



## **Sardar Patel University**

### **Policy on “Grievances against Sexual Harassment”**

#### **1.1 Preamble**

Sardar Patel University is committed to create a healthy working environment and study atmosphere that enables employees to work and student to study without any fear of prejudice, gender bias and sexual harassment. The university also believes that all employees and students have the right to be treated with dignity. Sexual harassment at the work/study place or other than the work/study place is a grave offence and is, therefore, punishable.

It is the policy of the University to promote cooperative work & learning environment in which mutual respect exists for all University students, faculty members & employees.

The Supreme Court judgment of 1997 (Vishaka & others vs State of Rajasthan & others) and the recent enactment passed by the parliament which is also notified in the Official gazette make it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Hon'ble Court and to evolve a specific policy to combat sexual harassment in the workplace. Sardar Patel University is committed to uphold the constitutional mandate ensuring the human right of all those who fall within its jurisdiction.

#### **1.2 Objectives of the policy**

- To provide an environment free of gender-based discrimination.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the University.
- To ensure the implementation of the policy through proper reporting of the complaints and their follow-up procedures.
- To create awareness about sexual harassment in its various forms so that each one in the university community deters from being involved in acts of gender based discrimination and harassment.



## 2.1 Definition of Sexual Harassment:

**Sexual harassment** would mean and include any of the following:

- I) Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, In return for employment, promotion, examination or evaluation of a person towards any activity.
- II) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, phone calls, text messages, emails, gestures, showing of pornography, lurid stares physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual sensibilities and affect her/his performance.
- III) Eve teasing, taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- IV) Uploading obscene pictures of the victim in the social networking sites.
- V) Such act or conduct of the person is likely to create a hostile or intimidating environment to the employee/student belonging to the other sex.
- VI) Conduct of such an act at work place/study area or outside in relation to an employee or student of Sardar Patel University.
- VII) Any unwelcome gestures by an employee or student towards a fellow employee or student, having sexual overtones.

## 2.2 Scope of Reference for Sardar Patel University

Sardar Patel University consists of a number of academic institutions, and administrative offices in Balaghat as well as offices and campuses outside Balaghat.

This policy extends to all employees of SPU and also to students studying at SPU.

The policy for the Sardar Patel University is applicable at any location, not confining only to office/ University premises and can also include a place away from the University town where the accused/victim was on deputation.

Employer, employee and the students of either sex who indulges in such behavior will be covered as per the policy. Individual of either sex who experiences harassment is the 'victim' and the individual of either sex who commits the offence is the 'accused'.



### **2.3 Reporting of Sexual Harassment:**

- I. Any employee who feels that she or he is being sexually harassed may submit a complaint to the immediate senior of the accused; in case of students, the complaint is to be submitted to the respective institution head in writing or to any member of the committee with his/her signature, immediately or within 10 days of occurrence of the incident. The complaint must include within it all necessary details with no omission of facts, which may later hinder in the investigation process. The complaints can be sent via email at [Chairman.shpp@spubgt.ac.in](mailto:Chairman.shpp@spubgt.ac.in) or dropped in the drop box provided at the respective offices to which the victim belongs. **Anonymous complaints will not be entertained.**
- II. The complaint will then be handed over to the committee which is responsible to address the issue of sexual harassment at Sardar Patel University.

### **2.4 The committee and the process of dealing with the complaints:**

A Committee has been constituted by the Management to consider and redress complaints of sexual harassment. The Chairman and the members of the Committee are as follows: The Chairperson and members may belong to SPU directly or the group entity of which SPU has an association.

A committee comprising of following is hereby constituted to consider and redress complaints of sexual harassment in the SPU workplace.

- |                          |               |
|--------------------------|---------------|
| 1. Mrs. Sukhda Kapde     | Chairperson   |
| 2. Mrs. Afshin Ali       | Member        |
| 3. Ms. Lalita Shiv       | Member        |
| 4. Ms. Aanchal Singh     | Member        |
| 5. Mrs. Gaytri Bisen     | Member        |
| 6. Mrs. Barkharani Gupta | Legal Advisor |

Legal Officer will be kept as standby and always made abreast of all cases. The committee may at its own discretion also invite a Faculty member from the college from where the complaint is received as Special invitee/ member.

