

Item No. 5.3/EC/18.09.2017

Adoption of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 and Ministry of Human Resource Development Notification dated 2nd May, 2016.

The Committee set up by the Vice Chancellor to review the existing GSCASH mechanisms and constitution of Internal Complaints Committee (ICC) in consonance with the above statutory requirements, deliberated the matter in details. The Minutes of the meetings of the Committee are enclosed at **Annexure - I** together with Rules and Procedures of the Internal Complaints Committee (ICC) under the University Grants Commission (Prevention and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013). In its report, the Committee has recommended adoption of provisions of the Act and Regulations which are mandatory for all HEIs. The Committee has added explanatory *notes in italics* under some sections of the Regulations for clarity.

In this regard, copies of the letters D.O. No. F.91-91-9/2015(GS/MHRD) dated 05.07.16 (**Annexure - II**) and No. D.O. No. F-91-3/2014 (GS) dated 06.06.17 (**Annexure - III**) received from the Secretary, University Grants Commission, based on which the Executive Council authorized the Vice Chancellor to set up the above Committee to review the existing JNU GSCASH mechanisms are enclosed for reference and perusal.

With the above position, the recommendation of the Committee for adoption of statutory provisions of the Act and UGC Regulations mentioned above are placed before the Executive Council for adoption, superseding the existing JNU GSCASH Rules of Procedures.

JAWAHARLAL NEHRU UNIVERSITY

In pursuance of the Executive Council Resolution No. 6.7 dated 30.06.2017, the Vice-Chancellor constituted a Committee under the Chairmanship of Prof. S.C. Garkoti, Rector-II, to review the existing mechanisms of GSCASH and to give its recommendations on forming Internal Complaints Committee as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and subsequent Ministry of Human Resource Development Notification dated 2nd May, 2016 about University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

The Committee held 5 meetings on 16.08.17, 25.08.17, 01.09.17, 4.09.17, 07.09.17 and deliberated the matter with reference to existing JNU GSCASH Rules and Procedures in great details.

After detailed deliberations during the above five sittings, the Committee expressed the view that UGC Regulations on (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 are complete, authoritative and relevant which need to be adopted. The Committee also highlighted that it is mandatory for the University to adopt UGC Regulations. Further, the Committee assigned the task of drafting the revised rules and procedures to a sub-Committee consisting of the following:


1. Prof. Vibha Tandon, SCMM - Convenor
2. Prof. Heeraman Tiwari, CHS/SSS
3. Ms. Ginny Rautray, Legal Counsel
4. Mr. Yashwant Singh, OSD

The Sub-Committee went through all provisions of the Work Place Act, the UGC Regulations, 2015 as well as existing JNU GSCASH Rules and Procedures and expressed the above view. The Sub-Committee suggested to add explanatory notes in some sections of the UGC Gazette Notification indicated in *italics*, to give more clarity to the provisions of the relevant sections of the ICC Rules and Procedures. The revised ICC Rules and Procedures devised by the Committee are annexed herewith, for consideration of the University authorities. In case, ICC Rules and Procedures are adopted by the Statutory Body of the University, these will be in supersession of all existing JNU GSCASH Rules and Procedures.



Heeraman Tiwari,
Member

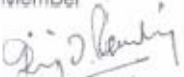

Yashwant Singh
Member Secretary


Umesh Chandra Kufshrestha,
Member


Vibha Tandon
Member


Pradipta K. Chaudhury,
Member


Manuradha Chaudhary,
Member


Ginny Rautray
Legal Counsel


Satish Chandra Garkoti
Chairman

JAWAHARLAL NEHRU UNIVERSITY

[Rules and Procedures of the Internal Complaints Committee (ICC) Under the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]

UGC Ref. No. F. 91-1/2013(TFGS).—In exercise of the powers conferred by clause (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), read with sub-section (1) of Section 20 of the said Act, the University Grants Commission hereby makes the following regulations, namely:-

1. Short title, application and commencement.—

(1) These regulations may be called the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.

(1) They shall apply to all higher educational institutions in India.

(2) They shall come into force on the date of their publication in the Official Gazette.

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 a Higher Educational Institution 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 HEI 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 HEI;

(d) “Commission” means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);

(e) “covered individuals” are persons who have engaged in protected activity such as filing a sexual harassment charge, 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 offended person;

(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) “Executive Authority” means the chief executive authority of the HEI, by whatever name called, in

which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;

As per statutes of JNU the Executive Authority is the “Executive Council”.

