

Annex-1

Bangalore Life Sciences Cluster (BLiSC) Policy on Prevention of Sexual Harassment at Workplace and Procedure for Handling Complaints

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1. Introduction

The Bangalore Life Sciences Cluster (BLiSC), was a unique initiative of two Government of India departments - Department of Atomic Energy and Department of Bio-Technology- set up with the vision to create linkages and synergy among the institution / organisations pursuing research in life sciences was established through a Memorandum of Understanding in the year 2010. At present, the Cluster includes four institutions i.e. National Centre for Biological Sciences under Tata Institute of Fundamental Research, (NCBS-TIFR), DBT-Institute of Stem Technology (DBT-inStem), Centre for Cellular and Molecular Platform (C-CAMP) and Tata Institute for Genetics and Society (TIGS).

Some entities in BLiSC have their own individual policy of handing complaints of Sexual Harassment of an Aggrieved Person against a Respondent within the same institute. Nevertheless, this Policy on Prevention of Sexual Harassment at Workplace and Procedure for Handling Complaints has been prepared to have a common policy, keeping in view the unique work environment in the campus, where more than one institution / organisation could be involved in its implementation. Thus, the Aggrieved Person could belong to one institution / organisation and the complaint could be against another person associated with another institute.

This Policy shall apply to workplace of all four organizations, namely, NCBS-TIFR, DBT-inStem, TIGS, and C-CAMP. In the event both parties, the Complainant and Respondent,

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belong to one of these organizations, namely, TIGS or C-CAMP, then the Policy of that Organization (TIGS or C-CAMP) will prevail.

In the event one of the parties, Complainant or Respondent belongs to another institution, namely, NCBS-TIFR, DBT-inStem, TIGS, or C-CAMP, this Policy shall take precedence and shall be followed.

Further, BLiSC is committed to taking all necessary steps to ensure that none of its four institution members and any other person associated with it are subject to any form of sexual harassment, and to enforce this Policy completely to ensure a conducive work environment and safety for all.

This Policy is also in furtherance to the requirements of the law – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Annexe-1) and the Rules made thereunder in 2013 (Annexe-2) (hereinafter collectively referred to as the ‘Act’). In addition, this Policy shall be read with reference to any provisions of the Rules, Regulations and any other relevant policies of the Institute, as applicable, from time to time. The relevant guidelines of the Government of India on this subject shall also be applicable and referred to while implementing this Policy.

2. Definitions

While the definitions given under the relevant Act and Rules will remain valid, some of the context specific definitions are detailed below. In case of any contradictory definitions, the statutory provisions will prevail over this Policy.

“The Act” The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Annex-1), as amended from time to time, and the rules framed thereunder.

BLiSC: means the Bangalore Life Sciences Cluster

Constituent Institutions / organisation: mean the institutions / organisations which have joined BLiSC to pursue common agreed objectives.

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‘Campus’ means the location or the land on which the Institute(s) and its related facilities like libraries, laboratories, classrooms, hostels, guest houses, toilets, health centers, canteen, bank counters etc. are situated. It also includes within its scope places visited as a members of the Institute including transportation provided for the purpose of commuting to and from the Institute. Locations outside the Institute including field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets, online sessions, groups and events, and such other activities where a person is participating in the capacity of an employee or a student of the Institute are also included.

‘Director’ means the Chief Executive authority of the institution.

“Academic staff” includes Professors, Associate Professors, Assistant Professors, Investigators, Scientists, 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 institution/organisations visiting the campus or participating in any workshop/seminar/training/conference/consultancies are covered by these rules during their stay on the 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.

“Student” means a person admitted and pursuing a program of study, including short term training programs, at the institution. Provided that a person who is in the process of taking admission and is not yet admitted, shall be treated for the purpose of this Policy as a student, where any incident of sexual harassment takes place against such person, in the process of admission. Provided that a student of any other institution/organisation, who is a participant in any of the activities of the Institute shall also be treated for the purpose of this Policy, as a student of the Institute, where any incident of sexual harassment takes place against such student in the said activities of the Institute. 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 etc.,

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“Incubatee” means an innovator or start-up that is housed in the incubation Centre located at C-CAMP. It also includes the employees of the start-ups incubated at C-CAMP.

