



Sree Sankaracharya University of Sanskrit
Accredited by NAAC with A Grade,
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Rules and Regulations of the Internal Complaints Committee

June 2019

1. OBJECTIVES

- a) To fulfill the directive of the Supreme Court as well as of the UGC enjoining all employers to develop and implement a policy against sexual harassment at the work place.
- b) To evolve a permanent mechanism for the prevention and redress of sexual harassment cases and other acts of gender based violence at the SSUS.
- c) To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- d) To uphold the commitment of the University to provide an environment free of gender-based discrimination.
- e) To create a secure physical and social environment that will deter acts of sexual harassment.
- f) To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.
- g) To generate public opinion against sexual harassment and all forms of gender based violence.

2.1 DEFINITION OF SEXUAL HARASSMENT

The following constitute sexual harassment:

- a) When there are unwelcome sexual advances and verbal, non-verbal and/or physical conduct such as sexually loaded comments, remarks or jokes, letters, phone calls or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a sexual and

derogatory nature. This may also include acts of such kind on the cyber space, whether in social media or other social connection apps.

- b) When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a woman's engagement in any University activity.
- c) When a person/s uses, with a sexual purpose, that person's body or any part of it or any object as an extension of the body in relation to another woman without the latter's consent or against the latter's will.
- d) When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the woman and/or when the classroom or other public forum of the University is used to denigrate/discriminate against women, or create a hostile environment on the basis of a person's gender identity/sexual orientation.
- e) Implied or explicit promise of preferential treatment in employment, implied or explicit threat of detrimental treatment in employment; or implied or explicit threat about present or future employment status, interference with work or creating an intimidating or offensive or hostile work environment; or humiliating treatment likely to affect health and safety.

All of the above have been perceived as having the purpose and/or effect of interfering with a woman's performance or of creating an intimidating, hostile, or offensive environment.

2.2. DEFINITIONS of TERMS:

- 2.2.1 **‘Act’** refers to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
- 2.2.2 **‘Woman/Women’** to also extend to include gender minorities as well as gender non- conforming individuals.
- 2.2.3 **‘Campus’ and ‘University’** includes all places of work and residence in the University Head Quarters at Kalady and at the Regional Centers. It includes all places of instruction, research and administration, as well as hostel, health centres, library, stadium, auditorium, toilets, parking areas, recreation spaces, sports grounds, staff quarters, activity centers and canteens, etc. on University campus and Regional Centers as well as transportation provided for purposes of commuting to and from the institution. It also includes locations outside the institution on field trips, internships, study tours, excursions, short term placements, camps, cultural festivals, sports meets and other such activities where the person participates as a member of the university, or as a university functionary or as a service provider of the university.
- 2.2.4 **‘Committee’** means Internal Complaints Committee (henceforth ICC) constituted as per University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations 2015 of 2nd May 2015.
- 2.2.5 **‘Contractor’** includes but is not limited to any private person offering residential, food and other facilities to University .
- 2.2.6 **‘Disciplinary Authority’** is the competent authority to take disciplinary action against the delinquent. This may be the Vice Chancellor in cases other than when the Vice Chancellor or Pro Vice Chancellor may be involved in which case the Chancellor shall be the disciplinary authority.

- 2.2.7 **‘Members of the University’** includes students, teachers and non-teaching staff of the University.
- 2.2.8 **‘Students’** includes any person who is enrolled for any course, whether full time or part time, with University and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with the SSUS under any fellowship, project or for any short-term courses at SSUS.
- 2.2.9 **“Employees as Teachers”** includes any person on the rolls of the University who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- 2.2.10 **“Counsellor”** includes any woman, empanelled by ICC and/or appointed by the University authorities, who has proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment.
- 2.2.11 **“NGO”** includes any Non-Governmental Organisation registered under the Societies’ Registration Act or as a public charitable trust recognised under law. It can also include any Affirmative Action Group/Organisation for women with proven record of action against sexual harassment. Such a society/charitable trust/organisation must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment.
- 2.2.12 **“Employees other than Teachers”** includes any person on the rolls of the University who is not appointed to a teaching and/or research post, but is an

employee whether full-time, temporary, ad-hoc, part-time, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor. It shall not include any such person on the staff of an autonomous institution to which SSUS is the authority awarding degrees.

2.2.13“**Outsider**” includes any person who is not a student, resident, or member of the academic or non-teaching staff of University.

2.2.14“**Resident**” includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by SSUS, irrespective of whether he/she is the person to whom the accommodation is officially allotted.

2.2.15“**Service provider**” includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Department of Posts & Telegraph, Photo Copy Services, Banks and any other such similar services.

2.2.16“**University authorities**” shall refer to the Vice-Chancellor of SSUS, by virtue of her/his being the head of the Syndicate of University, as well as any such person to whom such power may be delegated such as the Pro-Vice Chancellor, and/or any person who is entrusted with any powers and functions to act on behalf of the University under the University Act 1994, or Statutes, Ordinances or Rules thereunder. It will also include such persons discharging administrative responsibilities of a higher nature such as the Pro Vice Chancellor, Syndicate members and Registrar.