(h) “Higher Educational Institution” (HEI) means a university within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);

(i) “Internal Complaints Committee” (ICC) means Internal Complaints Committee to be constituted by an HEI 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 HEI 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;

(j) “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;

(k) “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;
- humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

(l) “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 HEI;

Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, 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 HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

- (m) “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 HEI, but a visitor to the HEI in some other capacity or for some other purpose or reason;
- (n) “victimisation” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (o) “workplace” means the campus of a HEI 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 HEIs;
 - (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 HEIs;
 - (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 HEIs.’

3. Responsibilities of the Higher Educational Institution- (1) Every HEI 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;
- (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;
- (d) act decisively against all gender based violence perpetrated against employees and students of all sexes recognising 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;

Provided that in the latter case the HEI 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;

- (i) inform employees and students of the recourse available to them if they are victims of sexual harassment;
- (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 HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;
- (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.

3.2 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, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

(2) The Executive Authority of the HEIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be given to the functioning of 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.

(3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.

(4) Since research students and doctoral candidates are particularly vulnerable the HEIs must ensure that the guidelines for ethics for Research Supervision are put in place.

- (5) All HEIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.
- (6) All Academic Staff Colleges (now known as Human Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) must incorporate sessions 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) **Gender Sensitization** programmes: Orientation courses for administrators conducted in HEIs must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the HEI community.

The ICC will organize programmes for the gender sensitization of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programmes.

- (8) Counseling services must be institutionalized in all HEIs and must have well trained full-time counselors.
- (9) Many HEIs having large campuses have a deficit in lighting and are experienced as unsafe places by the institutional community. Adequate lighting is a necessary aspect of infrastructure and maintenance.
- (10) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.
- (11) HEIs must ensure reliable public transport, especially within large campuses between different sections of the HEI, hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport may be considered by HEIs to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.
- (12) Residential HEIs should accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.
- (13) Concern for the safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.
- (14) Adequate health facilities are equally mandatory for all HEIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.
- (15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitization and remain autonomous of the functioning of anti sexual harassment committees and ICCs. At the same time they shall extend their activities to include gender sensitization programmes in consultation with ICCs and help to disseminate anti-sexual harassment policies on campuses on a regular basis. The 'cultural' space and the 'formal academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.

(16) 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 Ordinances where necessary.

4. Grievance redressal mechanism—

(1) Every 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 case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o);

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 Executive Authority;
- (c) 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.

All student members elected under this clause shall be women, to ensure the majority of women members in the ICC.

Election of student members: The election of student representatives shall take place within six to eight weeks from the commencement of each academic year. As per the Regulations one the student member from each category i.e. Under Graduate, Masters and Research shall be elected to ICC. The election of the student members to ICC shall be conducted by the JNU administration in a transparent democratic manner. 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 JNUSU shall not be eligible for contesting election for ICC student membership. The student members of ICC shall also not be eligible to contest JNUSU elections.

- (d) One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, 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 HEI, 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.
- (4) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.
- (5) 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, by the Executive Authority as may be prescribed.
- (6) 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 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.

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

Nature of complaints: Complaints made by a student against a member of the academic or non-teaching staff or a co-student or service provider or outsider; or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff or service provider or outsider.

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 ***Form I annexed at the end of these guidelines***. 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.

Considering the number of sexual harassment cases in the past in JNU, and to dispose these off within the stipulated timeframe, case-wise Inquiry Committees will be constituted by the Presiding Officer of ICC with the following composition-

(i) Student vs student: One ICC woman member who will be the Convener of the Inquiry Committee, One woman student representative from ICC and One male member of ICC.

(ii) Student vs teaching/non-teaching staff: One ICC woman member who will be the Convener of the Inquiry Committee, One woman student representative from ICC and One male member of ICC.

(iii) Teaching-non teaching staff vs teaching non-teaching staff: One ICC woman member who will be the Convener of the Inquiry Committee, One male member of ICC and one additional male/woman member from ICC.

However, if the need is felt, the Inquiry Committee may include more members which can be decided by the Presiding Officer of ICC. If the case involves outsider (other than student, teaching and non-teaching staff), the composition and number of members of the Inquiry Committee will be decided by the Presiding Officer, ICC.

- (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 Executive Authority of the HEI. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (4) The Executive Authority of the HEI 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 Executive Authority of the HEI within a period of thirty days from the date of the recommendations.

- (6) If the Executive Authority of the HEI 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 Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.
- (i) *In this regard, the Executive Authority of the HEI may constitute an Appeals Committee.*
- (ii) *Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official records.*
- (iii) *The Appeals Committee shall report to the Executive Authority of HEI its findings, recommendations and the nature of the action to be taken on the appeal within thirty days of the receipt of the appeal.*
- (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 HEI 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 HEI 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 their 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) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.
- (2) Where the respondent is a student, depending upon the severity of the offence, the HEI 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 counselling and, or, performance of community services.
- (3) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, 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.

