

POLICY DOCUMENT

ON

“Women Welfare”



**J.C. BOSE UNIVERSITY OF SCIENCE AND TECHNOLOGY,
YMCA, FARIDABAD**

(Formerly YMCA University of Science and Technology)

NAAC 'A' Grade accredited State University

Sector-06, Delhi Mathura Road, Faridabad -121006 (Haryana)

Approved in 36th EC Meeting dated 27/01/2020



INTRODUCTION:

Sexual harassment at workplace is a universal problem in the world whether it is a developed nation or a developing nation or an underdeveloped nation. Atrocities and cruelties against women is common everywhere.

Protection of Women from Sexual Harassment at Workplace:

Today's world is accustomed to the term Sexual harassment. Sexual Harassment can be identified as a behavior. It can in general terms be defined as an unwelcome behavior of sexual nature. Sexual harassment at workplace is a universal problem in the world whether it is a developed nation or a developing nation or an underdeveloped nation. Atrocities and cruelties against women is common everywhere. It is a problem giving negative effect on both men and women. It is seen to be happening more with women gender as they are considered to be the most vulnerable section of the society these days. Sexual harassment therefore is a serious problem in the workplace and it has become one of those issues that receive a lot of negative attention.

1.2 What Is Sexual Harassment?

Sexual harassment has been identified as a term which is difficult to define as it involves a range of behaviors. Efforts have been made at both national and international levels to define this term effectively. The term is subjected to different interpretations. Some believe that it is better not to mingle with female colleagues so that one does not get embroiled in a sexual harassment complaint. The reality of sexual harassment incidents at the workplace is that there is more to worry about under-reporting, than people misusing the law.

In 1997, in the landmark judgment of Vishaka and others vs. State of Rajasthan [1], the Supreme Court of India defined sexual harassment at the workplace, pronounced preventive, prohibitory and redresses measures, and gave directives towards a legislative mandate to the guidelines proposed.

Sexual Harassment includes many things:

1. Actual or attempted rape or sexual assault.
2. Unwanted deliberate touching, leaning over, cornering or pinching.
3. Unwanted sexual teasing, jokes, remarks or questions.
4. Whistling at someone.
5. Kissing sounds, howling and smacking lips.
6. Touching an employee's clothing, hair or body.
7. Touching or rubbing oneself sexually around another person.
8. Unwanted Whatsapp messages, e-mail or any social media.



1.3 Indian Constitution on Sexual Harassment

Sexual harassment clearly violates the fundamental rights of a woman to Equality under Article 14[2] and Article 15[3], her right to life under Article 21[4], and her right to practice any profession and carry on any occupation, trade or business [5], which includes a Right to safe environment free from sexual harassment.

1.3.1 IPC on Sexual Harassment

In 2013, substantial changes were made in the way sexual harassment was viewed within the criminal justice system in India. The Criminal Law Amendment Act of 2013, which commenced on April 3, 2013, included Section 354A of the Indian Penal Code, 1860 that defined sexual harassment. The India Penal Code, 1860 has also defined the term sexual harassment and related offences and put forth punishments for the same:

- Section 354A- Sexual harassment is: unwelcome physical contact and advances, including unwanted and explicit sexual overtures, a demand or request for sexual favors, showing someone sexual images (pornography) without their consent, and making unwelcome sexual remarks

Punishment: Up to three years in prison, and a fine.

- Section 354B- Forcing a woman to undress.

Punishment: From three to seven years in prison, and a fine.

- Section 354C- Watching or capturing images of a woman without her consent (voyeurism).

Punishment: First conviction – one to three years in prison and a fine. More than conviction – three to seven years in prison and a fine.

- Section 354D- Following a woman and contacting her or trying to contact her despite her saying she does not want contact. Monitoring a woman using the internet or any other form of electronic communication (stalking).

Punishment: First conviction – up to three years in prison and a fine. More than one conviction – up to five years in prison and a fine.

The same definition is given in the law enacted specifically for Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act 2013.

