



स्वामी राम हिमालयन विश्वविद्यालय
Swami Rama Himalayan University

POLICY AGAINST SEXUAL HARASSMENT

Approved by the Board of Management in its 1st Meeting held on
18th November, 2013

Swami Rama Himalayan University

Swami Ram Nagar, Jolly Grant- 248 016, Dehradun, Uttarakhand

SWAMI RAMA HIMALAYAN UNIVERSITY

Policy against Sexual Harassment

1. Short Title and Commencement

- 1.1 This Policy shall be called “Policy against Sexual Harassment”.
- 1.2 This Policy shall come into force from the date it has been approved by the Board of Management of the University.

2. Definitions

- 2.1 **“Officer”** shall mean officers of the University as defined in the Act and Statutes.
- 2.2 **“Employee”** for the purpose of this policy shall mean an employee appointed by the University; and includes academic staff, administrative staff and other employees of the University, its Constituent Colleges, Regional Centers and Study Centers including temporary employees and those on probation, part-time, trainees or casual employment.
- 2.3 **“Student”** shall mean all students of Swami Rama Himalayan University including trainee Interns.
- 2.4 **“Third party”** shall mean any person who is not a student, employee or resident of Swami Rama Himalayan University. It will include private persons, visitors, patients, relatives and attendants of the patients, external examiners, guest faculty, vendors and their representatives, service providers and their representatives.
- 2.5 **“Campus”** shall mean the campus of Swami Rama Himalayan University Campus and shall include all places of work, teaching & training and residences including hostels & hospitals, constituent colleges/academic units, regional centers and study centers etc.
- 2.6 **“Committee Against Sexual Harassment”** means a committee constituted by the University which shall deal with complaints of alleged sexual harassment.
- 2.7 **“Complainant”** means any person, whether major or minor, who alleges of sexual harassment.
- 2.8 **“Defendant”** means a person against whom an allegation of sexual harassment is made.


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3. What is Sexual Harassment?

- 3.1 Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment.
- 3.2 Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms - subtle and indirect, or blatant and overt.
- 3.3 According to The **Hon'ble Supreme Court** definition, sexual harassment is any unwelcome sexually determined behaviour, such as:-
 - Physical contact.
 - A demand or request for sexual favours.
 - Sexually coloured remarks.
 - Showing pornography.
 - Any other physical, verbal or non-verbal conduct of a sexual nature.

Sexual Harassment will include but not be confined to the following:

- Subjects another person to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching etc.
- Makes an unwelcome demand or request (whether directly or by implication) for sexual favors from another person, and further makes it a condition for employment/payment of wages/ increment/ promotion etc.
- Makes an unwelcome demand or request (whether directly or by implication) for sexual favors from students and further makes it a condition for their passing of examination or completion of any work related to their academics.
- Makes an unwelcome remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.


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- Shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/ any offensive written material/pornographic e-mails, etc.
- Engages in any other unwelcome conduct of a sexual nature, which could be verbal, or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.

3.4 Sexual harassment cases can be classified into the following categories:

- (a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favors for
- Getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.
 - Passing of examination or completion of any work related to academics.
- (b) A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity.
- (c) A hostile academic environment arises when a co-student or senior/junior student creates an environment that is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity.

4. Objectives:

The Policy on Sexual Harassment has been framed:

- 4.1 To prohibit, prevent or deter the commission of acts of sexual harassment and to provide a procedure for redressal of complaints pertaining to sexual harassment.
- 4.2 To ensure the implementation of the policy in letter and spirit through proper reporting of complaints and their follow-up procedures.
- 4.3 To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
- 4.4 To generate public awareness against sexual harassment and all forms of gender-based violence.

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- 4.5 To make the commitment to ensure an environment without gender bias or gender based discrimination.

