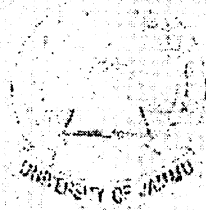


# UNIVERSITY OF JAMMU JAMMU

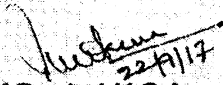


## Jammu University Policy against Sexual Harassment

### Jammu University Internal Complaints Committee Against Sexual Harassment (JUICCASH)

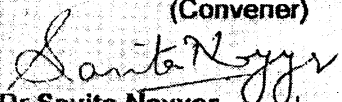
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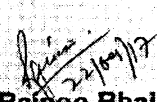
#### Committee Members

  
22/9/17  
Prof Pankaj K Srivastava  
(Convener)

  
22/09/17  
Prof Renu Nanda

  
22/9/17  
Dr Sanjay Gupta

  
22/9/17  
Dr Savita Nayyar

  
22/09/17  
Dr Rainoo Bhal

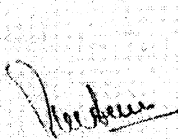
## INTRODUCTION

University of Jammu constituted a Committee against Sexual Harassment-CASH (Vide Notification No. Estab/09/19492-591 dated 24.12.2009), following the guidelines on the prevention and deterrence of Sexual Harassment at the workplace laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997. The rules and regulations of the CASH were approved by the Council, University of Jammu vide Council Resolution no. 68.68 Dated 27.03.2009.

In pursuance to the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 and University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015, the earlier Jammu University Policy on Sexual Harassment and Rules and Regulations of the Committee Against Sexual Harassment (CASH) are hereby modified in compliance with the provisions of the said Act and UGC Regulation -2015. Further the Jammu University Committee Against Sexual Harassment shall now be called as the Jammu University Internal Complaints Committee Against Sexual Harassment. The Regulations for the same shall be called as the JU Internal Complaints Committee Against Sexual Harassment (Prevention, Prohibition and Redressal) Regulations.

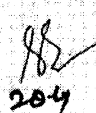
University of Jammu is committed to ensure safe working and study spaces for women and to facilitate conducive work environments that respect women's right to equality of status and opportunity. All the employees of the University (Teaching/ Officers/Non- Teaching/ Non-Gazetted) including those who are in temporary or short term positions, Research Scholars (including the Project staff), students and the visitors to the University are subject to this Policy. Anyone violating this Policy is liable to disciplinary action.

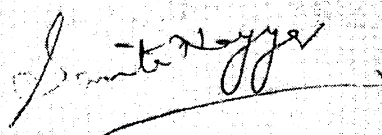
University of Jammu follows the Zero-Tolerance policy towards the sexual harassment and deals all the complaints of sexual harassment very seriously and promptly. The University respects and maintains the confidentiality and privacy of individuals complaining or accused of sexual harassment to the extent reasonably possible. The false, malicious and misleading complaints shall be liable for disciplinary action as per the provisions of these Regulations.







  
204



# JAMMU UNIVERSITY INTERNAL COMPLAINTS COMMITTEE AGAINST SEXUAL HARASSMENT (PREVENTION, PROHIBITION AND REDRESSAL) REGULATION

## 1. Short title, extent and commencement -

- (1) These regulations may be called Jammu University Internal Complaints Committee against Sexual Harassment (Prevention, Prohibition and Redressal) Regulations 2017.
- (2) These shall apply to all the campuses (Main and Offsite Campuses) and Constituent Colleges of the University of Jammu, Jammu.
- (3) These shall come into force on the date of their approval and notification from the competent bodies.

## 2. 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) "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 University of Jammu (including off site Campuses and Constituent Colleges) and its related institutional facilities like administration, examination, libraries, laboratories, lecture halls, residences, seminar/examination 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 an employee or as a student of the 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, place 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 University of Jammu;
- (d) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment complaint, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the complainant;

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- (e) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations persons employed on Ad-hoc/ contractual/ temporary/guest faculty, trainee, apprentice (or called by any other name), interns, volunteers, teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;
- (f) Executive Authority" means the Vice Chancellor of the University of Jammu.;
- (g) "Internal Complaints Committee (ICC)" means Jammu University Internal Complaints Committee Against Sexual Harassment (JUICCASH) constituted under 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" includes
- i. any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:-
    - (a) physical contact and advances; or
    - (b) a demand or request for sexual favours; or
    - (c) making sexually coloured remarks; or
    - (d) showing pornography; or
    - (e) any unwelcome physical, verbal or non verbal conduct of sexual nature;
  - ii. any one (or more than one or all) of the following circumstances, if it occurs or is present in relation to or connected with any behaviour that has explicit or implicit sexual overtures:-
    - (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 working/ learning environment;
    - (e) humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

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- (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 the University of Jammu;

Provided that a student who is in the process of taking admission in the University campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of the 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 the University other than the university where such student is enrolled shall be treated, for the purpose of these regulations, as a student of that 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 University, but a visitor to the University in some other capacity or for some other purpose or reason;
- (l) "University " means University of Jammu, Jammu.
- (m) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (n) "Workplace" means the campuses of the University including:-
- 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 University;
  - any cultural or sports institute, stadium, cultural or sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in the University;
  - any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the University for undertaking such journey for working/study in the University.

