

## **DRAFT POLICY TO PREVENT AND DEAL WITH SEXUAL HARASSMENT**

**(Drafted by the Campaign Against Sexual Harassment, Bombay.)**

The University of \_\_\_\_\_ is committed to creating an atmosphere in which teachers, students and non teaching staff can work together in an atmosphere free from sexual harassment. On 13th August, 1997, the Supreme Court in its Judgement in the case of Visakha Vs. State of Rajasthan issued certain guidelines pertaining to sexual harassment. Pursuant to these guidelines the University Grants Commission has issued a Directive dated \_\_\_\_\_ calling upon the Universities to implement these guidelines. Towards this implementation the present policy has been formulated by our University and has been approved by the Senate on \_\_\_\_\_. It shall be binding not only on the employees and the management but also on students and third party harassment on University or college premises. This Policy will be binding on all those who come within the purview of the University and it is expected that it will be implemented immediately and continuously.

Sexual harassment as generally understood is of two kinds: hostile environment and *quid pro quo*. Hostile work environment includes pornography in public places, foul language, etc. This may not be directed at any woman employee or student in particular, but the effect on the women is one of discomfort. Second, *quid pro quo* i.e. "in exchange" for favours such as promotions, employment perks, examination results, etc.

### **1. SHORT TITLE, EXTENT AND COMMENCEMENT**

- a. This Policy will be called the "Policy concerning sexual harassment in educational institutions".
- b. It extends to all the Departments and Faculties of the University, all the constituent colleges and all the colleges and institutions affiliated to the University, whether such colleges are state owned or privately owned and whether they are aided or unaided and whether they enjoy the minority status or not;
- c. This policy will come into effect immediately on the date of issuance of this Directive.

### **2. DEFINITIONS**

- a. "Sexual Harassment", as is provided in the Supreme Court Judgement, includes any unwelcome sexually determined behaviour, direct or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non verbal conduct of a sexual nature.

Explanation: "Sexual Harassment" shall include, but will not be confined to the following:

- i. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, as a term

or condition for instruction, employment, participation or evaluation of a person's engagement in any university or college activity.

- ii. When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive University or college environment;
  - iii. When any form of sexual assault is committed where a person uses, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, and
  - iv. When any such conduct as defined in (i) and (ii) above is committed by a third party or outsider in relation to a member of the University's or college's community, or vice versa on the premises of the university or college.
- b. "Employee" means any person on the staff of the University or any of the Colleges or Institutions to which this policy is applicable including any teaching or non teaching staff, temporary, part time, honorary, employee by whatever name called and would include employees employed on a casual or project basis and also employed through a contractor.
  - c. "Student" includes any person who is enrolled for any course, whether by attendance or distance education, with the University or with any of its affiliated colleges or institutions and includes a Post Graduate student, a Research Scholar and a repeater. It also includes a student of another University or another college who has been placed or has opted for placement with the University or any college to which the present policy applies.
  - d. "College" shall mean and include all colleges and other institutions separately affiliated to the University
  - e. "Pool of NGOs and experts" includes any Non Governmental Organisation operating on a secular, non profit basis and involved in work of amelioration of the status of women and children and includes individuals having expertise and experience in the field concerning amelioration of the status of women and children;
  - f. "Management" means the trustees or the managing or governing body by whatever name called, of any trust registered under the \_\_\_\_\_ Public Trusts Act, 1950 or any society registered under the Societies Registration Act, 1860, under whose management a college is functioning.

### 3. APPLICATION OF THE POLICY

The provisions of this Policy will apply to all the students and employees of \_\_\_\_\_ University and all the Colleges conducted by this University or affiliated to it as also to third parties to the extent specified in this policy.

#### **4. SCOPE OF THE POLICY**

This Policy will be applicable to all allegations of sexual harassment by a student against an employee or a co-student or a representative of the management, by an employee against a student or another employee or against a representative of the management, in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the college premises. It shall also be applicable in respect of all allegations of sexual harassment made by an outsider against a student or employee or made by a student or employee against a third party if the sexual harassment is alleged to have taken place within the college premises.