5. Scope & Applicability of the Policy

The Policy on Sexual Harassment is applicable to the following irrespective of discrimination of gender:

- 5.1 All the employees of the University, its constituent colleges, academic units, study centers and regional centers.
- 5.2 All the employees whether temporary and those on probation, part-time, trainees or casual or honorary employees.
- 5.3 All persons engaged on a casual or a project basis and also those engaged through a contractor.
- 5.4 All the students enrolled with the University, trainees and interns, external or any other students not defined herein.
- 5.5 Any third party person who is not a student or employee. It will include a resident of University campus, private persons, visitors, patients, relatives and attendants of the patients, external examiners, guest faculty, vendors and their representatives, service providers and their representatives.

6. Constitution of Committee:

In order to deal with the complaints, the University shall constitute a Committee Against Sexual Harassment (CASH).

- 6.1 The Committee shall consist of not less than three members.
- 6.2 The Committee shall be headed by a woman, who shall be its chairperson.
- 6.3 There shall be at least one person selected from various fields who have worked for/ in the field of women's rights, including women's rights activists; social workers; activists from NGOs; counselors; lawyers; doctors; psychiatrists; trade unionists; representatives of peasant and agricultural organizations and journalists etc.
- 6.4 Not less than half of its members shall be women.
- 6.5 All members of the CASH, whether internal or third parties should be neutral and unbiased.


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- 6.6 The Committee constituted shall be appointed for a period of three years, after which a new Committee shall be appointed, provided that the previous Committee or individual members of the previous committee may be reappointed, but not for more than two terms.
- 6.7 A member appointed to the committee from the list of third parties, shall be provided traveling facility, by the University for each day on which he/ she is required to attend to the proceedings of the committee.
- 6.8 The CASH shall be under the administrative control of the Vice Chancellor.

7. Functions of CASH

The CASH shall have three major functions:

- Gender Sensitization and Orientation
- Crisis Management and Mediation,
- Formal Enquiry and Redressal.

8. Procedure for lodging a Complaint

- 8.1 Any complainant complaining of sexual harassment shall lodge a complaint at the earliest point of time and in any case within a period of three months from the occurrence of the alleged incident.
- 8.2 The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the names of the contravener and the complaint shall be addressed to the CASH.
- 8.3 If the complainant is unwilling to disclose self-identity, the complainant shall address the complaint to the Head of the institution / Dean and hand over the same in person or in a sealed cover.
- 8.4 Upon receipt of such complaint, the Head of the institution shall retain the original complaint with him and send to the CASH a gist of the complaint containing all material & relevant details other than the name of the complainant & other details which might disclose the identity of the complainant.
- 8.5 The Complainant may lodge a complaint orally. It shall be duty of the Authority/ person before whom an oral complaint is made to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.



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8.6 The complainant shall have an option to file the complaint with any one of the following:

- (a) Registrar;
- (b) Dean of the concerned faculty;
- (c) Principal of the College;
- (d) Head of the Department and;
- (e) Chairperson of CASH or any of its members.

9. Procedure for dealing with complaints

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (Act. No. 45 of 1860) or under any other law; irrespective of whether the complainant opts to initiate criminal proceedings, the CASH shall be bound to initiate and conduct its proceedings simultaneously.

The procedures to be adopted by CASH to deal with complaints shall be as follows:

9.1 Dispute Resolution prior to Enquiry

- (a) After a complaint of Sexual Harassment has been made, the aggrieved may request the CASH to resolve the matter by conciliating between the parties before commencement of the enquiry.
- (b) Depending upon the gravity of offence, any member of CASH nominated by the Chairperson of CASH shall try to resolve the complaint informally if possible.
- (c) Any Dispute Resolution carried out by CASH shall be completed within a period of two weeks from the date of receipt of the complaint.
- (d) Any settlement brought about by such Dispute Resolution must be mutually acceptable to both the parties.
- (e) Where any settlement between both the parties is reached, the CASH shall record the proceedings and the settlement reached; and shall send the same to the Head of the Constituent College/Academic Unit/Regional Centre/Study Centre who shall implement the terms, to the extent required therein. A copy of the settlement shall be furnished to both the parties.