### 3. Duties of the University -

The University shall:-

- publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report

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(Measures for ensuring the safety of women and programmes for gender sensitization on campuses) of the University Grants Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations;

- (c) act decisively against all gender based violence perpetrated against employees and students of all sexes;
- (d) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (e) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (f) include in its prospectus and display prominently at conspicuous places or Notice Boards-
  - i. definition of sexual harassment,
  - ii. mechanism and redressal of complaints pertaining to sexual harassment,
  - iii. contact details of members of Internal Complaints committee, complaints procedure;
- (g) 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;
- (h) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law;
- (i) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (j) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (k) 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;
- (l) monitor the timely submission of reports by the ICC;
- (m) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the University Grants Commission.

#### 4. Composition of Internal Complaints Committee (ICC)-

- (1) Executive Authority 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 the University nominated by the Executive Authority;

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- (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 Executive Authority;
- (c) three students, if the matter involves students, who shall be enrolled at the undergraduate, postgraduate, and research scholar levels respectively, elected through transparent democratic procedure;
- (d) one member from amongst non-governmental organisations committed to the cause of women or a person familiar with the issues relating to sexual harassment having at least five years of experience, nominated by the Executive Authority.
2. At least one-half of the total members of the ICC shall be women.
3. Persons in senior administrative positions in the University, such as Vice-Chancellor, Pro Vice-Chancellor, Rectors, Directors, Registrar, Controller of Examination, Deans, Head of Departments, Provost Hostels etc., shall not be members of ICC in order to ensure autonomy of their functioning.
4. The term of office of the members of the ICC shall be for a period of three years. Executive Authority shall change one-third of the members of the ICC every year.
5. The Member from the non-governmental organization shall be paid such fees or allowances for holding the proceedings of the Internal Complaints Committee, by the Executive Authority as may be prescribed.
6. Where the Presiding Officer or any member of the Internal Complaints Committee:
- (a) contravenes the provisions of Regulation 12 of these regulations; 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/her; or
  - (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
  - (d) has so abused his/her position as to render his/her 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 Regulation.

## 5. Responsibilities of Internal Complaints Committee (ICC) -

The Internal Complaints Committee shall

- (a) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights,

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and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;

- (b) 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 respondent;
- (c) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (d) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- (e) provide assistance if an employee or a student chooses to file a complaint with the police;

#### 6. The process for making complaint and conducting inquiry –

The ICC shall comply with the procedure prescribed in these Regulations for making a complaint and inquiring into the complaint in the time bound manner. The University 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 –

- I. 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 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 Complaints 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 recorded in 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.

- II. Where the aggrieved person is unable to make a complaint on account of following disabilities, the other persons may make a complaint-
  - i. where the aggrieved person is unable to make a complaint on account of physical incapacity, a complaint may be filed by relative or friend or co-worker or an officer of the National Commission of Women or State Commission of Women or any person who has knowledge of the incident with the written consent of the aggrieved person;
  - ii. where the aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may be filed by relative or friend or special

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educator or a qualified psychiatric or psychologist or the guardian or authority under whose care the aggrieved person is receiving treatment or care or any person who has knowledge of incident jointly with any of the aforesaid person;

- iii. where the aggrieved person is for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of incident with the written consent of the aggrieved person;
- iv. where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of incident, with the written consent of the legal heir of the aggrieved person.

### 8. Process of conducting Inquiry-

- 1) At the time of filing the complaint, the complainant shall submit seven copies of the complaint to the ICC alongwith supporting documents and the names and addresses of the witnesses.
- 2) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven working days of such receipt.
- 3) 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 working days.
- 4) The ICC shall make inquiry in to the complaint in accordance with the principles of natural justice.
- 5) The ICC shall have the right to terminate the inquiry proceedings or give an ex-parte decision, if the complainant or the respondent fails, without sufficient cause to present herself/himself for three consecutive hearings convened by the Presiding Officer provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- 6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- 7) In conducting the inquiry, a minimum of 50% of the Members of the Complaints Committee including the Presiding Officer shall be present.
- 8) The inquiry has to be completed within a period of ninety days from the date of the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten working days from the date of completion of the inquiry to the Executive Authority of the University. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- 9) Where the ICC, arrived at a conclusion that the allegations against the respondent has not been proved, it shall recommend to the executive authority that no action is required to be taken, in the matter.