#### **5. CONSTITUTION OF THE ANTI SEXUAL HARASSMENT CELL**

- a. The University shall, within 30 days of the issuance of this Directive establish a Cell concerning Sexual Harassment to be known as "Anti Sexual Harassment Cell".
- b. The Anti Sexual Harassment Cell shall consist of
  - i. Vice Chancellor of the University as the Ex-Officio Chairperson;
  - ii. Four members of the teaching staff from the Post Graduate Departments, at least two whom will be women, to be nominated by the recognised Union of the Teaching staff. In the absence of a recognised union, the teachers to be so nominated shall be elected by the teaching faculty of all the Post Graduate Departments;
  - iii. One teacher from the College of Social Work or the Department of Women's Studies to be nominated by the recognised Union of the Teaching staff. In the absence of a recognised union, the teachers to be so nominated shall be elected by the teaching faculty of the College of Social Work and the Department of Women's Studies;
  - iv. Four principals of affiliated colleges, if any, at least two of whom will be women, to be nominated by the Principals' Association and so that Arts, Commerce, Science, Medical, Engineering and Education streams are represented by rotation and so that as far as possible all geographical regions of the University are represented;
  - v. Four members of the Under Graduate Teaching Staff, at least two whom will be women, to be nominated by the recognised Union of the Teaching staff. In the absence of a recognised union, the teachers to be so nominated shall be elected by the entire teaching faculty;
  - vi. Four members, at least two whom will be women, as follows:
    - one member jointly from Class I and/Class II non teaching employees;
    - one member from Class III non teaching employees;
    - two members from Class IV non teaching employeesto be nominated by the recognised Union of the Non Teaching Staff. In the absence of a recognised union, the employees to be so nominated shall be elected by the entire non teaching category to which the nominees are to belong;

- vii. Three members from NGOs, at least one whom shall be a practising lawyer or a retired judge to be nominated by this Cell from the pool of the NGOs and experts (as set out subsequently) in this policy.
  - viii. Four Post Graduate students, at least two of whom will be women, to be nominated from amongst themselves by the elected University Student's Council. In the event of the University not having any elected Student's Council, the Anti Social Harassment Cell shall invite applications from the Post Graduate students for being nominated on the Cell and upon the receipt of such applications the four Post Graduate teacher's representatives on the present Cell shall select the Post Graduate Students to be on the Cell.
- c. At least 50% of the members of the Anti Sexual Harassment Cell shall be women.
  - d. The term of office of the Anti Sexual Harassment Cell shall be 3 years.
  - e. Provided however that a person shall cease to hold office as a member of the Anti Sexual Harassment Cell if he or she ceases to be an employee or student in case of any vacancy due to resignation, termination, death, by a student nominee becoming an ex student, or for any other reason whatsoever, the same shall be filled immediately in accordance with the procedure prescribed in Clause 2.
  - f. The names of persons who are on the Anti Sexual Harassment Cell, from time to time, along with their contact places and telephone numbers will be displayed at all times in a prominent manner on a conspicuous part of the main Notice Board of the University and in all the colleges.

#### **6. DISQUALIFICATION OF CHAIRPERSON AND MEMBERS**

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Anti Sexual Harassment Cell if there is any complaint concerning sexual harassment, moral turpitude or serious criminal charges pending against him or if he is found guilty of sexual harassment.

#### **7. VACANCY OF A MEMBER OWING TO ABSENCE WITHOUT PERMISSION**

If a member elected or nominated or designated to the Anti Sexual Harassment Cell remains absent without permission of the Anti Sexual Harassment Cell from three consecutive meetings, her/his office shall thereupon become vacant.