The quorum for each proceeding shall consist of the Chairperson, Member Secretary and any two members of the Committee.



## 2.5 Pre-enquiry process:

- I. The committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- II. The Chairman committee will hold a meeting with the victim as soon as possible but not later than three working days in any case, after receiving the complaint.
- III. At the first meeting, the committee members shall hear the victim and record her/his statement. The victim can also submit any corroborative material with a documentary proof, oral or written material, etc, to substantiate his/her complaint. If the victim does not wish to depose personally due to embarrassment of narration of the event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
- IV. Thereafter, the accused may be called for a deposition the committee and an opportunity will be given to him/her to give an explanation, where after, an “enquiry” shall be conducted and concluded.
- V. In the event, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after recording the reasons thereof.
- VI. All proceedings of the committee shall be recorded in writing and will have to be signed off by the chairperson, victim and the accused.
- VII. Minutes of meeting of this committee will be placed before the executive committee.

## 2.6 Enquiry Process:

- I. The committee shall immediately proceed with the enquiry and communicate the same to the victim and the accused.
- II. The committee shall prepare and hand over the statement of allegations to the accused and give him/her an opportunity to submit a written explanation if he/she so desires within 3 days of receipt of the same.
- III. The victim shall be provided with a copy of the written explanation provided by the accused.
- IV. If the victim or the accused desires to summon witness(s), they shall communicate in writing to the committee, the name(s) of witness/witnesses whom they propose to call.
- V. If the victim or the accused wishes to provide any documents by way of evidence before the committee he/she may do so by supplying original copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be original copies.
- VI. The committee shall summon all witness/witnesses mentioned by both the parties and record their statements.



- VII. The committee shall provide every reasonable opportunity to the victim and the accused for putting forward and defending their respective case.
- VIII. A copy of the final enquiry report should be submitted to the university.
- IX. If the offense is a serious one and if a victim expresses a desire to lodge a police complaint, it will be facilitated after counseling and seeking the university legal advisors opinion.
- X. In case the complaint is found to be false, the victim shall, if deemed fit, be liable for appropriate disciplinary action by the University.
- XI. In the event the complaint of sexual harassment is made against any member of the Grievance Committee, that member shall cease to be a member of the committee, till the said committee is disposed off by the committee. If the member is found guilty he/she will be removed from the Grievance committee with immediate effect and the relevant procedures/actions administered/instituted.
- XII. In case the offence has been proved, the Sardar Patel University is liable to take appropriate disciplinary action against the accused.
- XIII. The Committee may suggest any appropriate rehabilitation measures for victim like medical assistance, counseling etc and also change of location.

## 2.7 Provision for Appeal:

If the accused or the victim in any case finds the enquiry proceedings unsatisfactory/biased, he/she may appeal to the vice chancellor of the University. The decision of the vice chancellor is final and binding on both parties concerned,

## 2.8 Penalty and Punishment:

The committee may recommend to the University the appropriate disciplinary action to be taken.

As disciplinary action, any of the following penalties may be imposed for good and sufficient reasons on an employee/student if found guilty upon enquiry by the committee.

### For employees:

- i. Written warning or caution
- ii. Demotion
- iii. Censure
- iv. Withholding/stoppage of increment with or without cumulative effect.
- v. Fines, not exceeding an amount equivalent to 7 days salary.
- vi. Transfer or change of place of employment.
- vii. Discharge/removal/dismissal.



## 2.9 Miscellaneous:

- I. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- II. Where sexual harassment occurs as a result of an act or omission by any third party or outside, SPU shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- III. The committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to the office of the registrar.
- IV. In case the committee finds of offence coverable under the Indian penal code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the management, for making a police complaint.
- V. The University recognizes that confidentiality is important, therefore all complaints of sexual harassment shall be processed in a manner to protect the privacy of all parties in accordance with university policy.
- VI. Retaliation against a complaints or witness is illegal
- VII. Making malicious complaints of sexual harassment will also attract similar and appropriate disciplinary action.
- VIII. Sardar Patel University reserves the right to modify/change the policy from time to time.

Sd/-  
Registrar

Sardar Patel University