“Aggrieved Person / Complainant” The ‘Aggrieved Person’ definition goes beyond the ‘aggrieved woman’ definition of the Act, and thereby incorporates situations of harassment across gender.

“The Respondent” is the person against whom the Aggrieved Person has made a Complaint of sexual harassment.

“Internal Committee/IC/ Committee/ Internal Committee” is the Committee formed for redressal of complaints of Sexual Harassment in accordance with the definition and procedure laid down in this Policy consistent with the Act and Rules.

“workplace” includes—

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- (ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (iii) hospitals or nursing homes;
- (iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- (vi) a dwelling place or a house.

The above definition of the workplace also extends to working from home, irrespective of where the staff member is situated.

3. Aim

BLiSC institutions / organisations envision a safe, healthy and progressive work environment for one and all associated with the activities within the campus. It is committed to providing a campus that is free of sexual harassment irrespective of gender, race, caste, creed, and religion, place of origin, sexual orientation, disability, or economic status. The campus workforce,

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students, faculty, and non-teaching staff, and others associated with activities in the campus have the right to be in an environment free from any form of discrimination and conduct which can be considered harassing, coercive, or disruptive, particularly behaviours that are tantamount to sexual harassment as defined in this Policy. This Policy (“Policy”) will assist individuals who believe they have been subjected to sexual harassment for seeking support and remedial action.

4. Objectives

The objectives of this Policy are:

- a. To ensure that everyone is treated with respect and dignity, and to promote personal responsibility.
- b. To provide equal opportunity, nurturing safe work and learning environment without any kind of discrimination based on caste, creed, or gender;
- c. To promote a conducive & healthy place for work and continued professional development that has zero tolerance for any form of sexual harassment.
- d. To define a clear process and procedure for redressal of complaints on matters pertaining to sexual harassment of persons associated with the activities of the BLiSC institutions / organisations / partners happening in the campus, consistent with the law of the land.

5. Scope and Applicability of this Policy

As elaborated in the introduction, the BLiSC consists of four constituent institutions/organisations – Centre for Cellular and Molecular Platform(C-CAMP), DBT- Institute for Stem Cell Science and Regenerative Medicine (DBT-inStem); National Centre for Biological Sciences (NCBS-TIFR); and Tata Institute for Genetics and Society (TIGS).

This Policy shall apply to all men, women, the third gender, and the members of the LGBTQIA + community, who fall within its jurisdiction, including its academic, and non-academic staff, incubatee, vendors, visitors, third-party contractors, guests, consultants, contractual employees/ labourers including outsourced, students / post-docs, etc. while at the place of work in the Bangalore Life Sciences Cluster (BLiSC) campus.

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This Policy also shall automatically extend to any other organization in the event of it becoming part of the BLiSC.

This Policy shall be applicable to all complaints of sexual harassment as covered under this policy.

6. What Constitutes Sexual Harassment?

Sexual harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication):

- (a) physical contact and advances;
- (b) a demand or request for sexual favors;
- (c) making sexually colored remarks;
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further, the following circumstances may also amount to sexual harassment if it occurs or is present in relation to any other act of sexual harassment:

- (a) implied or explicit promise of preferential treatment;
- (b) implied or explicit threat of detrimental treatment;
- (c) implied or explicit threat about present or future employment status; or;
- (d) interference with work or creating an intimidating or offensive or hostile environment; or
- (e) humiliating treatment likely to affect health or safety.

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7. Constitution of the Internal Committee (IC)

Composition

Each of the organizations, in the Cluster namely, NCBS-TIFR, DBT-inStem, C-CAMP and TIGS have constituted a separate dedicated committee known as the “Internal Committee” in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter “the Act”). Details are available at Annexe-3. These four internal committees are designated to receive complaints of sexual harassment from their respective organizations. In the event a Complainant or Respondent is an employee/student who belongs to another institution, the Internal Committee of the Respondent’s organization shall inquire into the Complaint in accordance with this Policy and the Act. At least one representative from the Complainant’s organization’s Internal Committee will be invited to participate in the proceedings of the Internal Committee of the Respondent’s organisation.