#### **8. RESIGNATION OF MEMBER**

A member of the Anti Sexual Harassment Cell not being a member ex officio may resign her/his office at any time by tendering her/his resignation in writing to the Ex Officio Chairperson, and such person shall be deemed to have vacated her/his office as soon as the Chairperson has received the resignation.

## **9. MEETINGS OF THE ANTI SEXUAL HARASSMENT CELL**

- a. The Anti Sexual Harassment Cell shall meet at least twice every year and six months shall not intervene between two successive meetings.
- b. No such meetings shall be called within holidays or vacations or outside regular college hours or within one month of any final examinations for which a student member of the Anti Sexual Harassment Cell may be appearing.
- c. The Chairperson of the Anti Sexual Harassment Cell may at any time, and shall upon the written request of not less than one third of the total number of members of the Anti Sexual Harassment Cell call a special meeting of the Anti Sexual Harassment Cell on a date not later than 15 days after the receipt of such request by the Chairperson.
- d. The quorum for any meeting of the Anti Sexual Harassment Cell will be 50% of its members. If the quorum is not present at any meeting it shall be adjourned for not more than seven working days and if at the subsequent meeting a quorum is still not present the meeting shall proceed with those who are present and the proceedings of such a meeting will not be challenged on the ground of absence of quorum.

## **10. POWERS AND DUTIES OF THE ANTI SEXUAL HARASSMENT CELL**

The powers and duties of the Anti Sexual Harassment Cell shall be as follows, namely:

- a. To ensure implementation of this Policy in the University Departments and Colleges;
- b. To ensure and supervise the proper constitution and functioning of the Anti Sexual Harassment Complaints Committees set up in various colleges and departments;
- c. To organise regular workshops and training programmes for members of the Anti Sexual Harassment Complaints Committees;
- d. To formulate programmes for the spread of awareness of the present policy amongst Managements, employees and students;
- e. To hold annual programmes, regular seminars, workshops and meetings on the issue of sexual harassment, to propagate against sexual harassment amongst Managements, students and employees and for this purpose to invite experts or resource persons;
- f. To bring out publications in Indian languages and English concerning sexual harassment and also concerning implementation of this policy;
- g. To set up a pool of NGOs and experts for carrying out the purposes of this Policy;
- h. To act as the Appellate Body in respect of certain complaints as provided subsequently in this policy.

## **11. POOL OF NGOs AND EXPERTS**

- a. The Anti Sexual Harassment Cell, shall within two months of its Constitution set up a pool of NGOs and experts.

- b. For setting up such a pool, the Anti Sexual Harassment Cell shall, within 30 days of its first meeting, invite applications from various NGOs and individual experts by advertising the policy in at least two local newspapers, one in English and one in a regional language.
- c. Within 30 days of such advertisement, the applications from various NGOs and individual experts will be placed before the Anti Sexual Harassment Cell. The Cell will decide to accept various NGOs and experts in the pool, there being no maximum limit of the number of NGOs and experts which will be in such pool.
- d. If subsequently, any NGO or expert in the field applies for being accepted on the pool its application will be looked into on the same considerations as above.
- e. No NGO or its members or any of the experts shall be involved in more than one investigation or enquiry of sexual harassment under this policy at any point of time.

