

KSHAMTALAYA FOUNDATION

Prevention of Sexual Harassment Policy

2026-27

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Version: 2.0 | Effective: May 2026

1. Our Commitment

Kshamtalaya Foundation is committed to building an environment where every person associated with us can work, learn, and contribute with dignity. We believe our work culture must reflect the same values of respect and sensitivity that we seek to foster in the communities we serve.

Kshamtalaya is strongly opposed to sexual harassment in any form. Such behaviour is prohibited both by law and by this policy. Every member of Kshamtalaya, regardless of their role or tenure, is expected to take active steps to prevent and respond to sexual harassment.

We recognise that because of the informal and collaborative nature of our work, people across different roles, backgrounds, genders, and communities interact closely. In all such interactions, we ask everyone to remain aware that what may not feel offensive to one person can be experienced as harassment by another. Sensitivity to that difference is not optional.

Kshamtalaya will respond promptly and effectively to all reports of sexual harassment, and will take time-bound action to prevent and, where necessary, address behaviour that violates this policy.

2. Legal Framework

This policy is grounded in the following legislation and judicial guidance:

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013
- Section 354A of the Indian Penal Code (introduced by the Criminal Law Amendment Act, 2013)
- The Vishaka and Others v. State of Rajasthan (1997) guidelines of the Supreme Court of India

The POSH Act mandates that every employer with 10 or more employees constitute an Internal Committee (IC) and adopt a written policy on prevention of sexual harassment. Kshamtalaya complies fully with these requirements and extends the protections of this policy beyond the statutory minimum.

3. Definitions

The following terms are used consistently throughout this policy.

Aggrieved Person	Any person who alleges that they have been subjected to sexual harassment. Under the POSH Act, the aggrieved person must be a woman. Kshamtalaya extends this policy voluntarily to all genders (see Section 5).
Complainant	The person who files a complaint under this policy. In most cases, the complainant and the aggrieved person are the same individual. A complaint may also be filed on behalf of an aggrieved person by a legal heir or representative in cases where the aggrieved person is unable to do so.
Respondent	The person against whom a complaint of sexual harassment has been filed.
Internal Committee (IC)	The Internal Complaints Committee constituted under this policy and under Section 4 of the POSH Act, responsible for receiving, inquiring into, and recommending action on complaints.
Workplace	Any place visited by the aggrieved person during the course of employment, including offices, field locations, client sites, training and workshop venues, travel, and online or digital spaces used for work.
Employee / Staff	Any person employed on a full-time, part-time, contractual, or fixed-term basis at Kshamtalaya.

Fellow	A person engaged with Kshamtalaya under a fellowship arrangement.
Volunteer / Intern	A person associated with Kshamtalaya in an unpaid capacity.
Third Party	Any person who is not a Kshamtalaya employee, fellow, volunteer, or intern, but who interacts with Kshamtalaya staff in the course of work. This includes vendors, partner organization staff, community members, government officials, and participants in Kshamtalaya programmes.
Conciliation	A voluntary, structured process facilitated by the IC in which both parties attempt to reach a resolution, initiated only at the written request of the complainant. No conciliation shall be initiated on monetary settlement alone.
Inquiry	The formal investigation process conducted by the IC into a complaint of sexual harassment.

4. What Constitutes Sexual Harassment

Sexual harassment includes any unwelcome act or behaviour of a sexual nature that is explicitly or implicitly associated with the following:

- Physical contact and advances, including unwelcome touching, brushing against another person's body, hugging, leaning over, stalking, or sexual assault
- A demand or request for sexual favours, particularly where submission or rejection could affect employment, recruitment, promotion, or other work-related decisions
- Sexually coloured remarks, innuendos, or jokes, whether spoken, written, or sent digitally
- Displaying, circulating, or sharing pornographic or sexually explicit material
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature, including leering, obscene calls or messages, and inappropriate invitations
- Online or digital harassment, including unwanted sexual advances, messages, images, or comments made through digital platforms used in the course of work

The following circumstances, if they occur in connection with an act of sexual harassment, may also constitute harassment under this policy:

- Implied or explicit promise of preferential or detrimental treatment in employment, present or future
- Interference with a person's work, or creation of an intimidating, offensive, or hostile work environment
- Humiliating treatment likely to affect a person's health, safety, or dignity

5. Scope and Coverage

5.1 Who This Policy Applies To

The POSH Act, 2013 applies specifically to the sexual harassment of women at the workplace. Kshamtalaya fully complies with all statutory requirements under the POSH Act.

