shall be removed from the IC and the vacancy so created, or any casual vacancy shall be filled by fresh nomination following the provisions of this section.

8. FILLING UP VACANCIES ON THE COMMITTEE

The Director, the Institute will nominate new members to fill up vacancies arising from removal or severance or resignation of members of the Committee.

9. FUNCTIONS AND POWER OF THE INTERNAL COMMITTEE

The IC shall have powers to conciliate, conduct the inquiry, recommend action, etc. as per the provision/procedure laid down under the Act and Rules framed thereunder.

10. PROCESS FOR MAKING A COMPLAINT

- i. The IC shall comply with the procedure prescribed in the IC Policy and the Act to make a complaint and inquire into the complaint in a time-bound manner. An aggrieved person is required to submit a written complaint to the IC within three months from the date of the incident and in case of a series of continuing incidents within three months from the date of the most recent incident.
- ii. The formal complaint must contain the following:
 - a. Date and time of the incident,
 - b. The place where it occurred,
 - c. Name and contact information of the Accused.
 - d. Name and contact information of witnesses,
 - e. A detailed description of the incident.All information related to a complaint will be kept strictly confidential unless permitted by law or a legitimate interest which serves the public interest at large.
- iii. The Complainant can communicate with the Chairperson of the IC through any means of communication, but for the purpose of an inquiry, they must submit a formal written complaint addressed to the Chairperson, IC.
- iv. Provided that where such complaint cannot be made in writing, the Chairperson or any Member of the IC shall render all reasonable assistance to the person for making the complaint in writing.
- v. Relatives or legal heir of the victim may file the complaint in situations where the aggrieved person cannot make a complaint on account of physical or mental incapacity or death.

11. CONCILIATION

Before initiating an inquiry, the IC may, at the written request of the Complainant, take steps to settle the matter between the Complainant and the Accused through conciliation. The guidelines for such conciliation are as follows:

- i. Conciliation is only a choice of the Complainant.
- ii. Monetary settlement cannot be made the basis of such conciliation.
- iii. In case a settlement has been arrived at, the IC shall record it and forward it to the Competent Authority (CA) to act as specified in the recommendation of the IC. The competent authority, may accept or reject the recommendation and record his/her reasons for doing so.
- iv. The IC shall provide the copies of the settlement as recorded to the aggrieved person/Complainant and the Accused.
- v. If a settlement has been reached, the IC will not be required to conduct any further inquiry.

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- vi. If the Complainant feels that the terms of the settlement are not being complied with by the Accused, the Complainant can make a written request to the IC to conduct an inquiry into the complaint.

12. PROCESS OF INQUIRY

The process of inquiry after receipt of the complaint is listed hereunder.

- i. On receipt of the complaint, the Chairperson, along with the other members, will conduct inquiries, hearings and act on the complaint received.
- ii. The IC shall send one copy of the complaint to the Accused within seven days from the receipt of the complaint.
- iii. Upon receipt of the copy of the complaint, the Accused shall file his or her reply to the complaint along with the list of documents and names and addresses of witnesses within ten days.
- iv. The inquiry has to be completed within ninety days from the receipt of the complaint.
- v. To ensure the inquiry is completed within the period specified by the Act, the IC can summon and enforce any person's attendance as many times as required.
- vi. No legal practitioner will be allowed to represent either the Aggrieved Person or the Accused in proceedings before the IC.
- vii. The IC shall have the right to terminate the inquiry of proceedings and give an ex-parte decision on the complaint, should the Accused fail, without valid ground, to be present for three consecutive hearings convened by the Chairperson.
- viii. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Competent Authority.
- ix. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- x. The Competent Authority shall act on the recommendations of the IC within thirty days from the receipt of the inquiry report unless an appeal against the findings is filed within that time by either party.
- xi. An appeal against the IC's findings or recommendations may be filed by either party before the Competent Authority within thirty days from the date of the recommendations.
- xii. If the Competent Authority decides not to act as per the IC's recommendations, then it shall record written reasons for the same and convey to the IC and both the parties to the proceedings.
- xiii. If the Competent Authority decides to act as per the IC's recommendations, then a show cause notice, answerable within ten days, shall be served on the party against whom the action is decided to be taken.
- xiv. The Competent Authority shall proceed to impose penalty or otherwise, only after considering the reply or hearing the aggrieved person.
- xv. In case the Accused person is the Director of the Institute, the IC should submit its finding to the Chairperson of the Board of Governors (BoG) through the Secretary to the BoG.

13. PROCESS OF INQUIRY FOR OTHER HARASSMENT TYPES

Besides Sexual Harassment, the Internal Committee will act as the fact-finding IC for all other instances of workplace Harassment. This IC is responsible for holding awareness sessions to address issues of Harassment originating from regional, religious, caste, sexual orientation, minority identity-related differences, etc. Through such measures, the IC will work toward creating a safe working environment for all at workplace.