1.4 Pre-Vishaka Scenario

Before the Vishaka guidelines came into picture, the women had to take matter of Sexual Harassment at Workplace through lodging a complaint under Sec 354 and 509 of IPC.



Sexual Harassment as we know has become a global problem which is a kind of violence against women. International community has recognized in their International treaties and documents, the protection from Sexual Harassment as a human rights of women. All the legal instruments dealing with this matter have been laid down to protect life and liberty and these instruments have been used as a means to curb and address this issue.

In India until the Vishaka's judgment was given out, there was no law to govern this matter and the guidelines which came as an outcome of this case were derived from the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The Indian Constitution had grounded provisions in the form of fundamental rights.

Vishaka and Others V. State of Rajasthan: In the case of Vishaka and Ors v. State of Rajasthan and Ors [6], the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

Criminal Proceedings

Where such conduct amounts to an offence under the IPC or under any other law, the employer shall initiate appropriate action in accordance with law by making complaint with the appropriate authority. In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

Disciplinary Action

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, and appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

Internal Complaints Committee

The complaint mechanism should be adequate to provide a complaints committee, a special counselor or other support service, including the maintenance of confidentiality.

The complaints committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such complaints committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.



The complaint committee must make an annual report to the government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the complaints committee to the government department.

Worker's Initiative

Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other suitable forum and it should be affirmatively discussed in employer-employee meetings.

Awareness

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Sexual harassment is a serious problem in the workplace and it has become one that receives a lot of negative attention. However, India is a late entrant in formalizing sexual harassment at workplace as a penal offence punishable with imprisonment and penalty. The harsh reality of sexual harassment cases at workplace is that there is more to worry about under-reporting than people misusing the law. With the advent of the present legislation, a paradigm shift can be noticed in the way employers are made liable for the breach of law by its employees. Until the enactment of this law, vicarious liability on sexual harassment at the workplace was non-existent. However, while the Government of India has been taking steps to monitor implementation of the 2013 Act in government offices, there is an absence of mechanism to check execution in the private sector. The damage that is happening as a result of state apathy is unpardonable and irreparable.



POLICY AGAINST SEXUAL HARASSMENT

UNIVERSITY COMMITMENT:

J.C. Bose University of Science and Technology, YMCA, Faridabad is committed to ensure an environment in which education, work, research and discussion are not corrupted by sexual harassment. It envisages a space where education can transform attitudes, perception and practices to nurture both equality and freedom for all sections, particularly women. The university is also committed to promote an environment opportunity. It ensures that every student, teaching and non teaching staff is treated with dignity and respect and affordable equitable treatment.

I. SHORT TITLE

The Internal Complaints Committee Against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures (ICC).

II. APPLICABILITY

- (i) It shall apply to all students, academic staff and non-teaching staff on active rolls of University, Faridabad as also to residents, service providers and outsiders, on the University campus, to the extent specified in these rules and procedures.
- (ii) It shall also apply to all the Colleges and Institutions affiliated to University.
- (iii) The affiliated Colleges shall formulate an Internal Complaints Committee as per Sections VI of the Policy with the Director of the College as the Convener of the Board.

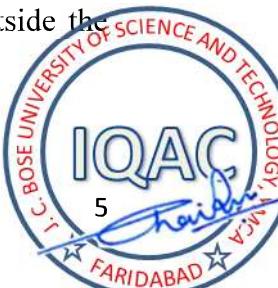
III. SCOPE OF THE POLICY

This Policy shall be applicable to all complaints of sexual harassment made by a woman against man/men only-

JURISDICTION:

- These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman against a man only.
- By a woman member of university against any male member of the university irrespective of where the harassment is alleged to have taken place.
- By a woman resident against a male member of the university irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

Approved in 36th EC Meeting dated 27/01/2020



- By an outsider woman against a male member of the University when sexual harassment is alleged to have taken place within the campus.
- In the case of third party/ outsider harassment, with the consent of the aggrieved woman, the University can take immediate steps and initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the University and the committee will actively assist and provide available resources to the complainant woman in pursuing the complaint.

