

GOSWAMI GANESH DUTTA SANATAN DHARMA COLLEGE, CHANDIGARH

As per UGC Guidelines Policy Document of College Committee against Sexual Harassment of Women at Workplace (ICC)-

- "Sexual harassment" means -

(1) An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely

(a) any unwelcome physical, verbal or nonverbal conduct of sexual nature

(b) demand or request for sexual favours

(c) making sexually coloured remarks

(d) physical contact and advances; or

(e) showing pornography"

(2) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones

(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours

(b) implied or explicit threat of detrimental treatment in the conduct of work

(c) implied or explicit threat about the present or future status of the person concerned,

(d) creating an intimidating offensive or hostile learning environment

(e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

- "Student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI.

Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student:

Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such students.

- "Third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party of outsider, who is not an employee or a student of the HEI but a visitor to the HEI in some other capacity or for some other purpose or reason;
- "Victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.
- "workplace" means the campus of a HEI including:
 - (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs
 - (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIS
 - (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIS.

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

- **Process of making complaints of sexual harassment** – An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidence within a period of the three months from the date of last incident.
 Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing.

Provided further that the ICC may, for the reason to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing complaint within the said period.

Friends, relatives, colleagues, Co-students, Psychologist, or any other associate in the victim may file the complaint in situation where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

- **Process of conducting Inquiry –**

- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- (2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and the names and addresses of witnesses within the period of ten days.
- (3) The enquiry to be completed within a period of ninety days from the receipt of the complaint. The inquiry report with recommendation, if any has to be submitted within ten days from the completion of the enquiry to the Executive Authority of the HEI. Copy of the findings or recommendations shall also be served on both parties to complaint.
- (4) The Executive Authority of the HEI shall act on the recommendation of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the finding is filed within that time by either party.
- (5) An appeal against findings or recommendations of the ICC may be filed by either party before the Executive Authority of the HEI within the period of thirty days from the date of recommendation
- (6) If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC then it shall record written reasons for the same to be conveyed to ICC both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.
- (7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The HEI shall facilitate a conciliation process through ICC as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- (8) The identities of the aggrieved party or victim or the witness or the offender shall not be made in public domain especially during the process of enquiry.