Protection against Victimisation

- i. *If the complainant is a student and the defendant(s) is a teacher, during the investigation and inquiry, and even after such an inquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.*
- ii. *If a witness named by the complainant is a student and the defendant(s) is a teacher, during the investigation, and even after such an inquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.*
- iii. *If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized for protection of Inquiry Committee Members.*
- iv. *If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.*
- v. *If the defendant(s) is an outsider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present inquiry.*
- vi. *If the defendant(s) is a resident/service provider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the order of restraint issued in accordance with the procedures shall be in force at all times.*

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 publicized within all HEIs. 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.

12. *Consequences of non-compliance : -

- (1) The University Grants Commission shall, in respect of any institution that will fully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice: -
 - (a) withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.
 - (b) removing the name of the university or college from the list maintained by the University Grants Commission under clause (f) of section 2 of said Act, 1956;
 - (c) withholding any grant allocated to the institution;
 - (d) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the University Grants Commission;
 - (e) informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment;
 - (f) recommending the affiliating university for withdrawal of affiliation, in case of a college;
 - (g) recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university;
 - (h) recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.
 - (i) taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the provisions of these regulations.
- (2) No action shall be taken by the University Grants Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

* Applicable to UGC.

JAWAHARLAL NEHRU UNIVERSITY
INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A ADMINISTRATION BLOCK, JAWAHARLAL NEHRU
UNIVERSITY NEW DELHI- 110067, INDIA

FORM I

Proforma for Filing of Complaints of Sexual Harassment

The processing of this complaint by the ICC is subject to physical validation through signature in the ICC office (Room No.114-A, Administration Block) by the complainant(s) within 24 hours of online submission.

**In order to ensure accessibility and confidentiality for the VH/PH complainant(s), the ICC will arrange for the signature to be collected from them at their place of residence/work inside the campus.*

I. Complainant(s):

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name	
Age	
Sex	
Address	
Centre/School	
Phone number	
Email	

II. Person(s) against whom the complaint is being lodged:

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name(s)	
Age	
Sex	
Address	
Centre/School	
Phone number	
Email	

III. The Complaint:

1. Is the defendant known to the complainant?	
2. Is this the first incident of this kind? If yes, skip 3 and 4.	
3. Were exactly the same person(s) involved? If no, specify further.	
4. Was the first incident reported? To whom? When? What action, if any was taken?	
5. Approximate date(s), time(s) and location(s) of incident(s), starting from the most recent.	

Additional details of the complaint may be recorded here:

Complaint filed by

Signature:

Date:

Name:

Place:

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK,
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA

FORM II Order of Restraint (in duplicate)
--

Issued to Ms/Mr/Dr/Prof _____ on _____ by

Presiding Officer ,ICC. This is with reference to the complaint lodged
by Ms/Mr/Dr/Prof _____ on _____

_____ Against Mr / Ms / Dr/ Prof _____ received
at ICC Office, alleging that r _____
_____.

During the pendency of ICC's investigative and inquiry procedures into the complaint against you, you are enjoined to respect the human rights, and the confidentiality of the complainant, his/her/their family witnesses.

You shall not commit any act (either directly or by implication) that invades the privacy of the complainant(s), threatens his/her/their security, violates his/her/their human rights or adversely affects his/her/their living, working, and/or educational environment. You (or any person on your behalf) shall not make any attempt to contact the complainant(s), or any person in his/her/their confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, especially those that pertain to his/her/their complaint of sexual harassment against you.

You (or any other person on your behalf) shall respect the right of the complainant(s) to full confidentiality on all matters, especially pertaining to his/her/their complaint of sexual harassment against you. You (or any other person on your behalf) shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about the complainant's personality, character or motivations in any of his/her actions, including those involved in his/her/their lodging a complaint of sexual harassment against you.

A violation of this order may prove prejudicial to your case and it may also induce the ICC to recommend immediate disciplinary action against you, in accordance to the provisions of Section ???of the ICC Rules & Procedures, which state that:

- (ii) the complainant or any other person should intimate in writing the Presiding Officer of ICC and/or the ICC Committee of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
- (iii) The Presiding Officer of ICC, or the Inquiry Committee be convinced of the truth of such allegations. The Chairperson of ICC and/or the Chief Enquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The ICC Committee or ICC shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.
- (iv) The Inquiry Committee and ICC shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

Please affix your signature in the space provided below to confirm that you have received the above restraint order and are informed of its provisions.