IV. GENERAL DUTIES AND RESPONSIBILITIES OF J.C BOSE UNIVERSITY OF SCIENCE AND TECHNOLOGY, YMCA FARIDABAD¹

University shall-

- (a) Ensure a safe environment free from sexual harassment for women including prevention and deterrence of sexual harassment.
- (b) Prepare and prominently display the policy for the prevention and prohibition of Sexual harassment.
- (c) Prominently display notices in various places spreading awareness about the issues of “Sexual harassment at the workplace and giving information about redress mechanism that has been put in place and encouraging women to file their grievances.
- (d) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the ICC in the manner as may be prescribed.
- (e) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- (f) Assist in securing the attendance of respondent and witnesses before the ICC.
- (g) Make available such information to the ICC, as it may require having regard to the complaint.
- (h) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- (i) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.

¹ *Ibid, Section 19*



- (i) Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- (j) Monitor the timely submission of reports by the ICC.

V. CONSTITUTION OF ICC

ICC shall have a membership of eleven persons, of which at least half the members shall be women. The ICC will be constituted for a period of three years.

- (i) Three faculty members (at least two women out of which one shall be the Chairperson of ICC)
- (ii) One Women Warden
- (iii) One staff member having legal knowledge/Experience in social work
- (iv) Two students (preferably one day scholar and one hostel resident with at least one of them being a woman)
- (v) One Workshop officer and one non teaching staff member (at least one should be woman).
- (vi) One eminent Woman Academician from outside the University
- (vii) One woman representative of an NGO with special experience in issues of sexual harassment.

VI. PROCEDURE FOR THE CONSTITUTION OF ICC IN COLLEGE AFFILIATED TO UNIVERSITY

Board to be approved by the Management/Department of Higher Education to appoint the members of ICC in the College

- a. One woman representative from J.C. Bose University appointed by Vice Chancellor
- b. Director (Convener)
- c. Senior most lady teacher of the College
- d. In-charge, Women's Cell
- e. Convener, Proctorial Board



- f. Convener, Cultural Activities
- g. Coordinator, NSS

VII. POWERS AND DUTIES OF ALL COMMITTEES AGAINST SEXUAL HARASSEMENT

A. PREVENTIVE

Gender Sensitization and Orientation

1. To work towards creating an atmosphere promoting equality, non discrimination and gender justice.
2. To promote and facilitate measures to create a work and study environment that is free from sexual harassment of women.
3. To publicize widely the policy against sexual harassment in Hindi, English and the language of the region where the Centre is located, especially through the prospectus, programme guide or other appropriate document and display the same on notice boards, website, offices and residential areas etc.
4. Every recruitment/admission announcement must state: University has a policy against sexual harassment named ICC and is committed to providing an environment free from sexual harassment of women at the workplace.
5. To regularly organize and carry out programmes for gender sensitization of University members through workshops, seminars, posters, film shows, debates etc. It may enlist the help of specialized NGOs to carry out these programmes.
6. ICC shall conduct at least one major activity per semester involving large sections of the University community.
7. Those already in service shall be asked to sign this Policy.
8. ICC shall coordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It shall maintain regular conduct with the campus security services to ensure that in crisis arising out of incidents of sexual harassment, ICC members, and/or the volunteers identified by it, shall be intimated without delay.
9. ICC shall organize training workshops for members of ICC to equip them to handle sexual harassment cases (including legal and medical aspects of aid).



B. REMEDIAL

Enquiry

1. To receive and take cognizance of complaints made about sexual harassment of women at workplace.
2. To conduct enquiries into these complaints, place findings before the concerned disciplinary authority and recommend penalties against the harasser in accordance with the rules and procedures laid down.
3. To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses the complaint or witnesses.
4. To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who threatens or intimidates the complainant or members of the committee.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires.
7. In the case of third party/ outsider harassment, with the consent of the aggrieved woman the University shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the University and the committee will actively assist and provide available resources to the complainant woman in pursuing the complaint

(2). Crisis Management and Conciliation²

- i) The Internal Complaints Committee against Sexual Harassment may before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation by the Complaints Screening Committee.

