

## Introduction to the policies

The *Art & Photography Foundation* (referred to as ‘the Foundation’) — including its various constituent projects and organisations — is committed to creating and maintaining a safe work space, where its employees, consultants and agents, vendors and partners can pursue their work together in an environment free of sexual harassment and exploitation. The Foundation values each and every employee, consultant and agent, vendor and partner, irrespective of gender identity and expression, sexual orientation, or faith, and keeps their dignity and self-respect at the heart of its operations.

India's first legislation specifically addressing the issue of workplace sexual harassment, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter referred to as the ‘POSH Act’) was enacted by the Ministry of Women and Child Development in 2013. The POSH Act defines the term ‘employee’ as covering regular, temporary, ad hoc employees, individuals engaged on a daily wage basis, either directly or through an agent, contract workers, probationers, trainees, and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied.

The Act safeguards women at work, although a woman does not have to be an employee to claim protection under the Act. An aggrieved person can also be a woman who is a visitor, customer, client employee who feels she has been sexually harassed at any workplace. The definition of ‘workplace’ as per the POSH Act includes, any place visited by the aggrieved person arising out of or during the course of employment including transportation arranged by the employer, any journeys undertaken for work, as well as a dwelling place or a house.

The PoSH policy of the Foundation, like the POSH Act itself, applies only to women and is not gender inclusive. However, as an institution that treats people of all genders equally, we supplement our organisation's PoSH policy with the gender inclusive Prevention of Sexual Exploitation and Abuse (PSEA) policy. We believe that everybody has an equal right to protection regardless of any personal characteristic, including their age, gender identity and expression, sexual orientation or faith. The Foundation also recognises all telephonic, written, digital and online interactions involving its employee(s) as workplaces where these policies apply.

In compliance with the POSH Act, the organisations of the Foundation — the Museum of Art & Photography (MAP), Bengaluru, and the MAP Academy — jointly share an Internal Committee (IC). The IC, which is composed of members from within the organisations, as well as external members, works to receive and redress complaints of sexual harassment under the POSH Act, as well as the PSEA. The IC will respect every complainant, and treat every complaint with equal importance and seriousness, regardless of the gender of the aggrieved and respondent, and function without any biases, pressures or the impact of power hierarchies.

Any act of sexual exploitation and abuse as defined in this policy will result in strict disciplinary action.




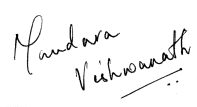
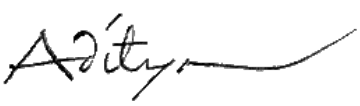
## POLICY DOCUMENT

Art &  
Photography  
Foundation

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Sua House  
26/1 Kasturba Cross Road  
Bangalore 560001  
India

+91 80 40535251

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|---------------------|--|
| REVIEWED BY         | Shubasree Purkayastha (Presiding Officer), Vineet Kajrolkar, Shraddha Jadhav, Dhruvika Bisht, Mandara Vishwanathan and Aditya Pandya   |
| DATE                | 19/08/2024   |
| SIGNATURE           | <br><hr style="border: 1px solid blue;"/> <p>Shubhashree Purkayastha (Aug 21, 2024 03:12 GMT+5.5)</p> <br><br><hr style="border: 1px solid blue;"/> <p>Shraddha Jadhav (Aug 19, 2024 19:51 GMT+5.5)</p> <br> |
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**Policy Against Sexual Harassment  
in the Workplace**

The Foundation values each and every employee, consultant and agent working with the Foundation and wishes to protect their dignity and self-respect. The Foundation acknowledges its legal responsibility to provide a safe working environment free from sexual harassment and discrimination for all its employees, consultants, agents, under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Committing of any act of sexual harassment as defined in this policy shall result in strict disciplinary action.

### **Enforcement of Policy:**

All complaints of sexual harassment against employees or anybody engaging with the Foundation will be taken seriously and will be dealt with promptly. All investigations will be conducted thoroughly and professionally. Accurate records of the investigation and the findings will be maintained by the IC. Employees or anybody engaging with the Foundation who bring charges will not face retaliation. Anyone violating this policy will be subject to disciplinary action commensurate with the action as mentioned in this policy.

This policy recognizes and respects the confidentiality and privacy of both, the individuals reporting and of the respondent and witnesses.

### **Scope:**

The provisions of this policy are applicable to:

- All employees of the Foundation, consultants, interns, agents, volunteers, partners, researchers, trainees, clients and users of the services of Foundation, including any third party agencies regardless of the nature of their contract, duration of employment or position in the organisation.
- Full-time, part-time, temporary, voluntary, seconded, contracted or casual employees.
- The Board of Directors, Trustees and all advisory panels for the Foundation and its units
- Service providers such as vendors and field personnel.
- External vendors operating their services such as canteen services on the Foundations office premises, or in relation to the Foundation's personnel, or utilising the Foundation's official space for any commercial or non-commercial purposes.
- External visitors of the premises of the Foundation who may or may not be engaging directly with staff or projects being spearheaded by the organisation.