The composition of the Internal Committee shall be in line with the Act. The same is reiterated here for ready reference. The Internal 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 Head of the Organization from amongst academicians, social activists and/or legal representatives of Non-Governmental Organization (NGO). The Director may also nominate other members. External experts can be called upon for meetings if needed. Further, if the Respondent belongs to another institution / organisation, at least one member from that institution / organisation’s IC may be included in the investigating IC’s proceedings as an observer.

The Head of the respective organization shall constitute the Committee and shall ensure display of the same at any conspicuous place in the workplace, and user site the order constituting, the Internal Committee.

The Internal Committee will comprise representation from male, female, third gender, and LGBTQ + employees of the institute, wherein at least one half of the members are women:

- I. A Presiding Officer who shall be a woman employed at a senior level (academic or non-academic) at workplace from amongst the employees:

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- II. Representative(s) from senior staff (academic or non-academic)
- III. Representative(s) from administrative staff.
- IV. One female member representing the student community
- V. One legal expert or a member of a reputed NGO, preferably a person familiar with the issues relating to sexual harassment.
- VI. Provided that at least one-half of the total members so nominated shall be women.

Tenure

The tenure of the Internal Committee members will be 3 years from the date of constitution of the Committee. Before the end of their tenure, the members may suggest names for nomination in their respective place from amongst the section category they are representing.

Frequency of Meeting

The Internal Committee shall ordinarily meet twice in a year. An urgent meeting may be convened by the Presiding Officer as and when required to deliberate upon urgent or important matters. All members shall attend the meeting of the Internal Committee. At least 60% of the Committee, including the External Member and the Presiding Officer shall constitute a quorum. Where there is difference of opinion among the members, the majority shall prevail.

Status of IC

The Internal Committee shall be empowered to carry out the inquiry and investigations into complaints of Sexual Harassment in accordance with the provisions of the Act and the rules made under the Act. The Internal Committee is vested with quasi-judicial powers to receive complaints on Sexual Harassment, make inquiry and prepare a report with findings and recommendation to the competent authority of the respective institution.

8. Scope and functions of the Committee

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

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free of such harassment is created. In doing so the Committee will receive the written 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 ninety (90) days from the date of receipt of the complaint. The Committee shall periodically and as and when required organize gender sensitization programmes for all the academic post docs, employees, outsourced, security, housekeeping, students, drivers, and other stakeholders.

9. The Complaints Mechanism

A complaint of sexual harassment at workplace shall be made directly, in writing, to any member of the Internal Committee or through any designated authority. In the event the Complainant is unable to make a written complaint, the Presiding Officer and/or any Member of the IC shall render all reasonable assistance to the Aggrieved Person so that the Complaint is made in writing with supporting documents in the prescribed manner.

The Internal Committee is vested with quasi-judicial powers to receive complaints on Sexual Harassment, make inquiry and prepare a report with findings and recommendation to the Disciplinary Authority, i.e. the Head of the respective Organization.

In respect of a complaint lodged by an Aggrieved Person of sexual harassment in the workplace, the Internal Committee shall conduct an inquiry, prepare and submit the report with findings to the competent authority, who after considering the report and recommendations will initiate disciplinary proceedings if required and, pass necessary orders within thirty (30) days of receipt of the IC's Report.

For the purposes of inquiry, the Committee may summon persons who in their opinion can be a party or bear witness to the incident/s, and the entire inquiry shall be completed within a period of ninety (90) days, from the date of the receipt of the complaint.

A copy of the findings shall be made available to both the parties. The Complainant and the Respondent shall be given an opportunity of being heard and principles of Natural justice shall be adhered to.

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10. Procedure for disposing of complaints

Once the Complaint is received, before initiating an inquiry, the Committee may take steps, on the specific request of the Aggrieved Person, to settle the matter between the Aggrieved Person and the Respondent. This process of conciliation will be undertaken only if so requested by the Aggrieved Person in writing.