Provided that no monetary settlement shall be made as a basis of conciliation

² *Ibid, Section 10*



- ii) Where a settlement has been arrived at under sub-section 2 (i), Internal Complaints Committee Against Sexual Harassment shall record the settlement so arrived and forward the same to the Vice-Chancellor to take action as specified in the recommendation.
- iii) The Internal Complaints Committee against Sexual Harassment shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- iv) Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Complaints Committee against Sexual Harassment.
- v) ICC can *suo moto* assist in the conciliation of crisis arising out of sexual harassment and sexual assault on the campus.

(3). Formal Enquiry and Redressal

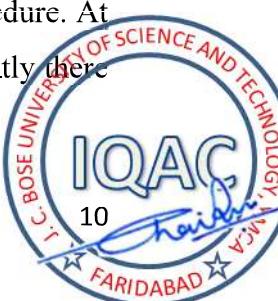
- i) ICC shall be responsible for the formal redressal of complaints of sexual harassment. It shall receive complaints, conduct time-bound enquiries and recommend disciplinary action, if any, in accordance with the rules and procedures lay down herein.
- ii) In all cases of sexual harassment, ICC shall provide its resources to ensure the complainant's safety.

VIII) ANNUAL REPORT OF ICC

ICC shall forward an Annual Report on the discharge of its functions of gender sensitization and orientation, crisis mediation and formal enquiry and redressal to the Vice-Chancellor of University. The Annual Report shall also be presented and discussed in at least one public meeting called for the purpose by ICC.

IX) REGISTRATION OF COMPLAINTS

Where, despite the preventive and conciliatory efforts of ICC, incidents of sexual harassment do take place, registration of complaints about such incidents shall follow a two-stage procedure. At the first stage there shall be a preliminary system for filing of complaints and subsequently there



shall be follow-up by a Complaints Screening Committee. Both these stages are spelt out in the outline given below.

(A) Procedure for Filing Complaints

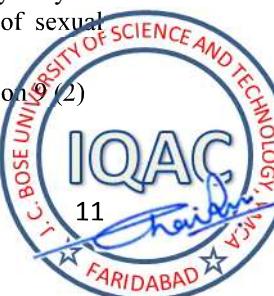
- (i) Any woman student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service, provider, outsider, or a member of the academic or non-teaching staff. Third party³ complaints and witness complaints shall be entertained.
- (ii) Complaints can be lodged directly with any member of ICC, or through existing channels for lodging grievances, such as the University authorities, wardens, teachers, students, union/association representatives, administrative superiors, complaint boxes installed at Registrar and women cell office etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of ICC within two working days of its receipt by her/him.
- (iii) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section⁴.
- (iv) Upon receipt of the complaint, the ICC member to whom the complaint is made shall forward the same to the Chairperson, ICC.
- (v) The ICC may, before initiating an inquiry under section (ii) and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation⁵.
- (vi) provided that no monetary settlement shall be made as a basis of conciliation⁶.

³ Third Party here refers to any individual who is not party to the incident. Third party complaints may only be pursued if there is enough evidence (eye witness/material evidence) to establish a *prima facie* case of sexual harassment, and/or the complaint himself/herself agrees to testify.

⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Section 9 (2)

⁵ *Ibid, Section 10 (1)*

⁶ *Ibid, Section 10 (1)*



- vii) Where a settlement has been arrived at under section (v), the ICC shall record the settlement so arrived and forward the same to the Vice-Chancellor to take action as specified in the recommendation⁷.
- viii) The ICC shall provide the copies of the settlement as recorded under section (vii) to the aggrieved woman and the respondent⁸.
- ix) Where a settlement is arrived at under section (v), no further inquiry shall be conducted by ICC⁹.
- x) As far as possible an attempt should be to explore whether conciliation can provide a suitable solution of the case. This would be desirable in so far as it can spare the trauma of formal procedures for both the complainant and the accused. In cases where there is a possibility of success of such an effort, the time span between receipt of first information about an incident and bringing it formally to the notice of ICC by the faculty or other concerned person, may be enhanced beyond two days but to a period less than a week from the date of the initial complaint.
- xi) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by a Complaints Screening Committee or the ICC member receiving the complaint, on Form I, prescribed for the purpose, and authenticated by the complainant under her dated signature or thumb impression as the case may be.

