

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED TO GO THROUGH THE LATEST GUIDELINES ISSUED BY THE UGC WITH REGARD TO THE CONSTITUTION OF INTERNAL COMPLAINT COMMITTEE FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENT IN HIGHER EDUCATIONAL INSTITUTIONS, EXISTING ORDINANCE/ RULES ALREADY PREPARED BY THE UNIVERSITY AND THE ORDINANCES/ RULES OF OTHER SISTER UNIVERSITIES HELD ON 01.04.2022 AT 12:00 NOON IN THE DEPARTMENT OF MANAGEMENT STUDIES.


THE FOLLOWING WERE PRESENT: -

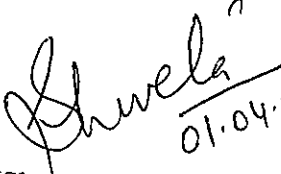
1. Prof. Shweta Singh - Convener
2. Sh. Rajesh Kumar, Assistant Registrar, Academic - Member

After going through the rules/ guidelines of the sister universities and universities of other State Act and Statutes issued by the Ministry of Law Justice, Govt. of India and UGC, it was found that the rules framed by BPSMV, Khanpur Kalan are not in consonance with the relevant Act and guidelines issued by the UGC. After a detailed deliberation, the draft Policy and Rules against Sexual Harassment of Women at workplace as per the guidelines received from University Grants Commission for Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions Regulations, 2015 in the light of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 are framed.

The same may be submitted to the Vice-Chancellor for kind consideration and approval.

The meeting ended with vote of thanks.


(Rajesh Kumar)


(Shweta Singh)
01.04.22

BPS MAHILA VISHWAVIDYALAYA, KHANPUR KALAN (SONEPAT)

Draft Policy and Rules against Sexual Harassment of Women at workplace as per the guidelines received from University Grants Commission for Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions Regulations, 2015 in the light of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Policy and Rules against Sexual Harassment of Women at workplace

1. Short title, application and commencement.—

These rules may be called as Rules against Sexual Harassment of Women at workplace based on the guidelines received from University Grants Commission for Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions Regulations, 2015 in the light of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. APPLICABILITY

- (i) It shall apply to all students, academic staff and non-teaching staff on active rolls of BPS Mahila Vishwavidyalaya Khanpur Kalan, as also to residents, service providers and outsiders, on the BPS Mahila Vishwavidyalaya, to the extent specified in these rules and procedures.
- (ii) It shall also apply to all the Colleges, Regional Centers and constituent/ maintained Institutions of BPS Mahila Vishwavidyalaya, Khanpur Kalan.

3. Definitions — In these regulations, unless the context otherwise requires,-

- (a) “aggrieved woman” means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- (b) ‘University’ means BPS Mahila Vishwavidyalaya Khanpur Kalan as per State Legislature Act 31 of 2006.

(c) “sexual harassment” means-

- (i) “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 behavior (whether directly or by implication), namely: -

- (a) any unwelcome physical, verbal or non verbal 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”
- (d). **“Respondent”** means a person against whom the aggrieved woman has made a complaint under Section 7.
- (e) **“Student”** includes any person who is enrolled for any course with BPS Mahila Vishwavidyalaya Khanpur Kalan and includes a student of school, undergraduate student, postgraduate students, a Research Scholar, a visitor and a repeater. It includes a student of school, college, University, constituent colleges and regional centers.
- (f) **“Employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (g) **“Academic staff”** includes any person on the staff of the University who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, contract basis, guest faculty, visiting faculty, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- (h) **“Non-teaching staff”** includes 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, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
- (i) **“Outsider”** includes any person who is not a student, resident, or member of the academic or non-teaching staff of BPS Mahila Vishwavidyalaya Khanpur Kalan.
- (j) **“Resident”** includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by BPS

Mahila Vishwavidyalaya Khanpur Kalan, irrespective of whether he/she is the person to whom the accommodation is officially allotted.