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The process of inquiry for other Harassment types at workplace will be as follows:

- i. On receipt of the complaint, the Chairperson of IC, in consultation with the Director, will form a sub-committee comprising members with relevant background, experience in social work, and understanding of such issues. The Chairperson of the IC shall be the de facto Chairperson of the sub-committee.
- ii. The IC shall later send one copy of the complaint to the Accused.
- iii. Upon receipt of the copy of the complaint, the Accused shall file his or her reply to the complaint along with the list of documents and names and addresses of witnesses within a week.
- iv. The inquiry has to be completed within ninety days from the receipt of the complaint.
- v. No legal practitioner will be allowed to represent either the aggrieved party or the Accused in proceedings before the IC.
- vi. The IC shall have the right to terminate the inquiry proceedings and give an ex-parte decision on the complaint, should the Accused fail, without valid ground, to be present for three consecutive hearings convened by the Chairperson.
- vii. The inquiry report, with recommendations, if any, shall be submitted within ten days from the completion of the inquiry to the Competent Authority.
- viii. If the Competent Authority decides not to act as per the IC's recommendations, then it shall record written reasons for the same and convey to the IC and both the parties to the proceedings.
- ix. If the Competent Authority decides to act as per the IC's recommendations, then a show cause notice, answerable within ten days, shall be served on the party against whom the action is decided to be taken.
- x. The Competent Authority shall proceed to impose penalty or otherwise, only after considering the reply or hearing the aggrieved person.

14. COMPETENT AUTHORITY IN RESPECT OF TYPES OF EMPLOYEES IN THE INSTITUTE

Sr. No.	Discipline Authority	For types of Employees/ OTHER INDIVIDUAL Members	Appellate Authority
i.	Director	For Officers and Faculty	Chairperson, BoG
ii.	Administrative Officer (HR)	For Supervisors, Skilled, Unskilled, Semi-Skilled including outsource workforce	Director
iii.	Chairperson MBA / Head of other Program	In respect of students	Director

15. INTERIM REDRESSAL

The IC shall ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of Sexual Harassment

When the IC prima facie believes, depending on the severity of a particular case, there is a requirement to act upon to protect the Complainant, the IC may recommend and the Institute may:

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- i. transfer the Complainant or the Accused to another section or department to minimize the risks involved in contact or interaction, if the IC makes such a recommendation;
- ii. grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- iii. restrain the Accused from reporting on or evaluating the work or performance or tests or examinations of the Complainant;
- iv. 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;

The leave, as to be granted to the aggrieved individual under this section by the competent authority on the recommendation of IC, shall be in addition to the leave the Complainant would be otherwise entitled to.

16. PUNISHMENT AND COMPENSATION

(a) The Competent Authority/ Disciplinary Authority (CA/ DA) shall impose punishment in accordance with the provisions of the service rules applicable to him or her. Where no such service rules exist, the Competent Authority/ Disciplinary Authority shall consider for imposition of punishment depending on the severity of the offence, if anyone is found guilty of Harassment/ Sexual Harassment, keeping in the view the recommendation given by IC in its report.

(b) Competent Authority/ Disciplinary Authority shall ensure that principles of natural justice have been duly observed and the Accused has been provided adequate opportunities to defend his case and being heard during the course of inquiry.

(c) The CA/DA shall also consider issuance of show cause notice about the proposed imposition of the penalty along with copy of the report submitted by IC and shall seek written defence from the accuse to consider before imposition of the penalty.

(d) If the offender is an employee, the IC may recommend punishment in accordance with the provisions of service rules or from among those listed below:

- i. a written apology
- ii. undergoing a counselling session
- iii. carrying out community service
- iv. a letter of warning
- v. removal and/or disbarment from holding an administrative position
- vi. withholding the promotion
- vii. Compulsory premature retirement
- viii. withholding of pay raise or increments
- ix. immediate transfer without pay or suspension for a limited period
- x. termination from service/ discharge/ dismissal/ removal

NOTE- The above list is not exhaustive one and therefore, Competent Authority will be at liberty to take any other action as may be deemed fit depending upon the gravity of the offence.

(e) If the Accused is a student, depending upon the severity of the offence, the IC may recommend:



- i. a written apology
- ii. a letter of warning
- iii. removal and/or disbarment from holding an administrative position in any club/committee, etc.
- iv. withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- v. suspend or restrict entry into the campus for a specific period;
- vi. award reformatory punishments like mandatory counselling and/or the performance of community services.
- vii. Cancellation or modification of the Institute's scholarships, if any, awarded by the Institute;
- viii. expel and strike off the name from the rolls of the institution, including denial of readmission etc. if the offence so warrants;

(f) If the Accused is a third party/ outsource workforce, depending on the severity of the offence, the IC may recommend the following and the Competent Authority may decide to issue necessary instruction against the offender through the concerned service provider/ contractor/ vendor etc.