## **12. CONSTITUTION OF THE ANTI SEXUAL HARASSMENT COMPLAINTS COMMITTEE**

- a. Each college shall within 30 days of this Directive set up a Anti Sexual Harassment Complaints Committee to deal with cases of alleged sexual harassment and to otherwise implement this policy.
- b. The Anti Sexual Harassment Complaints Committee shall consist of :
  - i. Principal of the College;
  - ii. Two members of the Academic staff, at least one of whom should be a woman to be nominated by the recognised union or in the absence of any such recognised union to be elected by all teachers from amongst themselves;
  - iii. Two members from the Non Academic staff, one jointly from the Class II and Class III employees and one from Class IV employees, at least one of whom should be a woman, to be nominated by the recognised union or in the absence of any such recognised union to be elected by all non teaching staff from amongst themselves;
  - iv. Two students, at least one of whom shall be a girl student to be nominated by the union or in the absence of any such union to be nominated by the Principal. One of these students nominee will be from the final year and the other from the 2nd year.
- c. At least 50% of the members of the Anti Sexual Harassment Complaints Committee shall be women.
- d. In the absence of women members in the academic or non academic staff, the Anti Sexual Harassment Cell of the University shall be asked to nominate women members to the present Committee;
- e. The term of office of the committee shall be 3 years.
- f. Provided however that a person shall cease to hold office as a member of the Anti Sexual Harassment Complaints Committee if he or she ceases to be a Principal, employee or student in case of any vacancy due to resignation, termination, death, by a student nominee becoming

an ex student, or for any other reason whatsoever, the same shall be filled immediately in accordance with the procedure prescribed in Clause 5.

- g. The Ex Officio Chairperson of the Committee will be the Principal, if the Principal is a woman, and if the Principal is a male, Chairperson will be the senior most woman member of the Academic staff who is on the committee.
- h. The quorum for any meeting of the Anti Sexual Harassment Complaints Committee will be 50% of its members. If the quorum is not present at any meeting it shall be adjourned for not more than seven working days and if at the subsequent meeting a quorum is still not present the meeting shall proceed with those who are present and the proceedings of such a meeting will not be challenged on the ground of absence of quorum.
- i. The names of persons who are on the Committee, from time to time, along with their contact places will be displayed at all times in a prominent manner on a conspicuous part of the main Notice Board of the College

### **13. DISQUALIFICATION OF CHAIRPERSON AND MEMBERS**

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Anti Sexual Harassment Complaints Committee if there is any complaint concerning sexual harassment, moral turpitude or serious criminal charges pending against him or if he is found guilty of sexual harassment.

### **14. VACANCY OF A MEMBER OWING TO ABSENCE WITHOUT PERMISSION**

If a member elected or nominated or designated to the Anti Sexual Harassment Complaints Committee remains absent without permission of the Committee from three consecutive meetings, her/his office shall thereupon become vacant.

### **15. RESIGNATION OF MEMBER**

A member of the Anti Sexual Harassment Complaints Committee not being a member ex officio may resign his/ her office at any time by tendering her/his resignation in writing to the Ex Officio Chairperson, and such person shall be deemed to have vacated her/his office as soon as the Chairperson has received the resignation.

### **16. MEETINGS OF THE ANTI SEXUAL HARASSMENT COMPLAINTS COMMITTEE**

- a. Apart from meetings of the Anti Sexual Harassment Complaints Committee on receipt of complaint, the Anti Sexual Harassment Complaints Committee shall meet at least twice every year and three months shall not intervene between two successive meetings.
- b. The bi-annual meetings as provided in sub clause (a) above shall not be called within holidays or vacations or outside regular college hours or within one month of any final examinations



for which a student member of the Anti Sexual Harassment Complaints Committee may be appearing.

- c. The Chairperson of the Anti Sexual Harassment Complaints Committee may at any time, and shall upon the written request of not less than one third of the total number of members of the Anti Sexual Harassment Complaints Committee call a special meeting of the Anti Sexual Harassment Complaints Committee on a date not later than 15 days after the receipt of such request by the Chairperson.

#### **17. POWERS AND DUTIES OF THE ANTI SEXUAL HARASSMENT COMPLAINTS COMMITTEE**

The powers and duties of the Anti Sexual Harassment Complaints Committee shall be as follows:

- a. to implement the present policy concerning sexual harassment in the concerned college;
- b. to formulate programmes for the spread of awareness of the present policy amongst employees and students;
- c. to hold annual seminars, workshops and meetings on the issue of sexual harassment, to propagate against sexual harassment amongst students and employees and for the purpose to invite experts or resource persons;
- d. to bring out publications in English and Indian languages concerning sexual harassment and also concerning implementation of this policy;
- e. to process individual grievances concerning sexual harassment and to take suitable action in the manner and mode more particularly provided hereafter
- f. to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Policy;
- g. to do all such acts and things as may be necessary to carry out the objects of this Policy.