Strict action under this policy will be initiated in cases where any employee of the Foundation is subjected to sexual harassment by any of the above OR if any of the

above is subjected to sexual harassment by an employee of the Foundation, inside or outside the office.

This policy mandates immediate action to protect the aggrieved and initiate action either through the redressal mechanism or through the civil justice system.

### **Definitions**

**Workplace:** Includes any disciplines, undertakings, establishment, enterprise institution, and office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey, locations and accommodation which is work related and any instance that is related to and has access due to work. It is defined as places of geographical or digital location viz. organisation's offices and branches, any location where the team is deployed on work, the transport on duty, and any place or situation related to the work of the organisation or that is accessed through work.

**Aggrieved Person:** A person involved with the Foundation in any capacity, who alleges to have been subject to any act of sexual harassment.

**Respondent:** A person against whom the aggrieved person has made a complaint.

**Sexual Harassment:** Spans a wide range of actions and behaviors. Whether or not a particular action or behavior constitutes sexual harassment is determined by the effect it has had on the aggrieved, independent of the intention of the respondent. The term has been defined by the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal), Act 2013, as any unwelcomed sexually determined behaviour, which could be all or any one of the following:

- Physical contact
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature.
- Grooming, the cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the intention of manipulating these relationships into sexualised dynamics in the future.

In addition, the following are some examples of conduct which if unwelcome, may constitute sexual harassment:

- Sexual advances, whether they involve physical touching or not;

- 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;
- Displaying sexually suggestive or explicit visual material, in the form of pictures, cartoons, pin-ups, calendars, screensavers on computers, any offensive written material, e-mails, WhatsApp messages, or messages sent on any platform;
- Unwelcome leering, whistling, sexually suggestive gestures, or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities;
- Subjecting another person to an unwelcome act of physical intimacy, including grabbing, brushing against, touching, pinching or any other form of touch.
- Sending Email/SMS with content of sexual nature with the intention to malign or damage the reputation of any person associated with the organisation

Sexual Harassment at Workplace is determined when:

Any of the above advances, requests or conducts (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;  
OR IF —

The terms of employment status, decisions, conduct, and conditionality are being made, explicitly or implicitly, in relation to a submission or rejection of the sexual advances described above.

Sexual harassment is a violation of human rights as defined by the Constitution of India through Article 14, 15, 21 and 19 (1)(g).<sup>1</sup>

### **Internal Committee:**

The Internal Committee (hereinafter referred to as 'IC') is constituted in consultation

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<sup>1</sup>The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed by the Lok Sabha and the Rajya Sabha on 3 September 2012 and 26 February 2013 respectively, and notified on 23 April 2013. It recognizes that sexual harassment results in the violation of a woman's fundamental right to equality under Articles 14, 15 and 21 - which provide for equality under the law, prohibition of discrimination on grounds of religion.

with the acting committee, based on demonstrated gender sensitivity, commitment to safety and inclusivity, and a professional code of conduct. Any complaint shall be made to the IC directly, or if received by anybody else in the organisation under this policy, shall be forwarded to the IC.

It shall be the primary responsibility of the head of the organisation(s) to facilitate the renewal of the committee and to fill vacancies as and when they may occur in consultation with the Presiding Officer and other members of the IC.

The composition of the IC shall be as follows:

- Headed by a woman occupying a senior position in the Foundation
- Have women as at least half its members
- Include a third-party representative from an NGO or any other agency conversant with the issue of sexual harassment
- At least two members from junior positions in the Foundation

Membership to the IC shall generally be for a period of three years. A member of the IC shall cease to hold membership should any one of the following conditions arise:

- Upon them ceasing to be a staff of the Foundation.
- Any member of the IC remains absent without permission of the IC from three consecutive meetings.
- Any member of the IC against whom a complaint of sexual harassment, violation of the Foundation code of conduct or criminal charges are made or prima facie established.
- In the event of any vacancy on the IC due to resignation, termination, death or for any other reason whatsoever the same shall (within a period of three months of such vacancy) be filled in accordance with the procedures prescribed by this policy.

### **Filing Complaint:**

- If any employee/consultant at the Foundation believes that they have been subjected to sexual harassment, such person can file a complaint with IC within **30 days of the occurrence of incidence** and in case of a series of incidents, within **a period of 3 months from the date of last incident**.
- A complaint may be initiated by contacting any one of the members of the IC or by sending an email to [posh@map-india.org](mailto:posh@map-india.org). All complaints must be made formally via email or as a written complaint; the IC will support the aggrieved should any support be required while filing the complaint. The same support will also be extended to the respondent if required.
- Where the affected employee is unable to make a complaint on account of their physical incapacity, or in the unfortunate incident of a death, a

complaint may be filed by either a relative/friend or a co-worker who has knowledge of the incident(s), with the written consent of the aggrieved person; or by any person who has knowledge of the incident(s) jointly with any of the above.