Signature: _____

Date: _____

Name: _____

Address: _____

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK, JAWAHARLAL NEHRU
UNIVERSITY NEW DELHI- 110067, INDIA

FORM III Inquiry Committee Summons to the Complainant

Dear

This is with reference to the complaint of sexual harassment against _____(name(s) of defendant) that you lodged with the ICC on _____(date). The ICC has designated an ICC Committee of persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the ICC Inquiry Committee on _____at am/pm, in the ICC office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Presiding Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Presiding Officer.

Please find enclosed copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date: _____ (O) _____ (R) _____

_____	(O) _____	(R) _____
_____	(O) _____	(R) _____
_____	(O) _____	(R) _____
_____	(O) _____	(R) _____

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK, JAWAHARLAL
NEHRU UNIVERSITY NEW DELHI- 110067, INDIA

FORM IV
ICC Committee Summons
to the Defendant

Dear

This is with reference to the complaint of sexual harassment against you by _____(name(s) of complainant(s)) that you lodged with the ICC on _____(date). The ICC has designated an Inquiry Committee of persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the ICC Inquiry Committee on _____at _____am/pm, in the ICC office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Presiding Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Presiding Officer.

For information, please find enclosed copy of the Rules & Procedures of the ICC. Please note that failure to appear at the hearing without valid reason could go against you according to Section ??? of the Rules and Procedures (given below)

The Inquiry Committee shall have the right to terminate the enquiry proceedings and to give an *ex-parte* decision on the complaint, in accordance with the procedure laid down by the Central Vigilance Commission for domestic enquiries, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Presiding Officer.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date: _____ (O) _____ (R) _____

_____	(O) _____	(R) _____
_____	(O) _____	(R) _____
_____	(O) _____	(R) _____
_____	(O) _____	(R) _____

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK, JAWAHARLAL NEHRU
UNIVERSITY NEW DELHI- 110067, INDIA

FORM V
ICC COMMITTEE
Summons to Witnesses Named by the Complainant/Defendant

Dear

This is with reference to the complaint of sexual harassment against _____ (name(s) of defendant)

lodged by _____ (name(s) of complainant(s)) with the ICC on _____ (date). The complaint referred to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incidents took place) in _____ (locations), where the defendant allegedly _____.

The ICC has instituted a formal inquiry proceeding into the complaint. The contact details of the members of the ICC Inquiry Committee are listed at the end of this communication.

_____ has requested that the ICC Inquiry Committee solicit your co-operation to corroborate/clarify certain aspects to his/her testimony. We would therefore like to meet with you on _____, at a.m /p.m. in the ICC Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date:

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK, JAWAHARLAL NEHRU
UNIVERSITY NEW DELHI- 110067, INDIA

FORM VI
ICC COMMITTEE
Summons to Witnesses

Dear

This is with reference to the complaint of sexual harassment against
_____ (name of defendant)

lodged by _____ (name of
complainant(s)) with the ICC on _____ (date). The complaint referred to an
incident(s) that allegedly took place on/in _____ (date). The complainant has alleged that
the _____ defendant

_____.

The ICC has instituted a formal inquiry proceeding against the defendant. In the course of its proceedings, the ICC Inquiry Committee has formed the impression that you may be in possession of information that may prove relevant to the Committee's deliberations on the complaint, and this is to solicit your cooperation in this regard. In particular, the ICC Inquiry Committee would like to ascertain your information of the following matter(s).

The ICC Inquiry Committee would be appreciative if you could arrange to meet with the Committee on _____, at a.m/p.m. in the ICC Office. We would request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date:

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

_____ (O) _____ (R) _____

INTERNAL COMPLAINTS COMMITTEE
ROOM NO. 114-114A, ADMINISTRATION BLOCK,
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA

FORM VII Written apology: Suggested Format (To be Hand-Written by the Offender)

(Name of the Complainant) _____

This is to place on record my understanding that my misbehaviour towards you on (date) _____, in (place) _____, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality, and security in the campus. Although I am aware that an apology for my unwelcome and gender-insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologise for my actions.

I, _____, undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy, threatens your security, violates your human rights, the JNU policy against sexual harassment, or adversely affects your living, working, and/or educational environment.

I, _____, undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating, or exerting pressure upon all matters, especially which pertain to your complaint of sexual harassment against me.

I, _____, undertake that henceforth, I, or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint of sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality, character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, _____, undertake that I shall attend the gender sensitization programmes organised by ICC. I shall make an effort to ensure that I shall never again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by others.