#### **18. PUNISHMENT FOR SEXUAL HARASSMENT**

Any employee or student found guilty of sexual harassment shall be liable to be punished.

#### **19. PENALTIES**

- a. An employee guilty of sexual harassment shall be liable for any of the following penalties:
  - i. Warning, reprimand or censure;
  - ii. Withholding of an increment for a period not exceeding one year;
  - iii. Reduction in rank;
  - iv. Termination of service



In addition to these penalties the employee concerned may also be fined up to Rs. 5,000/-, which amount will be used by the Management for achieving the aims and objectives of this policy.

Provided however, that in addition to all these penalties the employee can also be required to give a written apology to the victim and upon his failure to do so his punishment can be enhanced

b. A student guilty of sexual harassment shall be liable for any of the following penalties:

- i. Warning, reprimand or censure;
- ii. Suspension from the college for a period up to 1 month;
- iii. Debarment from appearing for the final examination for a period up to 3 years;
- iv. Rustication from the College.

In addition to these penalties the student concerned may also be fined up to Rs. 500/-, depending on the financial capacity of the guardian of the student, which amount will be used by the Management for achieving the aims and objectives of this policy.

Provided however, that in addition to all these penalties the employee or the student can also be required to give a written apology to the victim and upon his failure to do so his punishment can be enhanced.

## **20. CLASSIFICATION OF PENALTIES**

The penalties shall be classified as minor and major penalties as under:

### **(I) minor penalties-**

- reprimand,
- warning,
- censure,
- withholding of an increment not exceeding one year,
- suspension from the college for a period up to one month.

### **(II) major penalties-**

- Withholding of increment for more than 1 year,
- Reduction in rank,
- Termination of service,
- Debarment from appearing for the final examination for a period up to 3 years,
- Rustication from the College.

In case a minor penalty has been imposed on the accused on an earlier occasion, on a second conviction, he shall be imposed with a major penalty irrespective of the gravity of the second offence.

## **21. GRIEVANCE PROCEDURE**

- a. Any woman employee or female student will have a right to lodge a complaint concerning sexual harassment against a male student or employee or a representative of the management or an outsider with any of the members of the Anti Sexual Harassment Complaints Committee.
- b. Such a complaint may be oral or in writing.
- c. If the complaint is oral the same shall be reduced in writing in detail by the committee member to whom the complaint is made.
- d. The complainant will be afforded full confidentiality at this stage.
- e. Immediately upon receipt of the complaint, and within not more than 2 working days, the member of the Committee to whom the complaint is made shall communicate the same to the Chairperson of the Anti Sexual Harassment Complaints Committee. However, if the complainant so desires, her name shall be kept confidential and will not be divulged even to the Anti Sexual Harassment Complaints Committee.
- f. Within a period of 5 working days from the date of such communication, the Chairperson shall convene a meeting of the Anti Sexual Harassment Complaints Committee.
- g. At this meeting, the Anti Sexual Harassment Complaints Committee shall nominate three persons from amongst themselves (known as the Enquiry Committee) and one person from the "Pool of Experts and NGOs" for proceeding with the Complaint.
- h. At least three of these persons so nominated will be women.
- i. In case of the dispute involving a student, at least one of the members so nominated will be a female student.
- j. No person against whom a Complaint is made shall be part of the Enquiry Committee.

