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General Policies

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CHAPTER 14: GENERAL POLICIES

14.1. POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

14.1.1. Preamble

Manipal Academy of Higher Education (MAHE) is committed to creating a healthy working environment and study atmosphere that enables employees to work and students to study without any fear of prejudice, gender bias and sexual harassment. The MAHE also believes that all employees and students have the right to be treated with dignity. Sexual harassment at the work place or other than work place is a grave offence and is, therefore, punishable.

Consequent to the Supreme Court Judgement of 1997 (Vishaka VS. State of Rajasthan) which had made it obligatory for every employer and other responsible persons to follow the guidelines laid down by the court, the government of India has enacted a law known as "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 and also framed the rules thereunder which has come into force from 9th Dec, 2013. This envisages a specific policy to combat sexual harassment in the workplace. MAHE is always committed to uphold the constitutional mandate ensuring the human rights of all those who fall within its jurisdiction.

14.1.2. Objectives of the policy

- To provide an environment free of gender-based discrimination.
- To evolve a permanent mechanism for the prevention and prohibition of sexual harassment cases and other acts of gender based violence at the MAHE
- To ensure the implementation of the policy through proper reporting of the complaints and their follow-up procedures.
- To create awareness about sexual harassment in its various forms so that each one in the MAHE community deters from being involved in acts of gender based discrimination and harassment.

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14.1.3. Definitions:

A. Sexual harassment would mean and include any of the following:

- i) Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any activity.
- ii) Unwelcome sexual advances involving verbal, non- verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, text messages, emails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual sensibilities and affect her/ his performance.
- iii) Eve teasing, taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- iv) Uploading obscene pictures of the complainant in the social networking sites
- v) Such act or conduct of the person is likely to create a hostile or intimidating environment to the employee/ student belonging to the other sex.
- vi) Conduct of such an act at work place/ study area or outside in relation to an employee or student of MAHE, and
- vii) Any unwelcome gestures by an employee or student towards a fellow employee or student, having sexual overtones.

B. "Employee" means any person on the rolls of the MAHE including those on deputation, contract, temporary, part time or working as consultants.

C. "Student" means any person who has been admitted to any education / training / learning program conducted by MAHE directly or through its affiliates, collaborators, associates as the case may be.

14.1.4 Scope of Reference for MAHE:

MAHE consists of a number of academic institutions, hospitals and administrative offices in Manipal as well as campuses and hospitals outside Manipal.


This policy extends to all employees and students working in Manipal and its allied establishments and also students studying at its various academic institutions at all locations in India and is deemed to be incorporated in the service and security conditions of the employees and students and comes into effect immediately.


The policy for the MAHE is applicable at any location, not confining only to office/ MAHE premises and can also include a place away from the University town where the respondent/ aggrieved woman was on deputation.

Employee and the students who indulges in such behavior will be covered as per the policy. Individual who experiences harassment is the 'aggrieved woman' and the individual who commits the offence is the 'Respondent' as mentioned under the 'sexual harassment act' rules.

14.1.5. Complaint of Sexual Harassment:

I. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of a series of incidence, within a period of three months from the date of last incident.


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Manipal Academy of Higher Education
 on Thursday

The Federation of Indian Chambers of Commerce and Industry (FICCI), in collaboration with Manipal Academy of Higher Education (MAHE), initiated the third batch of the Leadership Development Program (LDP) today. This exclusive three-day residential program is hosted at the MAHE

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II. Explanation: for the purpose of the above and in accordance with Rule (6) read with Section 9(2) of the Act and Rules as follows:

- i) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
 - a) Her relative or a friend; or
 - b) Her co-worker; or
 - c) An officer of the National Commission for Women or State Women's Commission; or
 - d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- ii) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –
 - a) Her relative or a friend; or
 - b) A special educator; or
 - c) A qualified psychiatrist or psychologist; or
 - d) The guardian or authority under whose care she is receiving treatment or care; or
 - e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- iii) Where the aggrieved woman for any reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her consent;
- iv) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

14.1.6. The committee and the process of dealing with the complaints:

A Committee has been constituted by the Management to consider and redress complaints of sexual harassment. The Chairman and the members of the Committee are as follows:

Committee for Manipal Campus:

1	Dr Geetha M., Director, Student Affairs, MAHE, Manipal	Chairperson
2	Dr Shyamala G., Professor, Department of Obstetrics & Gynecology, KMC Manipal	Member
3	Dr Varalakshmi Alapati, Associate Professor, Department of Commerce, MAHE , Manipal	Member
4	Dr Nagaraj N. Katagi, Professor, Department of Mathematics, MIT, Manipal	Member

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5	Dr Shubha H.S. Professor & Head, Department of Media Studies, MIC, Manipal	Member
6	Mr. Chandrashekar Prabhu, Consultant - HR Compliance & IR, MAHE, Manipal	Member
7	Ms. Latha Holla, Advocate, No 309, 3 rd Floor, City Arcade, Bendoor Well, Near Mangalore Nursing Home, Mangalore - 575002	Member

Committee for Mangalore Campus:

1	Dr Ashita S. Uppoor, Dean and Professor of Periodontology, MCODS, Mangalore	Chairperson
2	Dr Nutan Kamath, Professor, Department of Pediatrics, KMC, Mangalore	Member
3	Dr Unnikrishnan B, Dean & Professor of Community Medicine, KMC, Mangalore	Member
4	Dr Shalini Shenoy M, Professor, Department of Microbiology, KMC, Mangalore	Member
5	Dr Premalatha K., Professor of Oral & Maxillofacial Surgery, MCODS, Mangalore	Member
6	Mr. Chandrashekar Prabhu, Consultant - HR Compliance & IR, MAHE, Manipal	Member
7	Ms. Latha Holla, Advocate, No 309, 3 rd Floor, City Arcade, Bendoor Well, Near Mangalore Nursing Home, Mangalore - 575002	Member