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- 10) The Executive Authority of the University shall act on the recommendations of the committee within a period of thirty working days from the date of receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- 11) an appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the University within a period of thirty working days from the date on which such findings or recommendations are served on the parties.
- 12) if the Executive Authority of the 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 the Executive Authority decides to act as per the recommendations of the ICC, then a show cause notice, answerable within ten working days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the University shall proceed only after considering the reply or hearing the aggrieved person.
- 13) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The University shall facilitate a conciliation process through ICC, once it is sought by the parties. The resolution of the conflict to the full satisfaction of the aggrieved party, wherever possible, is preferred.
- 14) The identities and addresses of the aggrieved party, the respondent and the witnesses shall not be made public or kept in the public domain, especially during the process of the inquiry, by all the parties concerned.
- 15) The aggrieved party, respondent, witnesses or any other person shall not make public any facts revealing the identity of any covered individual or put any evidence relating to the inquiry in public domain especially during the pendency of the inquiry.

#### 9. Interim redressal-

The University may during the pendency of the inquiry -

- (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 in addition to entitled leave under the University norms;
- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations or supervising the academic/research work of the complainant;

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- (d) ensure that respondent is warned to keep a distance from the aggrieved person and wherever necessary, if there is a definite threat, restrain the respondent's 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.

#### 10. Punishment and compensation-

- (1) If the respondent is an employee, he/she shall be punished in accordance with the service rules of the University, if found guilty of sexual harassment. The act of sexual harassment shall be treated as misconduct under the service rules.
- (2) Where the respondent is a student, depending upon the severity of the act, the University may:
  - i) withhold privileges of the student such as access to the library, auditorium, hostel, transportation, scholarships, allowances, and identity card;
  - ii) suspend or restrict entry into the campus for a specific period;
  - iii) expel and strike off name from the rolls of the institution; including denial of readmission, if the act so warrants;
  - iv) award reformatory punishments.
- (3) The University may issue direction for payment of the sums recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the respondent. In case of employees, such sums shall be deducted from the wages or salary of the employee; in case of scholars or students, such sums shall be deducted from the scholarship or fine imposed as the case may be.

The sums payable shall be determined on the basis of:-

- a) mental trauma, pain, suffering and distress caused to the aggrieved person;
- b) the loss in the career opportunity due to the incident of sexual harassment;
- c) medical expenses incurred by the victim for physical or psychiatric treatment;
- d) the income and financial status of the respondent;
- e) feasibility of such payment in lump sum or in instalments.

#### 11. 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 by the University.

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If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be false, or forged or misleading information has been provided during the inquiry, it may recommend to the executive authority that the complainant be punished as per the provisions of sub-regulation 1 and 3 of Regulation 10, if the complainant happens to be an employee; and as per sub-regulation 2 and 3 of Regulation 10, if the complainant happens to be a student.

Provided, the mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on the part of the complainant shall be established after an inquiry, in accordance with the procedure prescribed, before any action is recommended.

## **12. Prohibition of publication or making known contents of complaint and Inquiry Proceedings --**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of the aggrieved person, respondents and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaint Committee and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of the sexual harassment under these regulations without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.

However if any person entrusted with the duty to handle or deal with the complaint, inquiry or recommendations, reveals such information, such person shall be liable to a penalty of Rs. Five thousand.

## **13. Supportive measures-**

- (1) The rules, regulations or any such other instrument by which ICC shall function, have to be updated and revised from time-to-time.
- (2) The Executive Authority of the University must extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be provided to the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.) staff (typists, counselling and legal services) as well as a sufficient allocation of financial resources.

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- (3) Executive authority must ensure the safety of the Vulnerable groups that are particularly prone to harassment. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled.
- (4) Since research students and doctoral candidates are particularly vulnerable the University must ensure that the guidelines for ethics for Research Supervision are put in place.
- (5) The University must conduct a regular and half yearly review of the efficacy and implementation of the anti-sexual harassment policy.
- (6) The Human Resource Development Centre (HRDC) must incorporate session on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.
- (7) Counselling services must be institutionalised in the University and must have well trained full-time counsellors.
- (8) Adequate lighting should be maintained as a necessary aspect of infrastructure and maintenance.
- (9) Adequate and well trained security including a good proportion or balance of women security staff should be maintained.
- (10) Adequate health facilities must be provided by the University which include gender sensitive doctors, nurses and gynaecologist.
- (11) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendments in the rules or Ordinance wherever necessary.

1. Prof Pankaj K Srivastava

2. Prof Renu Nanda

3. Dr Sanjay Gupta

4. Dr Savita Nayyar

5. Dr Rainoo Bhal

Dated : September 22<sup>nd</sup>, 2017