## **22. PROCEDURE FOR INITIATING ACTION**

- a. Within 5 working days of the Enquiry Committee being set up, the said Committee will convene a meeting of which advance intimation will be given to the complainant.
- b. At this meeting, the complainant will be entitled to remain present personally or through a representative.
- c. At the first meeting of the Enquiry Committee, the complainant or her representative shall be heard and the Enquiry Committee shall decide whether the Complaint requires to be proceeded with. The Complaint will be dropped only if the Complaint on the face of it, does not disclose an offence of sexual harassment.
- d. In case the Enquiry Committee decides to proceed with the Complaint, the wishes of the complainant concerning the issue shall be taken into account and if the complainant so wishes the accused will be called to a meeting of the Enquiry Committee, heard and if necessary, warned about his behaviour and the matter concluded with a recording to that effect made in the Complaints Register of the Anti Sexual Harassment Complaints Committee.

- c. If the complainant however, wishes to proceed ahead with the Complaint beyond a mere warning to the accused, the same will be proceed with in the manner prescribed subsequently in this policy.

### **23. PROCEDURE FOR IMPOSING MINOR PUNISHMENT**

In case the Enquiry Committee decides to impose a minor punishment, the accused shall be given in writing an opportunity to explain within one week why he should not be for good and sufficient reasons be punished for the act of sexual harassment on his part. The nature and quantum of punishment if any to be imposed on him shall be decided after considering the explanation, if any given by the accused.

### **24. PROCEDURE FOR IMPOSING MAJOR PUNISHMENT**

- a. If an accused is alleged to be guilty of sexual harassment and if there is reason to believe that in the event of the guilt being proved against him, he is liable for imposition of any major penalty, the Enquiry Committee shall first decide whether to place the accused employee under suspension. If the accused employee is to be placed under suspension the provisions of suspension and subsistence allowance as prescribed under the Statutes for other misconduct will apply.
- b. If a person is charged with physical molestation or rape on the University or college premises, he shall be immediately placed under suspension pending the completion of the investigation and enquiry. In all other cases, the Enquiry Committee shall within 3 days decide whether the charged person shall be placed under suspension or not and in either event it shall communicate its decision and the reasons for the decision to the Management which shall then implement the decision forthwith.
- c. Within 3 days of the first meeting of the Enquiry Committee, it shall communicate to the accused by hand delivery duly acknowledged or by registered post acknowledgement due the allegations and demand from him a written explanation within 7 days from the date of receipt of the statement of allegations.
- d. If Enquiry Committee finds the explanation of the accused not satisfactory or if no explanation is given by the accused, the Enquiry Committee will decide to hold an enquiry against the accused.
- e. The Convenor of the Enquiry Committee will be the senior most employee from the teaching faculty.
- f. The meetings of the Enquiry Committee will be held during the office hours in the college premises but not during vacations.

### **25. PROCEDURE FOR ENQUIRY**

- a. The Enquiry Committee shall prepare a charge sheet containing specific charges and shall hand over the same together with the statement of allegation and the explanation of the

