



Ref. No. : SGTU/AC/21.15/2016

Dated : 23<sup>rd</sup> February, 2016

**REGULATION FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS**

**1. Short Title**

These regulations may be called the University (Prevention, prohibition and Redressal of sexual harassment of women employees and students)

**2. Definitions.** In these regulations, unless the context otherwise requires:

- (a) "campus" means the location or the land on which the University is located.
- (b) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person.
- (c) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps.
- (d) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by the University.
- (e) "sexual harassment" means :
- (f) "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely :
  - (i) any unwelcome physical, verbal or non verbal conduct of sexual nature.
  - (ii) demand or request for sexual favours.
  - (iii) making sexually coloured remarks.

  
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- (iv) physical contact and advances.
- (v) showing pornography.
- (g) "student" means a person duly admitted and pursuing a programme of study.
- (h) "third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the UNIVERSITY, but a visitor to the University in some other capacity or for some other purpose or reason.
- (i) "victimization" means any unfavorable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.
- (j) "workplace" means any Faculty, Department, Office of the University.

### 3. Grievance redressal mechanism.

- (a) Constitution of an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition :
  - (i) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a University, and not below an Associate Professor or Reader).
  - (ii) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Vice Chancellor.
  - (iii) Three students, **if the matter involves students**, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure.
  - (iv) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Vice Chancellor.
- (b) At least one-half of the total members of the ICC shall be women.
- (c) Persons in senior administrative positions in the University, such as Vice-Chancellor, Pro Vice-Chancellors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of University functioning.

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- (d) The term of office of the members of the ICC shall be for a period of three years. The University may also employ a system whereby one –third of the members of the ICC may change every year.
- (e) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the University as may be prescribed.

**4. Responsibilities of Internal Complaints Committee (ICC) - The Internal Complaints Committee shall :**

- (a) provide assistance if an employee or a student chooses to file a complaint with the police.
- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence.
- (c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- (d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment.
- (e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

**5. The process for making complaint and conducting inquiry**

The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The University shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy

**6. Process of making complaint of sexual harassment**

- (a) An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.

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- (b) Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing;
- (c) Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period."
- (d) Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

#### **7. Process of conducting Inquiry**

- (a) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- (b) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- (c) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Vice Chancellor of the University. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (d) The Vice Chancellor of the UNIVERSITY shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- (e) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Vice Chancellor of the University within a period of thirty days from the date of the recommendations.
- (f) If the Vice Chancellor of the University decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Vice Chancellor of the University shall proceed only after considering the reply or hearing the aggrieved person.

  
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- (g) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The UNIVERSITY shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- (h) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

#### **8. Interim redressal**

The University may :

- (a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the TCC;
- (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- (d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain tUniversityr entry into the campus;
- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

#### **9. Punishment and compensation**

- (a) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the University, if the offender is an employee.
- (b) Where the respondent is a student, depending upon the severity of the offence, the University may.
  - (i) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card.
  - (ii) suspend or restrict entry into the campus for a specific period.

  
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- (iii) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
  - (iv) award reformatory punishments like mandatory counseling and, or, performance of community services.
- (c) The aggrieved person is entitled to the payment of compensation. The University shall issue direction for payment of the compensation recommended by the ICC and accepted by the Vice Chancellor, which shall be recovered from the offender. The compensation payable shall be determined on the basis of :
- (i) mental trauma, pain, suffering and distress caused to the aggrieved person.
  - (ii) the loss of career opportunity due to the incident of sexual harassment.
  - (iii) the medical expenses incurred by the victim for physical, psychiatric treatment.
  - (iv) the income and status of the alleged perpetrator and victim.
  - (v) the feasibility of such payment in lump sum or in installments.

#### 10. Action against frivolous complaint

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicized within all University. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub regulations

"of regulations 9, if the complainant happens to be an employee and as per sub-regulation (2) of that regulation, if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended."

*Signature*

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