In addition, Kshamtalaya voluntarily extends the protections and complaint mechanisms of this policy to all genders, including men, non-binary, and transgender persons. This voluntary extension reflects our organisational values and does not modify the statutory obligations under the POSH Act.

This policy applies to:

- All employees, fellows, consultants, and contract staff of Kshamtalaya, regardless of the nature of their engagement, duration of employment, or position in the organisation
- Volunteers and interns, regardless of the duration of their association with the organisation
- Partners, stakeholders, and participants in Kshamtalaya training programmes, workshops, campaigns, and public events

- iv. Community members reached through Kshamtalaya programmes, either in person or online, where they interact directly with Kshamtalaya staff, fellows, volunteers, or partners

5.2 Jurisdiction and Limits

Action under this policy will be initiated when any of the persons listed above is subjected to sexual harassment by a Kshamtalaya employee, fellow, consultant, or volunteer, whether inside or outside the office premises, including digital spaces.

When a Kshamtalaya employee is subjected to sexual harassment by a third party, this policy requires the organisation to take immediate protective action for the complainant. Where the third party is employed by a partner or vendor organisation, Kshamtalaya will engage with that organisation's applicable policy or complaint mechanism. Where no such mechanism exists, Kshamtalaya will assist the complainant in pursuing recourse through the criminal justice system.

Kshamtalaya does not have jurisdiction to discipline third parties directly. However, the organisation will not continue any professional relationship that compromises the safety of its staff.

6. The Internal Committee (IC)

6.1 Constitution

Kshamtalaya has constituted an Internal Committee (IC) as required under Section 4 of the POSH Act. The IC is responsible for receiving complaints, facilitating conciliation where requested, conducting formal inquiries, and recommending action.

The IC shall have a minimum of four members, constituted as follows:

- Presiding Officer: A woman employed at a senior level, nominated by the Board and the Director/Co-CEO
- Internal Members: At least two internal members, at least one of whom shall be a woman. Members should be familiar with issues relating to sexual harassment
- External Member: At least one member from an NGO, association, or other body committed to the cause of women, or a person with relevant expertise in handling sexual harassment cases

At least half the total members of the IC shall be women, as required by the POSH Act.

No meeting of the IC shall be validly held unless at least three members are present, including the External Member.

In cases where a complaint is received against a member of the IC, that member shall recuse themselves and shall be replaced by another person from the same category for the duration of the inquiry.

6.2 IC Composition for 2026-27

The contact email for the IC is: mail_us@kshamtalaya.org by CC the committee members. Members are also reachable individually at the addresses below.

S. No.	Name	Role	Email	Contact
1	Anjali Gupte	Presiding Officer	anjali@kshamtalaya.org	9828229050
2	Abhishek Kumar Tiwari	IC Member	abhishek@kshamtalaya.org	9621268926
3	Sneha Kumari	IC Member	snehakshamtalaya@gmail.com	7352091409
4	Tina Aggarwal	IC Member	tina@kshamtalaya.org	9971213440
5	Rajani	External Member	rajani.astha@gmail.com	9835083482

6.3 Tenure and Vacancy

IC members are appointed for a term of three years. Any member may resign during their tenure. In the event of a vacancy for any reason, the organisation shall fill it by fresh nomination without undue delay.

6.4 Disqualification

An IC member shall be disqualified and required to step down under the following circumstances:

- A complaint of sexual harassment is pending against them, or they have been found guilty of sexual harassment
- They have demonstrated bias toward either party or abused their position
- They have disclosed information about the complainant, the respondent, or the inquiry proceedings in violation of applicable law
- They have been convicted of any offence, or an inquiry into an offence is pending against them under any law
- A disciplinary proceeding is pending or has concluded with a finding of guilt against them

7. Complaint and Inquiry Process

7.1 Who Can File a Complaint

Any person who has experienced or witnessed sexual harassment by a Kshamtalaya employee, fellow, consultant, or volunteer may file a complaint with the IC. This includes:

- Any Kshamtalaya employee, fellow, consultant, volunteer, or intern who has experienced harassment
- Any third party (partner staff, vendor, participant, community member) who has experienced harassment by a Kshamtalaya staff member
- A person filing on behalf of the aggrieved person, where the aggrieved person is unable to do so due to physical or mental incapacity

Anonymous complaints cannot be taken forward to inquiry. However, any anonymous report will be reviewed by the IC to determine whether the matter warrants a Suo motu inquiry.