- accused to the complainant as well as to the accused by hand delivery duly acknowledged or by registered post acknowledgement due, within 3 days of the Enquiry Committee having decided to conduct the enquiry.
- b. Within 10 days after the accused receives the copies of the charge sheet and the statement of allegations,
- i. If accused desires to tender any written explanation to the charge sheet, he shall submit the same to the convenor of the Enquiry Committee in person or send it to her by registered post acknowledgement due;
  - ii. If the complainant or the accused desire to examine any witnesses they shall communicate in writing to the Convenor the names of witnesses whom they propose to so examine;
  - iii. If the complainant desires to tender any documents by way of evidence before the Enquiry Committee, it shall supply true copies of such documents to the accused. Similarly if the accused desires to tender any documents in evidence before the Enquiry Committee he shall supply true copies of such documents to the complainant.
- c. Within 3 days after the expiry of the period of 10 days specified in clause (b), the Enquiry Committee shall meet to proceed with the enquiry and give 7 days notice by hand delivery duly acknowledged or by registered post acknowledgement due to the complainant and the accused to appear for producing evidence, examining witnesses, etc., if any.
- d. The Enquiry Committee shall see that every reasonable opportunity is extended to the complainant and to the accused, for putting forward and defending their case.
- e. The complainant shall have the right to lead evidence and the right to cross examine witnesses examined on behalf of the accused.
- f. The accused shall have the right to be heard in person and lead evidence. He shall also have the right to cross examine witnesses examined on behalf of the complainant.
- g. Sufficient opportunities shall be given to examine all witnesses notified by both the parties.
- h. All the proceedings of the Enquiry Committee will be recorded and the same together with the statement of witnesses shall be endorsed by both the parties in token of authenticity thereof. The refusal to endorse the same by either party shall be endorsed by the Convenor.
- i. The enquiry shall ordinarily be completed within a period of 90 days from the date on which the Show Cause notice is given to the accused.
- j. The complainant and the accused will be responsible to see that nominees and the witnesses if any are present during the enquiry. However, if the Enquiry Committee is convinced about the absence of either of the parties to the dispute or any of the members of the Enquiry Committee on any valid ground, the Enquiry Committee shall adjourn that particular meeting of the Committee. The meeting so adjourned shall be conducted even in the absence of the person concerned if he or she fails to remain present for the said adjourned meeting.
- k. The Convenor of the Enquiry Committee shall forward to the complainant and the accused as the case may be a summary of the proceedings and copies of statements of witnesses, if any, by hand delivery duly acknowledged, or by registered post acknowledgement due, within four

days of the completion of the above steps and allow them a time of seven days to offer further explanation, if any.

- l. The complainant or the accused, shall submit their further explanation to the Convenor of the Enquiry Committee within a period of seven days from the date of receipt of the summary of proceedings etc., either personally or by registered post acknowledgement due.
- m. On receipt of such further explanation or if no such further explanation is offered within the aforesaid time, the Enquiry Committee shall complete the enquiry and communicate its findings on the charges against the accused and its decision on the basis of its finding to the Management for specific action to be taken against the accused within 10 days after the date fixed for receipt of further explanation. It shall also forward a copy of the same by hand delivery duly acknowledged or by registered post acknowledgement due to the complainant and to the accused. A copy of the findings shall also be forwarded to the Anti Sexual Harassment Complaints Committee. The findings of the Enquiry Committee shall be binding on the Anti Sexual Harassment Complaints Committee.
- n. Thereafter the decision of the Enquiry Committee shall be implemented by the Management which shall issue necessary orders within 7 days of the date of receipt of decision of the Enquiry Committee, by hand delivery duly acknowledged or by registered post acknowledgement due. The Management shall also endorse a copy of its order to the complainant and to the Anti Sexual Harassment Complaints Committee.
- o. The Enquiry Committee may consider as relevant any earlier complaints against the person charged. However, the complainant's past sexual history will not be probed into or enquired during the proceedings before any of the committees.

## **26. PROVISIONS FOR APPEAL**

- a. In the event of the Anti Sexual Harassment Complaints Committee or the Enquiry Committee not taking action on a complaint or in the event of the complainant being dissatisfied with the action taken by any of the aforesaid committees the complainant shall have the right to appeal to the Anti Sexual Harassment Cell.
- b. A meeting of the Anti Sexual Harassment Cell shall be convened within 10 days of the receipt of such grievance.
- c. The Anti Sexual Harassment Cell shall go into the grievance of the complainant and after hearing the complainant, if it satisfied that the matter needs to be further enquired into, it shall take the following steps:
  - i. In the event of there being an incomplete or no enquiry by the Enquiry Committee, the Anti Sexual Harassment Cell shall appoint from within itself a three member Enquiry committee which shall follow the same procedure, carry out the same functions and have the same powers as the Enquiry Committee;
  - ii. In the event of the complainant being dissatisfied by the decision of the Enquiry Committee after a concluded enquiry, the Enquiry Committee shall act as an Appellate Body with all powers of the Appellate Court under the Code of Civil Procedure.