- All complaints will be addressed in a time-bound manner of **90 days from the time of formally filing** the complaint with the IC.
- Confidentiality will be strictly maintained during the investigation of all complaints.
- The IC will be accessible 24 x 7 for all employees to address any concerns staff may have and to provide information related to this policy on sexual harassment and the complaint process.

### **Investigation Process:**

In the course of investigating any complaint of sexual harassment, the IC shall ensure that the principles of natural justice are adhered to, namely:

- Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the IC
- Upon completion of the investigation, both parties will be informed of the results of that investigation.

The IC is an independent body and shall be empowered to do all things necessary to ensure a fair hearing of the complaint including ensuring that the aggrieved, respondent and the witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the IC can enable appropriate interim recommendations if initiated by the aggrieved.

IC shall ensure that all complaints lodged, and proceedings of any investigations arising out of the complaint, are kept confidential (with exception of the individuals involved).

### **Disciplinary Action:**

The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. The IC can recommend any of the following actions against the respondent if they are proven guilty:

- Stern warning in writing
- A written reprimand
- Immediate dismissal
- Withholding of increment and/or promotions
- Cancellation of contract if the respondent is engaged in any form of contractual engagement with the organisation.

Either party may approach the head of the organisation, which is the designated appellate authority in the organisation, for a further hearing if not happy with the findings of the IC. They may also appeal to a higher court of law for a hearing.








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| NEXT DATE OF REVIEW | 01/04/2025  |

**Policy for Protection from Sexual Exploitation and Abuse**  
**(PSEA)**

This policy applies to:

- All employees of the Foundation irrespective of their gender identity or sexual orientation, fellow employees, consultants, interns, agents, volunteers, partners, researchers, trainees, consultants, clients and users of the services of Foundation, including any third party agencies regardless of the nature of their contract, duration of employment or position in the organisation
- Whether full-time, part-time, temporary, voluntary, seconded, contracted or casual, including
- Service providers such as vendors and field personnel
- External vendors such as canteen services operating their services on Foundation's office premises, or in relation to personnel, or utilising Foundation's official space for any commercial or non-commercial purposes
- External visitors on the Foundation's premises who may or may not be engaging directly with staff or projects being spearheaded by the organisation

### **Enforcement of Policy**

All complaints will be taken seriously and will be dealt with promptly. All investigations will be conducted thoroughly and professionally. Accurate records of the investigation and the findings will be maintained. Employees or anybody engaging with the Foundation who bring charges will not face retaliation. Anyone violating this policy will be subject to disciplinary action commensurate with the action as mentioned in this policy.

This policy recognizes and respects the confidentiality and privacy of individuals reporting and of the respondent and witnesses to the extent reasonably possible.

## **Definitions**

**Sexual Exploitation and Abuse** refers to all forms of inappropriate conduct of a sexual nature including, but not limited to:

- Exchanging money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour
- Use of a child or adult to procure sex for others
- All forms (physical, verbal, non-verbal and visual) and types (quid pro quo or hostile work environment) of sexual harassment at workplace, including any unwelcome advances towards personal intimacy.

**Sexual Abuse:** The threatened or actual intrusion of a sexual or sexualised nature, including physical intrusion (inappropriate touching, use of force, stalking, or under coercive conditions, sexual assault and rape), verbal (inappropriate comments, remarks, phrases), non-verbal (unwelcome sexual gestures or actions) and visual (unwanted exposure to pornography, texts, images, emails)

**Sexual Exploitation:** Abuse of a position of vulnerability or power differential, trust or dependency for sexual or sexualised purposes; in actuality or attempted, including offer of monetary benefits or any other incentive or a form of coercion.

**Sexual Favours:** Any sexual or sexualised acts, in exchange for benefits such as money, goods, services, and opportunities. This also includes demands for inappropriate photographs, filming, and exposure to pornography, etc.

**Grooming:** Grooming refers to the cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the intention of manipulating these relationships into sexualised dynamics in the future.

### **Zero Tolerance**

At the Foundation, we observe a policy of zero tolerance for all forms of abuse and mistreatment, including sexual harassment, sexual exploitation and abuse, harassment, bullying and intimidation.

Every complaint or concern is promptly responded to with relevant action, including a fair and timely investigation process as required and strict disciplinary action, where applicable.

The Foundation holds every employee and related-personnel accountable against strict standards and holds them equally responsible to create a safe, exploitation-free working environment, regardless of their position, race, identity and/or gender.