(B) Time Frame for Filing a Complaint¹⁰

- i) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC within a period of 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 last incident.
- ii) Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the ICC or the Chairperson shall render all reasonable assistance to the woman for making the complaint in writing.

⁷ *Ibid, Section 10 (2)*

⁸ *Ibid, Section 10 (3)*

⁹ *Ibid, Section 10 (4)*

¹⁰ *Ibid, Section 9*



(iii) Provided further that the ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(C) Complaints Screening Committee

(i) Composition

ICC shall designate by rotation three persons from amongst its members for a period of one month to receive and screen complaints, henceforth called the Complaints Screening Committee¹¹. The names and contact details of these members shall be given widespread publicity by ICC.

(ii) Functions

- (a) The Complaints Screening Committee shall receive and record complaints of sexual harassment.
- (b) It shall carefully study the complaint, and may hear both the complainant, the accused and/other involved parties to determine whether an enquiry by ICC is to be instituted. The process of screening of complaints would be kept as simple as possible, complainant-friendly and quick in terms of its decision as to whether the matter needs to be referred to the Enquiry Committee or should be taken care of by counseling/conciliation. Recourse to calling of witnesses would therefore be avoided at the complaints registering stage to the maximum extent possible.
- (c) At no time during the complaint receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment¹².

¹¹ The Complaints Screening Committee procedure is essential to the just functioning of ICC, as in a number of instances, complaints received by ICC may not instantiate a complaint of sexual harassment as defined by law. The procedure also recognizes that an inquiry can be as traumatic for an accused as the complainant, and the institution of an enquiry without determining a *prima facie* case can lead to adverse consequences and a hostile working environment for the accused.

¹² This provision has its basis in the guidelines laid down by the Law Commission on the law, so as to restrict attempts to impugn the credibility of the complainant on bounds of her alleged 'bad character'.



- (d) The Complaints Screening Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of ICC as soon as possible.
- (e) The Complaints Screening Committee shall be responsible for making counselling services available to a person requesting for it.
- (f) The complainant may withdraw her complaint in writing at any time during the complaints receiving and/or enquiry procedure.

The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reasons to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the accused, or any person can on his behalf, on the complainant. In such as instance, the enquiry proceedings shall continue according to the procedure.

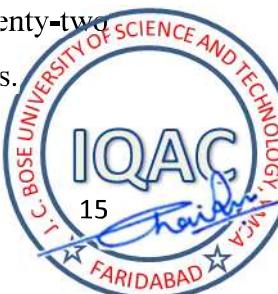
(D) Procedure to be Followed by the Complaint Committee

- a. During the enquiry proceedings the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- b. The complainant will be allowed to be accompanied by one representative during the enquiry.
- c. The Enquiry Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date on which the complaint is referred to it. The Enquiry Committee shall be required to provide to the Complaints Committee reasons in writing for any delay in concluding the enquiry beyond a period of 3 months.
- d. Within one week of the institution of enquiry proceedings by the Complaints Committee, the Enquiry Committee shall prepare a document containing a summary of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant and the defendant.

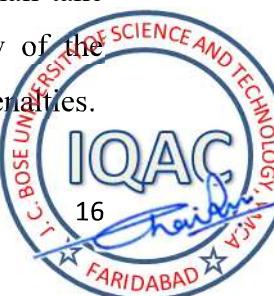


- e. The Enquiry Committee must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 5 days to respond to the charge sheet.
- f. The Enquiry Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- g. Within not more than five working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit, to the Convener of the Enquiry Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.
- h. The complainant and the defendant shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Enquiry Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
- i. The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- j. The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- k. The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- l. The Enquiry Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- m. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.