## **27. PROTECTION AGAINST VICTIMISATION**

- a. In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and enquiry and even after such an enquiry if the teacher is found to be guilty, the accused will not act as an examiner for any examination for which the student appears.
- b. In the event of the complainant and the accused both being employees, during the pendency of the investigation and enquiry and even after such an enquiry if the accused is found to be guilty, the accused shall not write the Confidential Reports of the complainant, if he is otherwise so authorised.
- c. If the accused is an outsider, during the pendency of the investigation and enquiry and even thereafter, if he is found to be guilty, the accused shall not be allowed to enter the college or University premises except for the purpose of attending the present enquiry.

## **28. OBLIGATION OF THE MANAGEMENT**

Management of the University and Colleges shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy. It shall be bound by the decisions of the various committees as set out in this scheme and shall implement such decisions in an expeditious manner.

## **29. THIRD PARTY HARASSMENT**

In case of third party sexual harassment the Anti Sexual Harassment Cell/Anti Sexual Harassment Complaints Committee will actively assist and provide all its resources to the complainant in pursuing the complaint and ensure her safety at least in the University/ College premises.

## **30. SAVINGS**

- a. The provisions of this Policy shall apply notwithstanding any contrary Statute, law, Directive or Ordinance.
- b. The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of civil or criminal law.
- c. The provisions of this Policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or pursue the criminal or civil remedies.

### **Contact Address:**

Forum Against Oppression of Women  
29, Bhatia Bhuvan, Babrekar Marg, Off Gokhale Road, Dadar (West), Bombay – 400 028.  
E-mail: [inforum@giasbm01.vsnl.net.in](mailto:inforum@giasbm01.vsnl.net.in)  
Tel.: Chayanika 401-0482; Gopika 632-5729; Mihir 431-0160.



## CHANGES IN THE POLICY IF MANDATORY RECOMMENDATIONS OF THE POLICY INTERFERE WITH THE EXISTING UNIVERSITY STATUTES

1. The Enquiry Committee is called and acts as the Investigation Committee.
2. Clause 22e and section 25 are deleted.
3. Sections 23 and 24 are replaced by the following:

### 23. PROCEDURE FOR INVESTIGATION

- a. If the Complainant wishes to proceed ahead with the Complaint beyond a mere warning to the accused, the accused shall be given in writing by the Investigation Committee an opportunity to explain within one week why he should not be for good and sufficient reasons be punished for the act of sexual harassment on his part.
- b. If the written explanation of the accused is not found to be satisfactory or if he does not provide any written explanation, the Investigation Committee will decide whether the offence deserves a minor penalty or a major penalty.
- c. In the event of the Investigation Committee deciding that the accused shall be imposed a minor penalty the said penalty will be recommended by the Investigation Committee to the Management and such a recommendation shall be binding on the Management. The Management will thereupon, expeditiously act on this recommendation and impose a minor penalty as prescribed by the Investigation Committee on the accused.

### 24. PROCEDURE FOR IMPOSING MAJOR PUNISHMENT

- a. If the Investigation Committee comes to the conclusion that the accused, in case of his guilt being proved, should be imposed a major penalty, it shall make such a recommendation to the Management. This recommendation shall be binding on the Management and the Management shall be bound to institute a departmental enquiry as per the Statutes against the accused.
- b. The Investigation Committee shall also recommend whether to place the accused employee under suspension. If the accused employee is to be placed under suspension the provisions of suspension and subsistence allowance as prescribed under the Statutes for other misconduct will apply.
- c. If a person is charged with physical molestation or rape on the University or college premises, he shall be immediately placed under suspension pending the completion of the investigation and enquiry.
- d. In the event of a domestic enquiry being instituted against the accused, a member of the Investigation Committee shall act as the representative of the management for presenting the case against the accused.
- e. The provisions of the Statutes and other legal provisions shall be followed for the purpose of conducting the departmental enquiry and for implementing its decision.
- f. However, the Complainant's past sexual history will not be probed into or enquired during the proceedings before any of the committees.