Note: Kshamtalaya has no jurisdiction to inquire into complaints against third parties who are not employed by Kshamtalaya. Where a Kshamtalaya employee is harassed by a third party, the organisation will assist the complainant in seeking recourse with the third party's employer or through the criminal justice system.

7.2 Filing a Complaint

Complaints may be submitted in writing to the IC directly, or by emailing mail_us@kshamtalaya.org and cc the committee members. Complaints may also be submitted in person to any IC member, who will then assist in recording the complaint in writing.

A complaint must ordinarily be filed within three months of the incident or, where the harassment comprises a series of incidents, within three months of the last incident. The IC may extend this timeline by up to three additional months if it is satisfied that circumstances prevented earlier filing.

A meeting of the IC will be convened within three working days of receipt of a complaint. If not all members are available, those present (provided they constitute the required quorum of three) are empowered to convene and proceed.

7.3 Conciliation (Optional)

Before initiating a formal inquiry, the IC may, at the written request of the complainant, attempt conciliation between the complainant and the respondent. Conciliation cannot be initiated by the IC on its own nor by the respondent, and shall not be used in cases involving a monetary settlement only.

For conciliation to be completed, the respondent must accept all terms proposed by the IC in their entirety. If the respondent does not accept the terms, or if the complainant is not satisfied with the outcome, the matter proceeds to formal inquiry.

Where conciliation is successful, the IC shall record the settlement, provide copies to both parties, and forward a report to the Director/Co-CEO with recommendations to prevent recurrence.

Where conciliation reveals prima facie evidence of gross sexual misconduct, the IC may institute a formal inquiry regardless of whether the complainant is satisfied with the conciliation outcome.

7.4 Formal Inquiry

A formal inquiry will be initiated in the following cases:

- Where the complainant does not request conciliation
- Where conciliation is attempted but fails
- Where the IC determines that the nature of the complaint makes conciliation inappropriate

The formal inquiry will be initiated within fifteen days of receipt of the original complaint, or within fifteen days of the failure of conciliation, as the case may be.

Inquiry process:

- The complainant will submit a written statement detailing the alleged incident(s), with supporting evidence and names of witnesses. All complaints must be in writing before the inquiry proceeds.
- The IC will provide the respondent with a written summary of the complaint within seven days of receiving the complainant's statement.
- The respondent will be given an opportunity to respond in writing within ten days of receiving the complaint summary.
- The IC will interview the complainant, the respondent, and any witnesses. These proceedings will be recorded. Transcripts of the complainant's deposition will be shared with the respondent, and transcripts of the respondent's deposition will be shared with the complainant, as required by law.
- The IC may examine any documentary or other evidence relevant to the case, including confidential records.
- The entire inquiry process shall be completed within 90 days of the date the complaint is received, in accordance with the POSH Act.
- The IC will submit its report and recommendations to the Director/Co-CEO (or to the Board, if the complaint involves the Director/Co-CEO) within ten days of completing the inquiry. The report will state whether the allegations are substantiated and recommend appropriate action.
- The organization shall act on the IC's recommendation within 60 days of receipt.

7.5 Confidentiality and Protection

The IC will conduct all proceedings with strict confidentiality. The identities of the complainant, the respondent, and any witnesses shall not be disclosed to any person not involved in the inquiry. Information regarding the complaint, the proceedings, or the IC's findings shall not be communicated to the press or public media.

In exceptional circumstances where law requires disclosure, the IC shall provide a written rationale to the Director/Co-CEO before proceeding.

Kshamtalaya is committed to protecting the complainant from retaliation and from discriminatory treatment by supervisors or colleagues as a result of having filed a complaint.