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- n. The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Enquiry Committee.
- o. The venue of the enquiry should take into consideration the convenience and security of the complainant.
- p. If the complainant, defendant, or witness desire to appear before the Enquiry Committee accompanied by one person of their choice, they shall communicate to the Convener of the Enquiry committee the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- q. The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Enquiry Committee.
- r. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be only a member of University. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Enquiry committee specifically if they wish to exercise this right. The Enquiry Committee may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the Committee against Sexual Harassment.
- s. All proceedings of the Enquiry Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- t. All persons heard by the Enquiry Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.



Enquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report submitted to the Committee Against sexual Harassment within a period of 90 days from the date on which the enquiry is commenced. In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing.

(X) REDRESSIVE ACTION

After this stage, ICC shall pass on the findings of the Enquiry Committee to the Vice-Chancellor not later than 10 days of submission of Inquiry Report to ICC for taking appropriate redressive action based on the facts and recommendations submitted by ICC. The nature of disciplinary action shall be determined by the appropriate authorities. In case of faculty member and employees whose appointing authority is Executive Council, the appropriate authority for final decision regarding disciplinary action shall be the Executive Council, which shall consider the recommendations of the Vice-Chancellor. In case of students and other employees the Vice-Chancellor shall be the final decision taking authority.

(XI) PENALTIES

- (i) Any member of the University including academic staff, non teaching staff, student, service provider, resident found guilty of sexual harassment shall be liable for disciplinary action.
- (ii) The penalties listed below are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of all members of the University.

(A) In the case of academic/administrative/ technical/ non teaching staff/ management, disciplinary action could be in the form of one or more of the following:

- (a) Warning
- (b) Written apology
- (c) Bond of good behavior
- (d) Gender sensitization
- (e) Counseling



- (f) Adverse remarks in the Confidential Report
- (g) Debarring from supervisory duties
- (h) Denial of membership of statutory bodies
- (i) Denial of re-employment
- (j) Stopping of increments/promotion
- (k) Reverting, demotion
- (l) Dismissal
- (m) Withdrawal of residential facilities and prohibition from entry on the campus etc.
- (n) Any other relevant mechanism.

B. In case of students, disciplinary action could be in the form of:

- (a) Warning
- (b) Written apology
- (c) Bond of good behavior
- (d) Gender sensitization
- (e) Counseling
- (f) Debarring entry into a hostel/ campus
- (g) Withholding results
- (h) Debarring from exams
- (i) Debarring from contesting elections
- (j) Debarring from holding posts
- (k) Expulsion
- (l) Denial of admission
- (m) Any other relevant mechanism.

(NOTE: The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurize the complainant in any way).

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(XII) CONFIDENTIALITY AND THE CHANNELS OF COMMUNICATION BETWEEN THE UNIVERSITY AND ICC

ICC strongly underlines the need for maintaining confidentiality regarding proceedings involving sexual harassment. It is the duty of all involved in the processes of ICC to abide by this dictum in all earnestness. The requirement of evolving effective ways to maintain maximum possible confidentiality needs to be stressed here. While emphasizing the need for maintaining maximum confidentiality, it needs to be borne in mind that for the smooth functioning of the mechanisms for restraining sexual harassment on the campus, there has to be complete rapport between ICC and the Vice-Chancellor.

In pursuit of the objective of curbing sexual harassment and for undertaking expeditious redressive action, the Vice-Chancellor should be kept informed at the important stages in the functioning of ICC whenever a case of sexual harassment should take place. When required the Chairperson, ICC accompanied by one or two members of ICC should inform the Vice-Chancellor about serious complaints of Sexual Harassment on the campus.