Conciliation in itself does not necessarily mean acceptance of the Complaint by the Respondent. It is a practical mechanism through which issues are resolved or misunderstandings if any, are cleared. No monetary settlement shall be made as a basis of conciliation. In case a settlement is arrived at, the Committee shall record and report the same to the Head of the Organization/ Disciplinary Authority.

In the event, there is no conciliation sought for by the Complainant, the Internal Committee will conduct inquiry into the complaint received and shall make appropriate recommendations to the Disciplinary Authority/Head of the Organization, against the Respondent and/or Complainant in accordance with the rules and procedures laid down in this Policy.

A copy of the complaint should be circulated to all Committee members within 2 days of receipt of the complaint, and a meeting be called by the Presiding Officer, not later than seven (7) days of receipt of the complaint.

Where a Committee member has been charged with sexual harassment, such member shall (step down) as a member, till the inquiry is completed and acquitted of all charges.

Where a disciplinary authority, the Director/ Dean or the Head of Organization is/are involved in a case of sexual harassment, the recommendations of the Committee will be made to the next higher authority of the respondent.

The Committee shall prepare a document containing a summary of the complaint based on the investigations of the inquiry committee. A copy of this document will be made available for the Complainant and the Respondent.

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The first hearing will be with the Complainant. A summon shall be sent out to the Complainant to make herself/ himself/ themselves present before the Committee and provide her/ his/ their statement and evidences, if any.

The Respondent will be given not more than 10 days to file a response to the charges and the Internal Committee will accordingly provide a reasonable opportunity to the Respondent to present/defend the case in a scheduled hearing. Where the Respondent fails to be present at such a meeting, an ex parte decision shall be made by the Committee.

A further meeting be scheduled not later than 7 days of receipt of the response from the Respondent. The Presiding Officer may call upon the Complainant after hearing the Respondent if need be. Where necessary and possible, the Committee may call upon any witness(es) to depose before the Committee.

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

The Committee shall be empowered to request the institute/institutions for appropriate measures to ensure safety and well-being of all parties involved in the complaint.

Where based on the investigations of the inquiry committee and the Internal Committee, a case of sexual harassment is established, the Internal Committee will make its recommendations to the Head of the Organization. The Head of the Organization shall then pass the final order and will have no discretion to change the recommendation of the Internal Committee.

If the Respondent belongs to another institution / organisation, the findings shall be forwarded to the head of the Respondent's institution / organisation, by the head of institution / organisation, which inquired into the matter. While forwarding the findings, appropriate recommendation(s), if any, of the head of the institution / organisation shall also be incorporated.

Where following inquiry 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 Head of the Organization for appropriate orders on dismissal of the complaint.

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The identities of the Complainant and Respondent must be kept confidential.

All the proceedings of the Committee shall be recorded in writing and endorsed by all members of the Committee present in the meetings.

11. Interim Relief

During the pendency of the investigation process or till recommendations are made, upon a written request made by the Aggrieved Person, the Committee may also provide for interim relief by recommending to the Management to:

- a. Transfer the Aggrieved Person or the Respondent for the time being;
- b. Grant leave to the Aggrieved Person for a maximum period of 3 months, in addition to the leave the Aggrieved Person would be otherwise entitled to;
- c. If there exists a supervisory relationship between the Respondent and the Aggrieved Person, prevent the Respondent from assessing the Aggrieved Person's work performance;
- d. Grant such other relief as may be appropriate and consistent with the principles of natural justice.

In recommending such interim relief, care must be taken to prevent any disadvantage to, or victimization of, either the Aggrieved Person or the Respondent.

12. Disciplinary Action

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

Suitable disciplinary action will be taken against a Respondent who is found guilty of sexual harassment. The issuance of the final order, with regard to the alleged act of sexual harassment will be not later than 3 months from date of receipt of the complaint.