The Foundation is committed to preventing the sexual exploitation and abuse through the following means:

### **Awareness**

All staff and related personnel are made aware of the standards of behaviour and conduct expected of them in their professional lives.

### **Prevention**

The Foundation minimises any risk of sexual exploitation and abuse through awareness and good practice, and relevant vetting and background check of staff during the recruitment process, as well as orientation on this policy and the policy on protection from sexual harassment in the workplace.

### **Reporting**

The Foundation has set up an Internal Committee for aggrieved persons to report suspicions or concerns, complaints regarding sexual exploitation and abuse of employees and related personnel. Information about the Internal Committee is shared with every member of the organisation and related personnel.

### **Responding**

The Foundation commits that immediate action is taken by the Internal Committee and management to redress any complaint of sexual harassment, sexual exploitation and abuse, to ensure the safety and well-being of all employees and related personnel.

### **The Internal Committee**

The Internal Committee to Prevent, Prohibit and Redress Sexual Exploitation and Abuse in the Foundation is constituted in consultation with the acting committee, based on demonstrated gender sensitivity, commitment to safety and inclusivity, and a professional code of conduct. Every complaint received under this policy will be forwarded to the Internal Committee.

It shall be the primary responsibility of the head of the organisation to facilitate the renewal of the committee and to fill vacancies as and when they may occur in consultation with the Presiding Officer and other members of the IC.

The composition of the Internal Committee shall be as follows:

- Headed by a woman occupying a senior position at the Foundation

- Gender balanced, with women constituting at least 50% of the membership
- At least two members from junior positions in the Foundation
- Include a third-party representative from an NGO or any other agency conversant with the issue of sexual harassment

Membership to the Internal Committee will be held for a period of three years. A member will cease to hold the membership in case:

- They cease being employees of the Foundation
- They remain absent from the Internal Committee meetings for three consecutive meetings without notice
- There is a complaint of sexual harassment or sexual exploitation and abuse against them, they have violated the Foundation's code of conduct, or criminal charges made against them that are established prima facie

In the event of any vacancy on the Internal Committee due to resignation, termination, death or for any other reason whatsoever, the same shall (within a period of three months of such vacancy) be filled in accordance with the procedures prescribed by this policy.

### **Complaint Redressal**

- Any employee or related personnel at the Foundation who believes they have been subjected to sexual harassment/ sexual exploitation and abuse, or suspect or have observed sexual exploitation and abuse of or by a fellow employee may file a complaint with the Internal Committee
- A complaint may be filed by contacting any one of the members of the Internal Committee or anybody else in the institution who will forward the complaint to the Internal Committee
- A complaint may be filed by a person of any gender, caste, class, or position within the organisation
- All complaints must be made in writing; the Internal Committee will support the aggrieved should any support be required while filing the complaint. The same support will also be extended to the respondent if they are unable to do so.
- Where the affected employee is unable to make a complaint on account of their physical incapacity, or in the unfortunate incident of a death a complaint may be filed by either a relative/friend or a co-worker; who has knowledge of the incident, with the written consent of the aggrieved person or by any person who has knowledge of the incident jointly with any of the above
- All complaints will be addressed in a time bound manner of 90 days from the time of formal filing the complaint with the Internal Committee

- Confidentiality will be strictly maintained during the investigation of all complaints.
- The Internal Committee will be accessible 24 x 7 for all employees to address any concerns staff may have and to provide information related to this policy on sexual harassment and the complaint process
- In the case of heinous crimes the Internal Committee will immediately inform the employer and the Foundation shall support the employee in filing or itself file a formal police complaint for criminal proceedings

**Investigation Process:**

In the course of investigating any complaint of sexual harassment and sexual exploitation and abuse, the Internal Committee shall ensure that the principles of natural justice are adhered to, namely:

- Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the Internal Committee
- Upon completion of the investigation, both parties will be informed of the results of that investigation
- The Internal Committee shall be empowered to do all things necessary to ensure a fair hearing of the complaint including ensuring that the aggrieved, respondent and the witnesses are neither victimised nor discriminated against while dealing with a complaint. In this regard the Internal Committee will enable appropriate interim relief for the aggrieved
- The Internal Committee shall ensure that all complaints lodged, and proceedings of any investigations arising out of the complaint, are kept confidential

**Disciplinary Action:**

The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. The Internal Committee can recommend any of the following actions against the respondent if they are proven guilty:

- Stern warning in writing
- A written reprimand
- Immediate dismissal
- Withholding of increment and/or promotions
- Cancellation of contract if the respondent is a vendor, consultant etc.

In the case of heinous crimes, the Internal Committee will immediately inform the employer and the Foundation shall support the employee in filing or itself file a formal police complaint for criminal proceedings.

Either party may approach the head of the organisation, which is the designated appellate authority in the organisation for a further hearing if not happy with the findings of the Internal Committee. They may also appeal to a higher court of law for a hearing.