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- (f) Notwithstanding the settlement reached in the dispute resolution process, the aggrieved shall have the right to withdraw from any dispute resolution process undertaken or to challenge any settlement on the ground that the consent for settlement was obtained by force, fraud, coercion or undue influence or on the ground that the terms of settlement have been breached within a week.
- (g) Where no mutually agreeable settlement can be reached during such above-mentioned Dispute Resolution process,

CASH shall proceed to conduct the enquiry as per the procedure prescribed

9.2 Conducting of Enquiry

- (a) Where no Dispute Resolution process referred to above has been requested by the aggrieved, or if requested and carried out, has not been successful, the sexual harassment complaint, in whatever form or from whatever source may emanate shall be dealt with immediately and appropriately. The CASH shall take immediate necessary action to cause an enquiry to be made discretely or hold an enquiry, if necessary.
- (b) The CASH shall, within a period of one week from receipt of the complaint or the conclusion of the dispute resolution process, proceed to conduct an enquiry into the allegation of Sexual Harassment. An enquiry committee may be constituted for the same.
- (c) The Enquiry Committee shall ensure that every reasonable opportunity is extended to the aggrieved and to the defendant, for putting forward and defending their case.
- (d) Before finalizing the outcome of the enquiry the Enquiry Committee shall give opportunity of hearing to both the parties (complainant and defendants).
- (e) In conducting an enquiry, the Enquiry Committee may give directions relating to procedure that, in its opinion, will enable delay to be reduced and will help to achieve a prompt hearing.
- (f) The enquiry shall be conducted in Hindi, English or the local language, whichever is requested by the aggrieved.
- (g) The enquiry committee shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that often the aggrieved may not be able to lead direct or corroborative evidence.
- (h) The enquiry committee may disallow any questions desired to be put by the defendant to the aggrieved, which it feels are derogatory, irrelevant or slanderous.

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- (i) Every inquiry committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:
- i. The summoning and enforcing the attendance of any witness and examining them on oath;
 - ii. Requiring the discovery and production of any document or other material which is producible as evidence; and
 - iii. Daily proceedings of enquiry shall be signed by the members of the enquiry committee, Aggrieved and Defendant. In case anyone refuses to sign the same, the chairperson will document the same in the report.
- (j) Enquiry should be completed, including submission of Enquiry Report to CASH, within 30 days from the date of constitution of Enquiry Committee. Any delay in completion shall be done for reasons given in writing.

9.3 Based on the findings of the report, CASH may by a detailed and reasoned order either:

- (a) Dismiss the complaint which was subject of the Inquiry.

OR

- (b) Recommend to the Disciplinary Authority for action/ penalty to be imposed (In addition to the criminal proceedings, if any, going on side by side) upon the defendant commensurate with the nature and gravity of the offence where the complaint is found to be proved, and defendant is found guilty.

9.4 The disciplinary authority of the University shall pass a reasoned order with one month from the date of receipt of recommendations of CASH.

9.5 Where sexual harassment occurs as a result of an act by third party or outsider, the authority in charge shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action and will be dealt as per the law.

9.6 **Appeal:** The provisions relating to appeals, revision and review shall be in accordance with the Act & Statutes of the University.

9.7 **Confidentiality:** It shall be the duty of all the persons and authorities delegated to ensure that identity of complainant, complaints and proceedings of enquiry remain strictly confidential.


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- 9.8 **Action against False Complaints:** Strict disciplinary and legal action shall be taken against the complainant in cases where the complaint is found to be false and frivolous on investigations.
- 9.9 **Protection of action taken in good faith:** No legal action shall lie against any member of CASH for anything which is done in good faith or intended to be done in pursuance of the provisions of this Policy.
- 9.10 **Annual Report:** CASH shall prepare an Annual Report giving full account of the Committee, complaints and action taken during the previous year and submit the same to the Vice Chancellor.


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