- (k) **“Service provider”** includes any person who runs or manages commercial enterprises on the campus, or provides services to the campus. It includes, but is not limited to persons working in shops, canteens and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Police Post, Banks, Department of Posts & Telegraph etc.
- (l) **“Chairperson”** means the Chairperson of the ICC nominated under Section 5.
- (m) **“Employer means -**
- (i) in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in the behalf.
 - (ii) in any workplace not covered under Section 2, any person responsible for the management, supervision and control of the workplace.
- (n) **“Campus”** includes all places of work and residence in the BPS Mahila Vishwavidyalaya Khanpur Kalan campus. It includes all places of instruction, research and administration such as MSM Institute of Ayurveda, library, hostels, guest houses, public places and places of residence allotted and administered by BPS Mahila Vishwavidyalaya, including the shopping centre, post office, bank, playground etc.
- (o) **“Third party”** shall include the NGO representative and eminent woman academic serving on ICC.
- (p) **“Counsellor/ Psychologist”** includes any woman appointed by the University authorities, who has proven expertise in social and personal counseling on matters arising out of incidents of sexual harassment.

- (q) **“Eminent woman academician”** includes a senior woman academic who is presently not a member of either the academic or the non-teaching staff of BPS Mahila Vishwavidyalaya Khanpur Kalan, and who has experience in working for gender equality.
- (r) **“protected activity”** includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;
- (s) **“victimization”** means any unfavorable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (t) **“ICC”** shall refer to the BPS Mahila Vishwavidyalaya Khanpur Kalan Internal Complaints Committee Against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures.
- (u) **“NGO”** includes any Non-Governmental Organization registered under the Societies Registration Act or as a public charitable trust. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women for a minimum of three years. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to BPS Mahila Vishwavidyalaya Khanpur Kalan; i.e. atleast two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of BPSMV.
- (v) **“University authorities”** shall refer to the Vice-Chancellor of BPS Mahila Vishwavidyalaya Khanpur Kalan, by virtue of his/her being the head of the Executive Council of BPS Mahila Vishwavidyalaya Khanpur Kalan, as well as any such person to whom such powers may be delegated, or any person who is entrusted with the powers and functions to act on behalf of the University under the BPS Mahila Vishwavidyalaya Khanpur Kalan State Legislature Act 31 of 2006 or statutes, ordinances or rules there-under.

- (w) **“University functionaries”** includes any person appointed, designated or nominated by the University authorities to a position of service in BPS Mahila Vishwavidyalaya Khanpur Kalan and includes, but is not limited to, the following: Dean Academic Affairs, Dean Students Welfare, Deans of Faculties, Chairpersons/Directors of University Teaching Departments/ Institutes, Proctor, Chief Wardens, Security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar and the Finance Officer.
- (x) **“Warden”** shall refer to any person, who is nominated, appointed, or designated as a Warden of a hostel allotted and/or administered by BPS Mahila Vishwavidyalaya Khanpur Kalan.

4. **Responsibilities of the BPS Mahila Vishwavidyalaya, Khanpur Kalan.**

University shall: -

- (a) Wherever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;
- (b) publicly notify the provisions against sexual harassment and ensure their wide dissemination through University Cell against Sexual Harassment.
- (c) organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations through UCASH;
- (d) act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;

- (e) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (f) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (g) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- (h) include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment, contact details of members of Internal Complaints Committee, complaints procedure and so on. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;
- (i) inform employees and students of the recourse available to them if they are victims of sexual harassment through UCASH;
- (j) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- (k) proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within BPSMV or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the BPSMV;
- (l) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;
- (m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;

- (n) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (p) monitor the timely submission of reports by the ICC;
- (q) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

1. Grievance redressal mechanism—

- (1) The Vice-Chancellor shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:-

- (a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university).

