



POLICY AGAINST SEXUAL HARASSMENT at Centre for Wildlife Studies

1. Objective:

To set out what conduct constitutes sexual harassment, the organization's approach creates and maintain safe work environment and conducive for all employees, free from sexual harassment and discrimination and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct as per the guidelines of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013."

2. Scope:

Centre for Wildlife Studies aims to adopt zero tolerance attitude against any kind of sexual harassment or discrimination caused by any employee during their tenure in Centre for Wildlife Studies towards any employee of Centre for Wildlife Studies, consultants, donors, NGO partners and vendors in organization premises or elsewhere in India or abroad.

- i. Action under this policy will be initiated in cases where any of the above are subjected to sexual harassment by Centre for Wildlife Studies employee, inside or outside the organization premises, occurred during or beyond working hours.
- ii. In cases where an Centre for Wildlife Studies employee is subjected to sexual harassment by a third party who is not a Centre for Wildlife Studies employee, this policy mandates immediate action to protect the complainant and to initiate action against the harasser, either through the appropriate policy of the concerned employer or, in cases where this is not possible, through the criminal justice system.
- iii. This policy is only applicable when both or either of the alleged aggrieved and the offender are employees of the Centre for Wildlife Studies. It is not applicable when both the alleged aggrieved and the offender are third parties.

3. Effective from: This policy comes into effect from October 1st, 2018.

4. Sexual Harassment: The Law

- i. The Act has laid down process and procedures for resolution and prevention of sexual harassment enjoining employers by holding them responsible for providing a safe work environment for women. The application of the Act is to both organized and unorganized work sectors and to all women whether working part time, on contract or in voluntary/honorary capacity. This policy is in sync with the guidelines and procedures laid down by the Act and is majorly with the purpose of expressly prohibiting sexual harassment at



Centre for Wildlife Studies.

ii. Sexual harassment is an act of power, and a public violation of a woman's dignity that is often trivialized by labeling it an interpersonal transgression. The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as The Act) in lines with the Vishakha Judgement by the Hon'ble Supreme Court of India has laid out that it is the duty of the employer or other responsible persons at work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. Centre for Wildlife Studies endeavors to put in place adequate measures to ensure safety, security, dignity, rights and equality of women.

5. Definition

- i. *Sexual Harassment* – Harassment of an employee consisting of any unwelcome sexually determined behavior, whether directly, indirectly, by any male/female in charge of the management or a male/female co-employee either individually or in association with other persons to exploit the sexuality of co-employee to harass him/her in manner which prevents or impairs his/her full utilization of full benefits, facilities or opportunities or any other behavior which is generally considered to be derogatory.
- ii. *Workplace* - In relation to an employee, means any place where an aggrieved woman or defendant is employed or works, or visits in connection with work during the course of or arising out of employment.
- iii. *Complainant*
 - a. Any employee of the Trust, who alleges to have been subjected to any sexual harassment;
 - b. Where the aggrieved employee is unable to make a complaint on account of her physical incapacity or on account of mental incapacity, a complaint may be filed by – relative or friend; or co-worker; or an officer of the National Commission for Women or State Women's Commission; or any person who has knowledge of the incident, with the written consent of the aggrieved employee; a special educator; a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or 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.
- iv. *Defendant* - A person against whom a complaint is filed by a complainant.

6. Policy Guidelines

Sexual Harassment shall include anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) but not limited to: -
Physical contact and sexual advances;



Demand or request for sexual favors;
Sexually - coloured remarks;
Showing pornography;
Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

Explanation: “Unwelcome sexually determined behaviour” shall include but not be limited to the following instances:

Where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or,

Such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by any staff for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, when that is unwelcome and where any staff has a reasonable apprehension that the conduct has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to staff may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness.

Examples of behaviour include:

- a) Unwelcome sexual advances - whether they involve physical touching or not;
- b) Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess; banter, insults, taunts or gibes which are disparaging about a particular gender or make reference to sexuality or intimate parts of the body;
- c) Displaying pornographic or sexually suggestive objects, pictures, cartoons;
- d) Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- e) Inquiries into one’s sexual experiences;
- f) Sexually oriented comments and use of abusive language in the presence of women or any other foul language which shows disrespect towards women;



- g) Discussion of one's sexual activities;
- h) Persistent or unwanted attention or physical contact or similar;
- i) The exercise of undue influence to obtain consent to a sexual relationship;
- j) The general use of sexually explicit or provocative language;
- k) Obscene behaviour in front of women colleagues; seeing or compelling them to see photographs which make them feel harassed;
- l) Any behaviour that creates an environment that is intimidating, hostile, or offensive for members of one sex, and thus interferes with a person's ability to work;
- m) The above is not exhaustive and can only be used as a guide for examples of sexual harassment.