(XIII) OTHERS MATTERS CONCERNING MODUS OPERANDI OF ICC

(A) False Complaint:

- (i) If the Complaint Committee or the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of ICC giving reasons for its conclusions.
- (ii) Within four working days of the receipt of this communication, the Chairperson of ICC shall call a Special Meeting to discuss the recommendations of the Complaints Screening Committee or Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant.
- (iii) Upon the decision to issue a show-cause notice, the Chairperson of ICC shall issue it to the complainant. The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant to explain, within seven days in writing and/or in person, as to why disciplinary action shall not be taken against him.
- (iv) Within four working days of receipt of any explanation from the complainant to this show-cause notice, or after the expiry of the time specified for such explanation, the



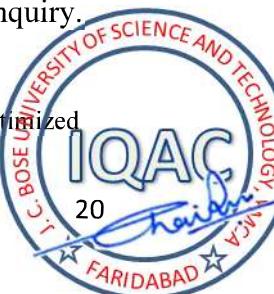
Chairperson of ICC shall convene a Special Meeting to consider the explanation or any lack thereof.

- (v) In event of no, insufficient, or unconvincing explanation, ICC shall pass on the papers concerning the complaint to the University Authority who shall impose sufficiently strong penalty in order to exclude the possibility of lodging a motivated complaint for maligning some person's character.

(B) **Protection Against Victimization¹³**

- (i) If the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- (ii) If a witness named by the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- (iii) If both the complainant and the accused are members of the academic and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, he is otherwise so authorized.
- (iv) If witnesses named by the complainant and the accused are members of the academic and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the confidential reports of the witnesses, if he is otherwise so authorized.
- (v) If the accused is an outsider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.

¹³ The Vishaka Judgment: "In particular, (the employee) should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaint of sexual harassment."



(C) Provisions for Appeal¹⁴

- (i) In the event of the ICC not taking action on a complaint, or if the complainant or accused is dissatisfied with the disciplinary action taken by the University authorities, he shall have the right to appeal to an Appeals Committee.
- (ii) Appeals may be lodged with the University authorities.
- (iii) An Appeals Committee shall consist of the following 3 members:
 - (a) One person nominated by the Executive Council of University from amongst its members.
 - (b) One former Chairperson of ICC or any former senior woman member of ICC nominated by the Vice-Chancellor. The nominee shall chair the Appeals Committee.
 - (c) One senior woman faculty member nominated by the Vice-Chancellor.
 - (d) Further, since the above two categories shall be woman members, the member to be nominated by the Executive Council must be a male member of the Executive Council.
- iv) The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official records. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines laid down in the Rules and Procedures.

The Appeals Committee shall report to the Executive Council of University its findings and recommendations on the nature of the action to be taken on the appeal.

(D) Special Provision for Physically Challenged Persons:

In case a physically challenged person happens to be a victim of sexual harassment, the procedure for providing succor to the person concerned would be more expeditious. In such cases, the victim may directly approach the Vice-Chancellor. Depending upon gravity of the incident involved, the Vice-Chancellor, in consultation with Chairperson of

¹⁴ The Appeals Committee shall have to frame its own Rules & Procedures.



ICC, may take necessary action to reduce the steps involved in the complaints and enquiry procedure as laid down in the Rules and Procedures document.

(E) Obligations of University Authorities and functionaries

- i. The University authorities and functionaries shall accord full cooperation to ICC in its execution of its functions of gender sensitization and orientation, crisis management and mediation, and enquiry and formal redressal of complaints.
- ii. The University authorities shall ensure that the aims and objections of the ICC Policy are included in the Admission Brochure and the complete Policy document is available on the University website.
- iii. The University authorities shall ensure that recruitment announcement to all academic and non-teaching positions include the following statement, as notification of the Policy: J.C. Bose University, YMCA has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.
- iv. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed before boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels etc.
- v. The University authorities and functionaries shall provide legal, medical and counseling assistance to those victims who have to take recourse to the law.
- vi. The University authorities and functionaries shall forward all complaints of sexual harassment to ICC, save in cases in which the complainant has expressly prohibited such forwarding.
- vii. The University authorities and functionaries shall provide all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.
- viii. As required by the Act, the University authorities shall forward to the government department concerned, the Annual Report of ICC together with a written report of the Action Taken by them upon the decisions/recommendations of the ICC and the Appeals Committee.



(F) Dissident Views:

If a member of ICC does not agree with a majority decision of ICC, she/he should have the right to submit a dissenting point of view along with reasons/evidence etc.

