

Ordinance 17 (XVII) (Modified Ordinance)

Sensitization, Prevention and Redressal of Sexual Harassment (SPARSH)

Gender equity, including protection from sexual harassment and right to work with dignity is universally recognized basic human right. Eradication of social evils has been the prime aim of Constitution of India. Article 15 of the Constitution of India prohibits discrimination on grounds of religion, race caste, sex, or place of work. Article 42 makes provision for securing just and human conditions of work. Article 51-A(e) makes it incumbent on every citizen to promote harmony and spirit of the common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women. India is also a signatory to the convention on the “Elimination forms of discrimination against women.” Resultantly, the Jamia Millia Islamia hereby introduces and enforces. Ordinance 17 titled “Sensitization, Prevention and Redressal of Sexual harassment.”

Bodies of SPARSH:

SPARSH shall include the Apex body of SPARSH (ABS) and the University Complaints Committee (UCC). The ABS shall aim to sensitize and work to prevent sexual harassment in the university. The UCC shall consider complaints regarding sexual harassment, and will conduct enquiries, suggesting suitable action.

Functions, Powers and duties of ABS:

- i. To uphold the commitment of Jamia Millia Islamia to provide campus environment free of gender-based discrimination, sexual harassment and other acts of gender-based violence.
- ii. To promote a social and psychological environment which will raise awareness about gender based discrimination and prevent sexual harassment and other acts of gender based violence.
- iii. To generate awareness about gender based discrimination, sexual harassment and other acts of gender based violence.

Functions, powers and Duties of UCC:

- i. To fulfill the directives of the Supreme Court enjoining all employees to develop and implement a policy against sexual harassment at the workplace.
- ii. To evolve a permanent mechanism for prevention and redressal of gender based discrimination, sexual harassment and other acts of gender based violence.
- iii. To ensure that the provisions of the ordinance are implemented in letter and spirit through proper reporting and redressal of the complaints.

Operational definitions:

- ❖ **Sexual harassment:** This shall include such unwelcome sexual behaviour (whether directly or by implication) as:
 - a. Unwanted physical contact and advances.
 - b. A demand or request for sexual favours.
 - c. Sexually-coloured remarks
 - d. Displaying pornography
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- ❖ **Academic staff:** This shall include any person on the staff of the university who is appointed to a teaching and/or research post, whether full time, temporary, adhoc, part time, visiting, honorary, or on special duty, or employees on a casual or project basis.
- ❖ **Campus:** This includes all the places vested, controlled and/or administered by Jamia Millia Islamia.
- ❖ **Non-governmental Organization (NGO):** This shall include any NGO registered under the Societies Registration Act or is a public Charitable Trust. Such an NGO should be engaged in work connect with gender equality.
- ❖ **Counsellor:** This shall include any women from among the staff, who has expertise in social and personal counseling on matters arising out of incidents of sexual harassment.
- ❖ **Non-teaching staff:** This shall include any person on the staff of the university who is not appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part time, on daily wages, on honorary or on special duty, or deputation, and shall include employees on a casual or project basis.
- ❖ **Resident:** This shall include any person who is a temporary or a permanent resident occupying any accommodation or premises managed and/or allotted by Jamia Millia Islamia.
- ❖ **Service provider:** This shall include any person who runs on manages commercial enterprises, or provides services on the campus.

Constitution of ABS:

The ABS committee shall consist of the following members, who will be nominated by the Vice-Chancellor.

- i. The chairperson, a women nominated by the Vice-Chancellor, Jamia Millia Islamia from amongst the faculty members.
- ii. Five members representing various faculties/centers of Jamia, of which at least three shall be women.
- iii. Two students representatives of which at least one be girl student (names to be proposed by Dean, Student Welfare for Vice-Chancellor's approval).
- iv. Two members from the non-teaching staff, of which at least one should be women.
- v. One member from the schools of Jamia Millia Islamia.

- vi. One woman NGO representative.
- vii. One woman counselor.

Constitution of UCC:

The Vice-Chancellor shall nominate the members of UCC from among the members of the Apex Committee. It shall comprise of the following.

- i. Five (at least three women) teacher representatives.
- ii. One non-teaching staff representative of the University.
- iii. One person, with known contribution to women's issues, to be co-opted from outside Jamia Millia Islamia, who could be an NGO representative.
- iv. The chairperson shall be elected from amongst the above-mentioned members.
- v. One member-secretary shall also be elected from amongst the above-mentioned members.

Term of office of chairperson and members of ABS and UCC:

- i. The chairperson and members shall hold office, as such, for a term of two years from the date on which they assume office.
- ii. Provide that no chairperson or nay member shall hold office for more than two terms.

Vacancy of the office of chairperson or members of ABS/UCC:

If the office of the chairperson or any other members becomes vacant, or if either of them remains absent without written intimation for three consecutive meetings, or for two months, whichever is more, another member may be appointed to fill in the vacancy. The new chairperson/member shall be nominated by the Vice-Chancellor, Jamia Millia Islamia.

Procedures for Transaction of Business of ABS:

- i. The ABS will hold at least five meetings/programmes in an academic year, with not more than 2 months gap between the two meetings.
- ii. Proceedings of all the meetings shall be recorded, confirmed and adopted ABS members.
- iii. Any may request the chairperson to call an emergent meeting of the ABS for which at least 24 hours advance notice shall be given. The quorum for the meeting shall be one third members of the ABS.

Procedure for Filing Complaints with the UCC:

- i. Wide publicity to be given for filing complaints.
- ii. Complaints to be registered in strict confidentiality.
- iii. Taking cognizance of complaints about sexual harassment, the UCC shall conduct enquiries, provide assistance and redressal to the victims, recommend penalties and other action to be taken.
- iv. Any student resident, service provider, outsider, faculty member or non-teaching staff may a complaint of sexual harassment against a student,

resident, service provider, outsiders, faculty members or non-teaching-staff.

- v. **The party** may lodge a complaint directly to the Vice-Chancellor, Jamia Millia Islamia, or to any member of the UCC.
- vi. The complaint may be oral or in writing. If it is oral, it shall be put into writing by the UCC.
- vii. The UCC may hear both the parties (Complaint and the accused) in a manner as it may deem appropriate, and determine the course of action that the situation merits.
- viii. The UCC will be responsible for conducting a formal enquiry against the student/teacher/non-teaching staff member/service provider allegedly involved in a case on the basis of its findings during the preliminary enquiry.
- ix. The inquiry shall be conducted under the rules and procedure already laid down by Jamia Millia Islamia and will be in conformity with the principles of natural justice.
- x. The formal inquiry shall commence within a week and shall be completed within two months from the date of its reference. If the UCC finds it impractical to dispose the case within the given time, it will be recorded in writing, and the period may be extended by the Vice-chancellor.

Penalties:

These shall be awarded as per Jamia rules for employees. In case of students/service providers, they could include

- ❖ Warning
- ❖ Written apology
- ❖ Bond of good behaviour
- ❖ Debarring entry into hostel/campus
- ❖ Withholding results
- ❖ Expulsion from the university
- ❖ Denial of re-admission

Note: In case of harassment by an outsider, that is, a person unconnected with Jamia Millia Islamia, the university authorities shall initiate action by making a complaint with the appropriate faculty of Law.