All staff should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will be treated as gross indiscipline.

7. Internal Committee (IC):

Constitution of the Committee - The Committee shall consist of 5 members in total:

- a) Presiding Officer - Shall be a woman employed at a senior level at the Trust.
- b) Internal Members - 3 internal members out of whom at least one would be a male member.
- c) External Member - 1 external member who is a person committed to the cause of women.
 - i. No meeting of the IC can be held without at least 3/5 members present including the external member.
 - ii. No member shall be part of IC for more than a period of 3 years. The only exception of extension in any member's tenure would be in case of an ongoing investigation.
- d) Management - For the implementation of this policy, the IC would report all matters to the Managing Trustee. The Managing Trustee shall act as Management for the purpose of this policy and the Act. In case of an allegation against Managing Trustee is being investigated by the IC, the Management would mean the Board of Trustees of CWS.

8. Procedure for IC:

- a) Complaint - IC cannot function suo-motuo but will have to wait for the complaint to happen.
 - i. The aggrieved party must complaint to the Chair of the IC in writing within 03 (three) months of the incident or 03 (three) months from the last incident in case of series of incidents. This can be further extended to another 03 (three) months in case of exceptional circumstances by the IC but in no case more than 06 (six) months.
 - ii. Chair of the IC will inform the Managing Trustee within 01 (one) working day.



- iii. If the complaint has been lodged with the employee's superior, the superior should forward the complaint directly to the Chair of IC for further action.
- iv. The employee is required to disclose their details to enable the Chair to contact them and take the matter forward. If the complainant approach or write anonymously, then it should be accompanied by evidences for Chair to be able to initiate the process.
- b) Internal Enquiry: The Chair of the IC will proceed to determine whether the allegations made in the complaint fall under the purview of Sexual Harassment, preferably within 07 (seven) working days from receipt of the complaint.
 - i. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Chair will record this finding with reasons and communicate the same to the complainant.
 - ii. If the Chair of the IC determines that the allegations constitute an act of sexual harassment, she/he will proceed to investigate the allegation with the assistance of the Complaints Committee.
 - iii. Within 15 (fifteen) days from receipt of the original complaint, the IC shall record and accordingly communicate in writing to the complainant and the Respondent, its prima facie findings, upon giving the concerned parties a fair and due opportunity to represent themselves and upon conducting fact finding, truth verification and counseling sessions with persons involved in alleged act(s).
 - iv. The IC shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint if the complainant or respondent fails within sufficient cause to present herself or himself for three consecutive hearings convened by the Chairperson.
- c) Conciliation - IC at the request of the aggrieved party may take steps to settle the matter between her and the respondent through conciliation. Such conciliation can't result in monetary settlement.
- d) Settlement - IC shall complete the investigations, take appropriate actions and finish the inquiry within a period of 90 (ninety) days. The IC shall record the settlement and submit the same to the Management and also a copy each to the complainant and the offender. If settlement is submitted once, no further investigation to be made by the IC.
- e) Both Parties Heard - The IC is responsible to give the opportunity of representation to both parties during the course of inquiry before reaching any conclusion.
- f) Powers of IC - The IC has the powers under law as equivalent to that of a Civil Court in the following matters:
 - i. Summoning and enforcing the attendance of any person and examining him/ her on oath; and
 - ii. Requiring the discovery and production of documents.
- g) Recommendations - At the end of such inquiry, the IC needs to submit a recommendation to the Management and the Management is bound to implement such recommendations within 60 (sixty) days. The Management is also required to submit a report of such



implementation to the IC. Copy of such recommendations shall be submitted within 10 (ten) days of finishing the inquiry. A copy of the same shall also be submitted to the two parties involved.

i. During the pendency of the inquiry, on a written request by the aggrieved, the IC may recommend transfer the aggrieved or the respondent to any other workplace; or grant leave to the aggrieved up to a period of 03 (three) months which shall be in addition to the leave otherwise entitled.

h) Punishment - Since the sexual harassment is considered a misconduct, so punishment for misconduct may apply.

Malicious Complaint - If the IC comes to a conclusion that the allegation made against the respondent are malicious or have been made even after the knowledge of it being false or has produced forged or misleading documents, it shall report the same to the Management and the Management is bound to take action against the person involved in such malice. Every complaint that is not successful is not malicious.