Provided that in women Professor is not available, the Presiding Officer shall be nominated by the Vice-Chancellor amongst the women Associate Professors of the university.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;”

- (b) Two faculty members and two non-teaching employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Vice-Chancellor which shall include

- (i) One Faculty Member
- (ii) One Teacher from School
- (iii) One Non-Teaching staff member
- (i) One Hostel Warden

- (c) One eminent woman academician from outside the University.
- (d) One Representative of an NGO with special experience in issue of Sexual Harassment.
- (e) One Woman Counsellor/Psychologist
- (f) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;

Election of student members: The election of student representatives shall take place mandatorily within six to eight weeks from the commencement of each academic year. As per the Regulations one student member from each category i.e. Undergraduate, Masters and Research shall be elected to ICC. The election will be conducted including the students of North Campus, South Campus and both the Regional Centers. The election of the student members to ICC shall be conducted by the Dean Students Welfare, BPSMV in a transparent democratic manner. The guidelines with regard to the Election of Students Members shall be framed by the Dean Student Welfare which will be further approved by the competent authority. The entire process of student members' election to ICC shall be completed within ONE week. A student member once elected to ICC shall not be eligible for re-election to ICC. The office bearers of BPSMVSU (BPSMV Students Union), if any, shall not be eligible for contesting election for ICC student membership. The student members of ICC shall also not be eligible to contest BPSMVSU elections.

- (1) At least one-half of the total members of the ICC shall be women.
- (2) Persons in senior administrative positions at BPSMV, such as Vice-Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
- (3) The term of office of the members of the ICC shall be for a period of three years. However as per Act, one-third of the members of the ICC may change every year as deemed fit with the due approval of the Vice-Chancellor.

- (4) The Member appointed amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee as per BPSMV rules.
- (5) Where the Presiding Officer or any member of the Internal Committee:
 - (a) contravenes the provisions of section 16 of the Act; or
 - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - (d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.”

5. **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 victimized 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.

6. **The process for making complaint and conducting Inquiry** – The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The BPS Mahila Vishwavidyalaya Khanpur Kalan shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

7. **Process of making complaint 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 incidents within a period of three months from the date of the last incident using. 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 reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.”

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

8. **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 names and addresses of witnesses within a period of ten days.
- (3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Vice-Chancellor of the BPS Mahila Vishwavidyalaya Khanpur Kalan. Copy of the findings or recommendations shall also be served on both parties to the complaint.

- (4) The Vice-Chancellor of the BPS Mahila Vishwavidyalaya Khanpur Kalan shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
 - (5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Vice-Chancellor of the BPS Mahila Vishwavidyalaya Khanpur Kalan within a period of thirty days from the date of the recommendations.
 - (6) If, the Vice-Chancellor of the BPS Mahila Vishwavidyalaya, Khanpur Kalan decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Vice-Chancellor of the BPS Mahila Vishwavidyalaya Khanpur Kalan 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 BPS Mahila Vishwavidyalaya, Khanpur Kalan 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 unitive intervention.
 - (8) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.
9. **Interim redressal:** The BPS Mahila Vishwavidyalaya, Khanpur Kalan may,
- (a) transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such a recommendation is made by the ICC;
 - (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;

- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- (d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation:

- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the BPS Mahila Vishwavidyalaya Khanpur Kalan, if the offender is an employee.
- (2) Where the respondent is a student, depending upon the severity of the offence, the BPS Mahila Vishwavidyalaya Khanpur Kalan may,-
 - (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
 - (b) suspend or restrict entry into the campus for a specific period;
 - (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants; and
 - (d) award reformatory punishments like mandatory counseling and, or, performance of community services.
- (3) The aggrieved person is entitled to the payment of compensation. The BPS Mahila Vishwavidyalaya Khanpur Kalan shall issue direction for payment of the compensation recommended by the ICC and accepted by the Vice-Chancellor, which shall be recovered from the offender. The compensation payable shall be determined on the basis of -
 - (a) mental trauma, pain, suffering and distress caused to the aggrieved person;
 - (b) the loss of career opportunity due to the incident of sexual harassment;

- (c) the medical expenses incurred by the victim for physical, psychiatric treatment;
- (d) the income and status of the alleged perpetrator and victim; and
- (e) the feasibility of such payment in lump sum or in installments.

11. Action against frivolous complaint-

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, and if the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

NOTE - *Notwithstanding anything contained in the above ordinance, the Vice-Chancellor may refer any matter to the Executive Council as deemed appropriate. Moreover, if any rule/procedure on any matter is silent, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 may be referred to.*