



**NAVRACHANA
UNIVERSITY**

Accredited with
Grade 'A' by NAAC

**Policy
on
PREVENTION OF SEXUAL HARASSMENT**

Academic Year: 2023-24

Contents

| | |
|--|----------|
| Internal Complaints Committee (ICC) (For PREVENTION OF SEXUAL HARASSMENT) | 3 |
| POLICY OF PREVENTION OF SEXUAL HARASSMENT | 4 |
| Objectives | 4 |
| Definitions..... | 4 |
| Responsibilities of Internal Complaints Committee (ICC) | 5 |
| Process for making complaint and conducting Inquiry..... | 6 |
| Process of making complaint of sexual harassment..... | 6 |
| Process of conducting Inquiry..... | 6 |
| Interim redressal | 6 |
| Punishment and compensation | 7 |
| Action against frivolous complaint | 7 |
| References read | 7 |

**Mechanism for Prevention, Prohibition, and Redressal of Sexual Harassment of women employees and students of Navrachana University**

It is now notified for the information of all concerned that for the Mechanism for Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students, the following members have been nominated for three academic years as Members of the Internal Complaints Committee (ICC) for PREVENTION OF SEXUAL HARASSMENT.

Internal Complaints Committee (ICC) (For PREVENTION OF SEXUAL HARASSMENT)

| Sr. | Category | Name | Designation |
|-----|---|--|----------------------------|
| 1 | Senior Professor-Level Woman Faculty member | Dr. Sujatha Patil Associate Professor, School of Business and Law, Navrachana University (M): 9916553138, Email: sujathap@nuv.ac.in | Chairperson |
| 2 | Two Faculty Members | i. Ms. Madhura Thombre Assistant Professor, School of Business and Law, Navrachana University (M): 9403089018, Email: madhurat@nuv.ac.in ii. Ms. Advaita Jalan Associate Professor, School of Environmental Design and Architecture, Navrachana University (M): 7698949683, Email: advaitaj@nuv.ac.in | Members |
| 3 | Two non-teaching employees | i. Dr. Megha Joshi Counsellor, Navrachana University (M): 7043114997, Email: megha.joshi@nuv.ac.in ii. Ms. Prema Parikh Senior Manager (IQAC), Navrachana University (M): 9998805385, Email: prema.parikh@nuv.ac.in | Member Member Secretary |
| 4 | A member from amongst the NGOs or associations committed to the cause of women, or a person familiar with the issues related to sexual harassment | Adv. Jaydeep Verma Advocate High Court & Corporate Counsel, (M): 9825321122, Email: lex@jverma.com | External member |
| 5 | Three students from UG, PG, and Research Scholar-level (Only if the matter involves students) | Enrolled Students will be elected by the Chairperson and members of this committee, only if the matter involves students. | Members |

POLICY OF PREVENTION OF SEXUAL HARASSMENT

Navrachana University has a zero-tolerance policy towards sexual harassment, which is widely condemned as a form of human rights violation. This form of harassment is an infringement on life and liberty and a grave form of gender-based discrimination. Sexual harassment at any level is a punishable offense. In accordance with UGC notification – University Grants Commission (Prevention, prohibition, and redressal of sexual harassment of women employees and students in higher education institute) Regulation, 2015 dated 02.05.2016 and as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, an Internal Complaints Committee has been constituted. For any complaints, you may contact any member of the committee.

Objectives

- To prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees;
- To lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employee;
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- Recommend appropriate punitive action against the guilty party to the Chair of Navrachana University.

Definitions

- (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) ‘Act’ means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (c) “campus” means the location or the land on which Navrachana University and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the Navrachana University including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the Navrachana University
- (f) “employee” means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;
- (g) “Internal Complaints Committee” (ICC) means Internal Complaints Committee to be constituted by an Navrachana University under sub regulation (1) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;

Provided that in the latter case the Navrachana University shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;

- (h) “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;
- (i) “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 behaviour (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”
- (ii) 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;
- (j) “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 Navrachana University;
- Provided that a student who is in the process of taking admission in Navrachana University’s campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that Navrachana University, 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 Navrachana University other than the Navrachana University where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that Navrachana University where any incident of sexual harassment takes place against such student;
- (k) “third Party Harassment” refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the Navrachana University, but a visitor to the Navrachana University in some other capacity or for some other purpose or reason;
- (l) “victimisation” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (m) “workplace” means the campus of a Navrachana University 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 Navrachana University;
 - (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 Navrachana University;
 - (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 Navrachana University.

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 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 Navrachana University shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

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.

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.

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 Provost of the Navrachana University. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (4) The Provost of the Navrachana University 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 Provost of the Navrachana University within a period of thirty days from the date of the recommendations.
- (6) If the Provost of the Navrachana University 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 Provost of the Navrachana University 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 Navrachana University 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 public or kept in the public domain especially during the process of the inquiry.

Interim redressal

The School of Navrachana University may,

- (a) transfer the complainant or the respondent to another section or department to minimise 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 Navrachana University entry into the campus;

- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

Punishment and compensation

- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Navrachana University, if the offender is an employee.
- (2) Where the respondent is a student, depending upon the severity of the offense, the Navrachana University 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;
 - (d) award reformatory punishments like mandatory counselling and, or, performance of community services.
- (3) The aggrieved person is entitled to the payment of compensation. The Navrachana University shall issue direction for payment of the compensation recommended by the ICC and accepted by the Provost, 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 instalments.

Action against frivolous complaint

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all Schools of Navrachana University. 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 sub-regulations (1) of regulations 10, if the complainant happens to be an employee and as per sub-regulation (2) of that regulation, if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

References read

- 1) Handbook on "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
- 2) University Grants Commission (Prevention, prohibition, and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015, dated May 2, 2016.
- 3) NUV notification NUV/POSH/2021/01 dated May 27, 2021 Mechanism for Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students of Navrachana University.
- 4) The judgment of the Hon'ble Supreme Court in the matter of Vishaka & Others v/s State of Rajasthan & Others was reported in 1997 (6) SCC 241.