Any retaliation against an individual who has complained about sexual harassment (complainant) or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Misuse of policy or Malicious complaints will be dealt with as a disciplinary matter.

9. Prohibition against Retaliation:

No employee will be retaliated against in any way for complaining of harassment. The rights of all parties must be protected, and depending upon the case, the accused may have rights to information regarding the case. Employees are duty bound to assist in investigative steps, employees' wholehearted participation shall be mandatorily in this regard. Whistleblowers shall be protected from exposure, retaliation or hostility.

10. Determination of Compensation:

The determination of compensation shall be made on following grounds:

- a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved person.
- b) The loss in career opportunity.
- c) Medical expenses incurred due to physical or psychiatric treatment.
- d) Feasibility of such payment in lump sum or installments.

11. Non-Disclosure or Publication:

Any complaint, the identity of the aggrieved woman, respondents and witnesses, any information relating to conciliation, compensation, settlement, inquiry proceedings, recommendations and actions taken shall not be disclosed or published to public, press and



media in any manner.

12. Provision of Appeal:

In case any party is not satisfied with the recommendations, has the freedom to appeal in the court of law within 90 (ninety) days of such recommendations.

13. Disciplinary Action:

The disciplinary action that shall be commensurate with the nature of the gravity of the offence, shall include but not limited to,

- a) Warning Letter;
- b) Written apology from offender;
- c) Bond of good behavior;
- d) Transfer;
- e) Debarring from supervisory duties;
- f) Reduction in salary;
- g) Forfeiture of employee benefits like increments, promotion, salary correction, etc.;
- g) Cancellation of specific work assignment;
- h) Suspension;
- i) Dismissal.

Provided further that before any action is taken under this clause, the defendant shall be given an opportunity to show cause as to why the proposed action should not be taken against him. Explanation: - For the purpose of this subsection, "damage" shall include the injury to the feelings of the aggrieved woman or the humiliation suffered by her.

Annual report summarizing complaints and redressal of sexual harassment shall be prepared by designated person. The said report as well as all documents regarding Sexual Harassment complaints shall be in the custody of designated person and will be termed as 'Strictly Confidential'.

The position of the offender and the criticality of the position occupied by the offender shall not be any hindrance to the disciplinary action taken against the offender.

14. Others:

- a) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Committee and Centre for Wildlife Studies Management will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- b) Partners will be advised and requested to consider adopting suitable measures to ensure that the guidelines laid down by this order are also observed by their organizations.



15. Criminal Proceedings:

In the event the conduct complained of amounts to a specific offence under the Indian Penal Code or under any other law in existence, the IC, shall recommend to management to take appropriate action in making a complaint with the appropriate authority.

16. Internal Committee Members:

The Trust has instituted an Internal Committee for redressal of sexual harassment complaint and for ensuring time bound treatment of such complaints. Initially, and till further notice, the Internal Committee will comprise of the following members:

IC members	Contact Details
(Presiding Officer) Name: Dr. Krithi K. Karanth Designation: Chief Conservation Scientist	Mobile No. - +91-990-090-2041 Email Id: krithi.karanth@cwsindia.org
(Internal Member) Name: Dr. Shivsharan Someshwar Designation: Trustee	Mobile No. - + 33 670-48-1398 Email Id: someshwar.shiv@gmail.com
(Internal Member) Name: Chetan Babu Velkur Designation: Trustee	Mobile No. - +91 990-001-78122 Email Id: vcbabu@gmail.com
(Internal Member) Name: Nitya Satheesh Designation: Project Coordinator	Mobile No. - +91 890-408-9070 Email Id: nitya.satheesh@cwsindia.org
(External Member) Name: Narasimha Murthy Designation: External Occupation	Mobile No. - +91 773-836-0205 Email Id: nmkl78@gmail.com

15. Conclusion:

- The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
- The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.
- The policy will be reviewed from time to time and revised to keep it up to date with changes in India legal laws, employment policies or lessons learnt. The process for review will also consult all staff and seek advice externally
- The Committee will minute all its meetings and proceedings and submit reports to the Managing Trustee.

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e) These Reports will be placed before the Board for information at the Board Meeting. In conclusion, Centre for Wildlife Studies reiterates its commitment to providing its employees a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

A handwritten signature in black ink, which appears to read 'Dr. K. Ullas Karanth'. The signature is written in a cursive, flowing style.

Dr. K. Ullas Karanth

Managing Trustee and Director



Inquiry process in the annexure in next page.