(XIV) AMENDMENT TO THE POLICY OF ICC

Amendment to the Policy of ICC shall have effect only if these are in consonance with the spirit of the Sexual Harassment of Women at Workplace (Prevention, Prohibited, and Redressal) Act, 2013 and is approved by a Committee constituted by the Executive Council of the University.

(XV) BUDGET

- The University shall provide adequate office space including all facilities like secretarial help, computer/printer, and stationary and photocopying facilities etc. for the functioning of the ICC.
- The University Budget shall provide a sum of Rs. 5 Lakhs per year to the ICC for TA/DA, Honorarium, Hospitality, Stationery, organizing awareness and sensitization programmes and other related activities including posters, brochures, handbills, display boards etc.
- TA/DA for outstation members for attending the meetings shall be provided as per university rules. An honorarium of Rs. 3000/- per head per day shall be given as sitting fees to the outstation members for attending the meeting of ICC, Screening Committee and Inquiry Committee. (If more than one meeting of ICC is held on one day i.e. ICC meeting and Inquiry Committee meeting only Rs. 3000/- per day will be paid to the outstation members.)



**J.C.BOSE UNIVERSITY OF SCIENCE AND TECHNOLOGY, YMCA
FARIDABAD**

NOTIFICATION

The Executive Council of the University at its meeting held on _____ had considered and adopted a Policy against Sexual Harassment of Women.

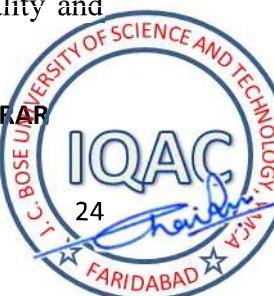
The Committee to address issues of sexual harassment in J.C. Bose University of Science and Technology is called “The Internal Complaints Committee against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures (ICC), 2015.”

University is committed to providing a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that all students, faculty, staff, karamcharis and officials shall treat one another and visitors to the University with respect. All members of the University community, including those who are in temporary or short-term positions are subject to this Policy. Anyone violating this Policy is subject to disciplinary action.

Reports of sexual harassment are taken seriously and shall be dealt with promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. The University recognizes that confidentiality is important. The University shall respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Reprisals against an individual who is in good faith reports, or provides information in an investigation, about behavior that may violate this Policy, are against the law and shall not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

University is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this Policy is not intended to stifle teaching methods or freedom of expression. Sexual harassment, however, is not the proper exercise of academic freedom, nor can it be protected as freedom of expression. It comprises the integrity of the University and its traditions of intellectual freedom and it also violates the principles of the equality and dignity of all its members.

REGISTRAR



Approved in 36th EC Meeting dated 27/01/2020

INTERNAL COMPLAINT COMMITTEE AGAINST SEXUAL HARASSMENT
(ICC)

J.C. BOSE UNIVERSITY OF SCIENCE AND TECHNOLOGY, YMCA
FARIDABAD

Form-I
Format for Recording Complaints of Sexual Harassment

I. Complainant Student/Resident/ Academic Staff/Non-Teaching Staff/ Outsider/ Service Provider

Name: _____ Age: _____ Sex: _____

Address: _____ Dept. College/Office: _____

Email: _____ Mobile No: _____

II. Accused (S) Student/ Resident/Academic Staff/Non-Teaching Staff/ Outsider/ Service Person. If The Contact Details Are Not Known, Please Give Physical Description

Name: _____ Age: _____ Sex: _____

Address: _____ Dept. _____ Mobile: _____

III The Complaint

1. Is the accused known the complainant?
2. Is this the first incident of this kind? If yes, skip 3 and 4.
3. Were exactly the same people involved? If no specify further.
4. Was the first incident reported? What action, if any was taken?
5. Approximate date(s), time(s) and locations(s) of incidents (starting from the most recent):

Complaint recorded by

Signature: _____ Date: _____

Name: _____ Place: _____

Approved in 36th EC Meeting dated 27/01/2020