- i. a letter of warning, reprimand, or censure to the Accused
- ii. a letter communicating their misconduct to his/her place of education, employment, or residence
- iii. withhold privileges of the third party such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- iv. suspend or restrict entry into the campus for a specific period; and/or a bar on appearing for the entrance examination/interview to any program of study offered by the Institute
- v. cancellation of the contract with the Institute and any other action as deemed fit.

(g) In case that the IC determines that the aggrieved person is entitled to the payment of compensation, the Institute shall issue direction for payment of the compensation, as recommended by the IC and accepted by the Director of the Institute. The quantum of such compensation shall be recovered from the offender through the service provider from the dues payable. The compensation payable shall be determined on the basis of:

- (i) mental trauma, pain, suffering, and distress caused to the aggrieved person;
- (ii) the loss of career opportunity due to the incident of Sexual Harassment;
- (iii) the medical expenses incurred by the victim for physical, psychiatric treatment;
- (iv) the income and status of the alleged perpetrator and victim; and
- (v) the feasibility of such payment in a lump sum or instalments;

17. MALICIOUS COMPLAINT

(a) In case the IC 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 document, it may recommend to the Institute 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.

(b) Mere inability to substantiate a complaint or provide adequate proof need not attract against the Complainant. Further, the malicious intent on part of the complaint needs to be established through the inquiry process before the IC recommends any action against such Complainant to the Institute.

Shiv D. Thakur
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(c) The malicious complaint and false testimony by the employee with the mala fide intention to malign/ assassinate the image of the Accused, if established, will be treated as a very serious offence and therefore the gravity of the offence will warrant severe punishment including termination or removal from the services of the Institute, besides any other action, as may be deemed appropriate.

(d) In the event of such malicious complaint and false testimony by the other(s), once established, will also be viewed very seriously and severe action, as consider appropriate will be initiated against him/ her including police complaints for such criminal offence under Indian Penal Code.

18. APPEAL

Subject to the provisions of the Act, any person aggrieved from the recommendation made or non-implementation of such recommendation may prefer an appeal to the Appellate Authority notified under the Act.

The appeal shall be preferred within a period of ninety days of the recommendations.

19. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINTS AND INQUIRY PROCEEDINGS

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the Aggrieved Person respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be and the action taken by the employer under the provisions of policy shall not be published, communicated or made known to the public, press and media in any manner.

Where any person entrusted with the duty to handle or deal with the Complainant inquiry or any recommendations or requiring action to be taken under the provision of this policy contravenes the provisions above, he/she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person.

20. DUTIES OF THE INSTITUTE

(i) Provide a safe working environment at the workplace which shall include safety from the persons coming into contract at the workplace

(ii) Display at any conspicuous place in workplace, the penal consequences of Sexual Harassments; and the order constituting, the Internal Committee.

(iii) Organise workshops and awareness programs at regular intervals for sensitizing the employees and others with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and orientation programs for the members of the Internal Committee in the manner as may be prescribed.

(iv) Provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an enquiry.

(v) Assist in securing the attendance of respondent and witnesses before the Internal Committee.

(vi) Make available such information to the Internal Committee, as it may require having regard to the complaint made.

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(vii) Provide assistance to the woman/aggrieved individual if she/he chooses to file a complaint in relation to the offence made under the Indian Penal Code or any other law for the time being in force.

(viii) Treat Sexual Harassment as a misconduct under the services rules and initiate action for such misconduct.

(ix) Monitor the timely submissions of reports by the IC

21. WHISTLE BLOWER POLICY

Anybody wants to inform the IC/Competent Authority about any incident of Harassment/Sexual Harassment, within the Institute that he/she is aware of, then he/she can do so by sharing the details of the employee being subjected to such Harassment and the concerned individual(s) responsible for it.

22. ANNUAL REPORT

(i) The Internal Committee, shall in each calendar year prepare, an annual report which shall have the following details and submit the same to the Institute Secretary:

- a) Number of complaints of Sexual Harassment received during the year;
- b) Number of complaints disposed of during the year;
- c) Number of cases pending for more than ninety days;
- d) Number of workshops or awareness programme against Sexual Harassment carried out;
- e) Nature of action taken by the employer

(ii) Annual Report shall include the number of cases filed, if any, and their disposal under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

23. TRAINING

The Institute may,

- i. Develop related information, education, communication and training materials, and organize awareness programs, to advance the understanding of the employees of the provisions of this policy providing for protection against Harassment/ Sexual Harassment of any individual at workplace as covered under clause 3 (Applicability) of this policy.
- ii. Formulate orientation and training programs for the members of the Internal Committee.

24. REVIEW OF POLICY

The above policy will be reviewed from time to time, to bring about the required changes, if necessary, in line with any new enactment/ amendment comes with regard to subject issue of Harassment/ Sexual Harassment, as defined in the policy formulated herein above.

Competent Authority shall consider for appointment the Nodal Officer, who shall provide necessary facilitation for implementation of the policy. Nodal Officers shall also submit a report of such cases to the respective Competent Authority by 31st March every year.

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