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13. Possible Disciplinary Actions as an outcome of Investigation

- I. Where allegations are not proven, the Internal Committee shall recommend to the Disciplinary Authority that no action is required and close the case with all the parties who were involved.
- II. Where the allegations are proven:
 - a) Take action depending on the nature of the offense, including but not limited to—undergoing counseling sessions, demanding a written apology, issuing a warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments or bonus, or finally, terminating the Respondent from service; or
 - b) Deduct from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Person.
- III. Where allegations are found to be false, malicious, or the alleged document found to be forged/false evidence or misleading, the IC may recommend the Disciplinary Authority to take action against the complainant/Aggrieved Person as it may deem necessary. A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant/Aggrieved Person. A complaint that lacks adequate evidence will not be considered a false complaint, but as a complaint that is non-conclusive.

14. Appeal

Any person aggrieved by the recommendations made by the Internal Committee or non-implementation of such recommendations may prefer an appeal to the Appellate Authority. The Appellate Authority shall be such authority as defined in the rules of the respective institution to which the Respondents belong.

15. Miscellaneous:

The 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 Committee will discount any evidence that is based on the character, personal life, and conduct, personal and sexual history of the Aggrieved Person.

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All information received in the course of the examination and inquiry of the complaint of sexual harassment shall be considered confidential and shall not be made available to anyone other than the Complainant, Respondent and the Disciplinary Authority. The institute will in such cases take measures to adhere to complete confidentiality as a matter of policy.

16. Timeline as per the Act

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| Submission of Written Complaint | Within 90 days of the last incident |
| Notice to the Respondent | Within 7 working days of receiving copy of the complaint |
| Response from Respondent | Within 10 working days of receiving the notice |
| Completion of Inquiry | Within 90 days of receipt of complaint |
| Submission of Report by IC to Management | Within 10 days of completion of the inquiry |
| Disciplinary Authority to act upon recommendations | Within 60 days of receipt of report from the IC |
| Appeal | Within 90 days of the recommendations of the IC |

17. 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 on campus 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”), NCBS-TIFR and its allied institutes, DBT-inStem, C-CAMP and TIGS “the campus” and/or “institute” (used interchangeably in the policy text), have reconstituted the committees and hereby provide guidelines for gender neutral policies and procedures against any form of Sexual Harassment on campus, and includes protection of men, women, transgender, and the LGBTQIA+ community on campus.

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18. Saving Clause

This Policy have been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (Annex-1) and Rules framed thereunder (hereinafter “the Act”) (Annex-2). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Annexures:

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| <u>Annex: 1</u> | https://www.indiacode.nic.in/handle/123456789/2104?sam_handle=123456789/1362 | | | | | | | | |
| <u>Annex: 2</u> | https://upload.indiacode.nic.in/showfile?actid=AC_CEN_13_14_00009_201314_1517807327213&type=rul&filename=-----Rules.2013%2009%20Dec%202013.pdf | | | | | | | | |
| <u>Annex: 3</u> | Internal Committees already functioning on the date in the four organisations: <table border="1"><tr><td>NCBS-TIFR</td><td>https://www.ncbs.res.in/Women%27s_Cell</td></tr><tr><td>DBT-inStem</td><td>https://www.instem.res.in/womens-cell</td></tr><tr><td>C-CAMP</td><td>https://www.ccamp.res.in/womens-cell</td></tr><tr><td>TIGS</td><td>https://tigs.res.in/organization/tigs-internal-committee/</td></tr></table> | NCBS-TIFR | https://www.ncbs.res.in/Women%27s_Cell | DBT-inStem | https://www.instem.res.in/womens-cell | C-CAMP | https://www.ccamp.res.in/womens-cell | TIGS | https://tigs.res.in/organization/tigs-internal-committee/ |
| NCBS-TIFR | https://www.ncbs.res.in/Women%27s_Cell | | | | | | | | |
| DBT-inStem | https://www.instem.res.in/womens-cell | | | | | | | | |
| C-CAMP | https://www.ccamp.res.in/womens-cell | | | | | | | | |
| TIGS | https://tigs.res.in/organization/tigs-internal-committee/ | | | | | | | | |

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