Signature: _____

Name: _____

Address: _____

Place:



प्रो. (डी.) जसपाल एस. सन्धु
सचिव

Prof. Dr. Jaspal S. Sandhu
MBBS, MS (Ortho), DSN, FAIS, FASA, FAFSM, FFIMS, FAMS
Secretary



विश्वविद्यालय अनुदान आयोग
University Grants Commission
(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002
Bahadur Shah Zafar Marg, New Delhi-110002
Ph. : 011-23239337, 23236288,
Fax : 011-23238858, email : jssandhu.ugc@nic.in

D.O.No.F.91-9/2015 (GS/MHRD)

5th July, 2016

Dear Sir/Madam,

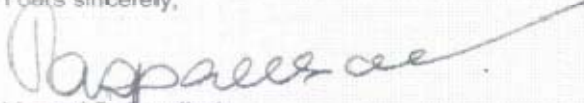
University Grants Commission has notified *University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015* in the Gazette of India which are available on UGC website i.e. www.ugc.ac.in. These Regulations clearly describes responsibilities of the higher educational institutions, grievance redressal mechanism, process for making complaint and conducting Inquiry, Interim redressal, punishment and compensation, consequences of non-compliance etc. UGC Regulations being statutory in nature are binding for Universities and Colleges.

The Ministry of Women and Child Development, Government of India has also published a "Handbook on Sexual Harassment of Women at Workplace". The Handbook clearly describes the issues like what is workplace sexual harassment, its prevention, prohibition and redressal along with the global norms and good practices followed in this regard. A copy of the Handbook is also available on UGC website.

You are requested to kindly ensure implementation of UGC Regulations in your esteemed University and affiliated colleges. Also ensure wide circulation of the Handbook amongst faculty, students and staff of your University and affiliated colleges and also upload the same on the university website for their use.

With kind regards,

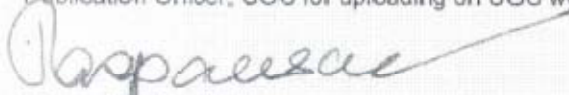
Yours sincerely,



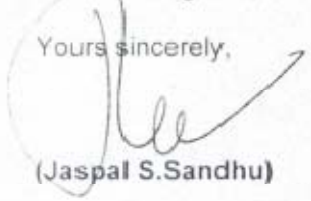

(Jaspal S. Sandhu)

The Vice-Chancellor of All Universities.

Copy to :

Publication Officer, UGC for uploading on UGC website.


(Jaspal S. Sandhu)

 प्रो (डी) जसपाल एस. सन्धु सचिव <i>Prof. Dr. Jaspal S. Sandhu</i> WFO, WJ, WJMS, DSM, FAIS, FASM, FAFSM, FFIMS, FAMS Secretary	 विश्वविद्यालय अनुदान आयोग University Grants Commission (मानव संसाधन विकास मंत्रालय, भारत सरकार) (Ministry of Human Resource Development, Govt. of India) बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002 Bahadur Shah Zafar Marg, New Delhi-110002 Ph.: 011-23239337, 23236288, Fax : 011-23238858, email : jssandhu.ugc@nic.in
D.O.No.F.91-3/2014(GS)	
6th June, 2017	
Dear Sir/Madam,	
<p>This has reference to UGC's letters of even number dated 28th January, 2015; 15th June, 2015; 23rd July, 2015, 1st October, 2015 and 28th July, 2016 requesting the Universities/Colleges to constitute an Internal Complaint Committee (ICC) and a Special Cell in their respective institutions to deal with the issues of gender based violence and to conduct gender sensitization programme. Copies of these letters are available on UGC website: www.ugc.ac.in.</p>	
<p>You are requested to ensure that ICC constituted in your esteemed University is working as per UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.</p>	
<p>You are also requested to kindly send the Annual Return on cases of Sexual Harassment as per the enclosed proforma for the period from 1st April, 2016 to 31st March, 2017 and send details of constitution of ICC to the UGC on email ugc.iccg@gmail.com latest by 15th July, 2017 to enable UGC to compile and furnish the information to the Government of India. You are requested to kindly ensure the compliance of the above in affiliated colleges also.</p>	
<p>This may please be accorded <u>Top Priority</u>.</p>	
With kind regards,	
Yours sincerely,	
	
(Jaspal S. Sandhu)	
<u>Encl: As above.</u>	
The Vice-Chancellor Jawaharlal Nehru University New Mehrauli Road, New Delhi-110 067.	