

# **Policy Draft- for community feedback Policy on Prevention of Sexual Harassment**

## **1. Introduction**

Sexual Harassment Of Women At Workplace (Prevention, Prohibition and Redressal) Act 2013 (“**The Sexual Harassment Act**” or “**The Act**”), stipulates that each working place in India should have a mechanism to deal with sexual harassment incidents against women at workplace, including nominating an Internal Complaint Committee.

In accordance with section 4 of the Sexual Harassment Act, and with the approval of the Governing Board of the Auroville Foundation and the Auroville residents, the Working Committee constituted the Auroville Internal Complaints Committee (“**The ICC**”) which took office on 24 October 2015.

The ICC will deal with any and all issues of sexual harassment as defined in the Act that are brought to its notice, which involve a resident of Auroville, a newcomer, a friend of Auroville, a volunteer in Auroville, a student of Auroville, a guest of Auroville as well as a person employed by or working for an Auroville trust, an Auroville unit, an Auroville service, any other Auroville legal entity, or individual residing in Auroville.

The ICC is also mandated to deal with issues of sexual harassment occurring in Auroville but not regulated by the Act, if such does not contradict Indian law.

In accordance with section 4 of the Sexual Harassment Act the Working Committee constituted the Auroville Internal Complaints Committee (“**The Auroville ICC**”) on 24 October 2015.

## **2. Commitment**

Auroville will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure a living and working environment (including but not limited to schools, households, entertainment places, therapy and health services, sports complexes) free from sexual harassment.

Auroville respects the dignity of everyone involved in Auroville, whether they are Aurovilians, Newcomers, Friends of Auroville, employees, volunteers, guests or visitors.

All Aurovilians, New comers, Friends of Auroville, employees (of any service, unit or other Auroville legal activity), volunteers, guests and visitors have a personal responsibility to ensure that they respect this policy and all are encouraged to reinforce the maintenance of a living and working environment free from sexual harassment.

### 3. **What is Sexual Harassment**

Any Unwelcome act or behavior (whether directly or indirectly or by implication) which include any one or more of the following:

1. Physical contact and advances
2. A demand or request for sexual favors
3. Making sexually colored remarks
4. Showing pornography
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
6. Implied or explicit promise of preferential treatment at work; or
7. Implied or explicit threat of detrimental treatment at work; or
8. Implied or explicit threat about present or future employment status; or
9. Interference with work or creation of an intimidating or offensive work environment; or
10. Humiliating treatment likely to affect health, safety or self-esteem.

### 4. **Procedure for Submitting a Complaint of Sexual Harassment**

Auroville is committed to provide a supportive environment to resolve concerns of sexual harassment which occur in Auroville.

All complaints of sexual harassment will be taken seriously, will be held in strict confidence and will be investigated promptly in an impartial manner by the Auroville ICC.

1. Ideally, the complaint should be submitted in writing to the Auroville ICC immediately or within a period of 3 months from the day the incident/last incident occurred.
2. The complainant has the option to go through a conciliation process.
3. The Auroville ICC shall conduct an investigation, shall hear all the concerned people and witnesses and shall submit a report containing the findings and the decisions to the Working Committee.

### 5. **Disciplinary Action**

If the outcome of an investigation by the Auroville ICC shows that harassing behavior has taken place, the ICC will recommend to the Working Committee that it take disciplinary action as specified by the ICC.

The disciplinary action recommended by the Auroville ICC may include demanding a formal apology, ordering compulsory counseling, issuing a written warning, deciding on a change of workplace, suspension or termination of services that he/she gets from Auroville, suspension or termination of employment or of a public role in Auroville, or to recommend that the Working Committee initiate the process to remove the name of the harasser from the Register of Residents.

Any victimization of, or retaliation against the complainant or any other person related to the case who gives evidence regarding sexual harassment will be subject to disciplinary action.

#### **6. False Complaint**

Just as Auroville has no tolerance for sexual harassment, Auroville has no tolerance for people who abuse this policy and the law by submitting a false complaint or providing false evidence to harm or discredit somebody else.

Therefore, anyone who abuses the process, for example by submitting a complaint which is found to be false, malicious or forged while knowing it is untrue, will be subject to disciplinary action as decided by the Auroville ICC.

#### **7. Confidentiality**

Auroville understands that it is difficult to come forward with a complaint of sexual harassment or to be accused of sexual harassment, and recognizes the interest in keeping the matter confidential.

Absolute confidentiality will be maintained throughout the entire process, the names of all the people involved including the complainant, the person accused and witnesses, all records of complaints, meetings notes regarding the complaints, report and recommendation or any other relevant material will be kept confidential, except where disclosure is required under disciplinary process or by law.

## 8. **Internal Complaints Committee**

The Auroville ICC shall comprise of as many members as the Working Committee may nominate from time to time, provided that at least one-half of the total number of members shall be women.

After receiving a written complaint, 4 members, subject to their availability and who have no conflict of interest, will be nominated as ICC members for the specific case.

The Auroville ICC will be impartial and will hear both parties and their witnesses. The ICC will consider all evidence and will respect the principles of Natural Justice.