Committee for Bangalore Campus:

1	Dr. Jyothsna Belliappa, Faculty, Srishti Manipal Institute of Art, Design and Technology, Bengaluru	Chairperson
2	Dr. Animesh Bahadur, Professor, TAPMI, Bengaluru	Member
3	Dr. Kiranmayi Indraganti, Faculty, Srishti Manipal Institute of Art, Design and Technology, Bengaluru	Member
4	Dr. Prema K V, Professor & Head, Department of Computer Science and Engineering, Manipal Institute of Technology, Bengaluru	Member
5	Dr. Ramya M, Assistant Professor, Department of Biotechnology, Manipal Institute of Technology,	Member

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	Bengaluru	
6	Ms Celina Thomas, Advocate, Bengaluru	Member
7	Ms. Bhumika Sahani, Social Worker, Durga India, Bengaluru	Member

The quorum for each proceeding shall consist of the Chairperson, Member Secretary and the two members of the committee.

14.1.7. Redressal & Enquiry process:

- i) The committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ii) However before proceeding the respondent will be served with the copy of the complaint within 7 working days for his reply. The respondent shall file his reply to the complaint along with his list of documents and names and address of witness / witnesses if any within a period not exceeding 10 working days of receiving the copy of the complaint. Copy of the reply of the respondent along with documents, if any and names of witnesses, if any will be furnished to the complainant.
- iii) Before initiating inquiry the aggrieved woman may request the Internal Complaints Committee to take steps to settle the matter between her and the respondent through conciliation and in case a settlement is arrived the same shall be recorded and will be forwarded to the management and copies of the said settlement will be given to the complainant and the respondent.
- iv) In case no settlement is done through conciliation as referred above, the Internal Complaints Committee shall proceed with the matter and conduct an enquiry as per the process detailed below.
- v) The Internal Complaints Committee shall hold an enquiry into the complaint in accordance with the principles of natural justice and as per the process mentioned below: (The process mentioned is not exhaustive and is only indicative)
- vi) The Internal Complaints Committee shall summon both the complainant and the respondent and give opportunity to provide oral statement, if any or confirm the written statements.
- vii) The complainant will be given opportunity to bring any witness and abuse evidence oral and or documentary to support her complaint. The respondent will be permitted to cross examine the complainant and the witnesses produced on behalf of the complainant.
- viii) Similarly the respondent may adduce evidence bringing his own witnesses and also producing any supporting documents. The complainant will be provided opportunity to cross examine the respondent and also the witnesses deposing on behalf of the respondent.
- ix) The committee shall provide every reasonable opportunity to the complainant / aggrieved women and respondent, for putting forward and defending their respective case. After the evidence of both parties is recorded, they are permitted to make oral / written submissions (if any) and enquiry shall be concluded.
- x) The committee shall complete the enquiry within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the Registrar of the MAHE or to any other higher authority as may be specified by the

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MAHE from time to time and the MAHE Management will direct appropriate action to be taken in this matter.

- xi) The Internal Complaints Committee shall have the right to terminate the inquiry proceedings or to give an expert decision on the complaint, if the complainant or respondent fails, without sufficient cause or present herself or himself for three consecutive hearings convened by the Chairperson as the case may be.
- xii) Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- xiii) 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 Internal Complaints Committee.
- xiv) In conducting the inquiry, a minimum of three members of the Internal Complaints Committee including the Chairperson, as the case may be, shall be present.
- xv) In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management in accordance with Rule (9) of the Act or Rules or Service Rules of the MAHE as may be applicable.
- xvi) In the event of complaint of Sexual Harassment is made against any member of the Internal Complaints Committee that member shall, till the said complaint is disposed off by the Internal Complaints, cease to be member of the Internal Complaints Committee and if found guilty will automatically and with immediate effect be removed from the Internal Complaints Committee and be proceed with the enquiry.

14.1.8. Miscellaneous:

- i) The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of the policy.
- ii) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, MAHE shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- iii) The committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to the office of the registrar.
- iv) In case the committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the management, for making a police complaint.
- v) This policy is subject the provision of sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act 2013 and the rules framed there under and any amendments / alterations / notifications that may be issued and also any judicial Pronouncements that may be pronounced by competent courts.

14.1.9. Penalty and Punishment:

Any of the following penalties may be imposed for good and sufficient reasons on an employee / student if found guilty upon enquiry by the committee.

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For employees:

- i) Written warning or caution
- ii) Censure
- iii) Suspension
- iv) Withholding/stoppage of increment with or without cumulative effect.
- v) Fines, not exceeding an amount equivalent to 7 days salary.
- vi) Demotion
- vii) Transfer or change of place of employment.
- viii) Discharge/ removal / dismissal.

For students:

- i) Warning/ caution /censure
- ii) Stringent action against the delinquent student
- iii) Suspension
- iv) Rustication/Expulsion of delinquent student from college.

14.1.10. Appeal:

If any person is aggrieved by the recommendations of the Internal Committee or non-implementation of such recommendations he/she may prefer an appeal to the Deputy Labour Commissioner (Central), Bangalore. In case of students appeal may be made to the Vice Chancellor, MAHE.

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