7.6 Interim Reliefs

During the pendency of an inquiry, the IC may, at the written request of the complainant, recommend the following interim measures to the Director/Co-CEO:

- Transfer of the respondent to another work location or team
- Grant of leave to the complainant for up to three months, over and above their contractual leave entitlement

- Restriction of the respondent from reporting on or evaluating the complainant's work performance, with such responsibilities reassigned to another staff member

8. False and Malicious Complaints

Because sexual harassment often occurs without witnesses, absence of corroborating evidence should not discourage a person from reporting under this policy. Reports made in good faith are always protected, even if the facts cannot be independently verified.

However, if a complaint is found to have been deliberately false or maliciously made, without any basis in fact, the IC may recommend disciplinary action against the complainant or nullify the complaint. A complaint that is not proven is not the same as a complaint that is malicious. Disciplinary action under this clause will only be considered where there is specific evidence of intent to mislead.

9. Penalties

Any form of sexual harassment is a serious violation of this policy and of applicable law. If an inquiry substantiates that harassment has taken place, the IC will recommend disciplinary action to the Director/Co-CEO. The penalty will be commensurate with the severity of the conduct, any prior disciplinary history, and the circumstances of the case.

Disciplinary action may include one or more of the following:

- A formal written warning placed on the employee's record
- Mandatory counselling
- A formal written apology to the aggrieved person
- Change of work assignment or transfer
- Suspension
- Termination of employment or engagement

As an employer, Kshamtalaya is liable under Section 26 of the POSH Act for failure to constitute a compliant IC, failure to take appropriate action on a complaint, or contravention of the Act. Repeat offences attract enhanced penalties under the law.

10. Prohibition on Retaliation

Kshamtalaya strictly prohibits retaliation against any person who files a complaint in good faith, supports another person's complaint, or participates in an inquiry.

Retaliation includes, but is not limited to, threats, intimidation, reprisals, adverse changes to employment conditions, and any other conduct intended to punish, embarrass, or discourage the complainant or any witness.

The complainant or any witness who experiences retaliatory conduct by the respondent during the pendency of an inquiry should report it to the IC as soon as possible. The IC will investigate the matter and, if retaliation is substantiated, recommend appropriate disciplinary action, up to and including termination of services.

11. Organisational Responsibilities

The organisation bears the following responsibilities in implementing this policy:

- Ensure that this policy is read, understood, and signed by all members at the time of joining, and communicated to all existing members whenever it is revised
- Share the IC's details, including the shared email address ic@kshamtalaya.org, in the employee handbook, on the intranet or internal communication channels, and during inductions. Communicate any changes to IC composition promptly
- Organise annual awareness sessions and workshops on the prevention of sexual harassment for all staff, fellows, and volunteers. Include this policy in all new member inductions, with compulsory attendance

- Provide orientation and capacity-building support to IC members at least once a year
- Extend full support to the IC during inquiry proceedings
- Assist the complainant if they wish to file a First Information Report (FIR) with the police
- Assist the IC if it determines it is necessary to file a complaint with the police
- Act on the IC's recommendations within 60 days of receipt
- Prepare and submit the annual report to the District Officer as required under Rule 14 of the POSH Rules, 2013

12. Digital and Remote Contexts

Given Kshamtalaya's multi-location and field-based work, this policy explicitly extends to digital and remote work environments. Sexual harassment through digital channels is a violation of this policy in the same manner as in-person conduct. This includes:

- Unwanted sexual advances, messages, or images sent via WhatsApp, email, or any other messaging platform used for work
- Inappropriate comments or conduct in virtual meetings
- Sharing or circulating sexually explicit material via digital channels

The complaint process under Section 7 applies equally to incidents occurring in digital or remote contexts.

13. Policy Review

This policy will be reviewed annually by the IC and the Director/Co-CEO, and updated to reflect any changes in applicable law or organisational practice. The Board will be informed of any material revisions.

ACKNOWLEDGEMENT

I confirm that I have read and understood the Kshamtalaya Foundation Prevention of Sexual Harassment Policy (2026-27). I agree to abide by its provisions and support its implementation.

Employee Signature:

For Kshamtalaya Foundation:

Name:

Name:

Designation:

Designation:

Date:

Date:

This policy has been drafted in alignment with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Rules made thereunder, and the Vishaka guidelines of the Supreme Court of India. Organisational best practices have been informed by the policies of Teach For India and TYPF Foundation.