2.2.17 “**University functionaries**” includes any person appointed, designated or nominated by the University authorities to a position of service in SSUS, and includes, but is not limited only to, the following: Campus Directors, Directors(of Planning, Students’ Welfare ,NSS, NCC, etc.) Wardens, security personnel, health professionals, etc.

2.2.18“**Vacations**” shall refer to the one month period as break between the summer and monsoon semesters.

2.2.19“**Warden**” shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by SSUS.

2.3 SHORT TITLE AND SCOPE

The rules and regulations of Sree Sankaracharya University of Sanskrit Internal Complaints Committee will be called as **Rules and Regulations of ICC**. The provisions of these Rules and Regulations of ICC shall apply to all students, academic staff, and non-teaching staff on active rolls of the University, as also to residents, service providers, and outsiders who may be within the territory of the University at the time of commission of the act attracting ICC Rules, on the University, to the extent specified in these Rules and Regulations.

These Rules and Regulations shall be applicable to all complaints of sexual harassment made:

2.3.1 By a woman student against a member of the university, or a university functionary, or a university authority, or an outsider, contractor or service provider; or by a woman member of the employees as teachers or employees other than teachers against a member of the university, or a university functionary, or a university authority, or an outsider, contractor or service

provider; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campuses.

2.3.2 By a woman resident against a member of the university, or a university functionary, or a university authority, or an outsider, contractor or service provider or made by a woman student or a member of the employees as teachers or employees other than teachers or contractor or service provider or university functionary or resident against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campuses.

2.3.3 By a woman service provider, contractor or an outsider against a member of the university, or a university functionary, or a university authority, or an outsider, contractor, or service provider or made by a woman student or a member of the employees as teachers or employees other than teachers or university functionary or a service provider against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campuses.

2.4 STATUS

The ICC at the University shall have statutory status and be empowered to carry out the mandate of the policy. The Final Report of the ICC will be treated as the final disciplinary inquiry report and the penalties suggested by it shall be placed before the disciplinary authority for execution.

2.5 PRINCIPLES FOR THE CONSTITUTION OF COMMITTEE AND TERM OF OFFICE

The University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations 2015 of 2nd May 2015 states that “every

Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitisation against sexual harassment”.

I. Composition:

a. The Committee shall consist of the following nine members to be nominated by the Vice Chancellor:

- i. A Presiding officer (PO) shall be a senior woman faculty member, preferably a Professor, already committed to the cause of women and having prior experience in this regard. Provided that if a senior woman faculty member is not available, the PO shall be nominated from any other government department/ institution/ university, in accordance with 2(o) of the definitions of HEI as in UGC Regulations of 2nd May 2016.
- ii. Three faculty members, two non-teaching employees, preferably already committed to the cause of women or who have had experience in social work or have legal knowledge.
- iii. Two students - one each from Masters and Research level who will attend the proceedings only when a complaint involving a student is at hand.
- iv. One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- v. The number of women members in the ICC should not be less than one-half of the total number of members in the Committee.
- vi. Persons in senior administrative positions in University, such as Vice Chancellor, Pro- Vice Chancellor, Registrar, Deans, Members of

Syndicate, Heads of Departments, etc. shall not be members of the ICC in order to ensure autonomy of their functioning.

- vii. The tenure of members shall be generally for three calendar years. There may also be a system whereby one-third of the members of ICC may change every year. Nomination of a member for more than one term is allowed.
- viii. In the absence or inability of the PO, the next senior member, who would already have been chosen by the Committee to act in charge, shall act as an acting PO and she shall have all the powers of the PO. The person to whom the charge will be handed over, in the absence of the PO, may be decided on PO. The Member appointed from amongst the non- governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the ICC, which may be fixed by the competent authorities.
- ix. Where the Presiding officer or any member of the ICC
 - a) contravenes the provisions of the Act(Section 16);
 - b) has been convicted for an offence or inquiry into an offence under any law for the time being in force or any such charge is pending against him;
 - c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him;
 - 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, may be removed from the Committee and the vacancy so created or any casual vacancy

should be filled by fresh nomination by the Vice Chancellor in accordance with the provisions of the Act.

- x. A member ceases to be a member if she/he absents herself/himself in three consecutive meetings.
- xi. A member may resign office, tendering resignation to the Vice Chancellor and cease to be a member from the date of acceptance of resignation.
- xii. A vacancy arising out of consecutive absence/resignation shall be filled not later than eight weeks of the date of occurrence of the vacancy by the Vice Chancellor.
- xiii. If the complainant/respondent is a member of ICC, s/he shall excuse herself/himself from hearings in that particular case.
- xiv. If any member of the committee is found to be having a conflict of interest vis-a-vis the respondent/complainant, s/he should be asked by the PO to stay away from sittings till that particular case is enquired. This is respecting the principle of impartiality.
- xv. The University authorities shall reconstitute the committee upon end of their term, resignation, retirement, transfer, disqualification, death or prolonged illness of members.
- xvi. Considering the fact that SSUS is spread across different regional centres, a nodal officer, preferably a senior woman faculty member, may be appointed as the ICC member-in-charge at the regional centres. She will receive the complaints and do the needful to communicate with the ICC and also carry out such gender sensitisation activities and other duties associated with the functioning of the ICC at the level of the regional centres.

2.6 MEETINGS OF ICC

- 2.6.1 ICC shall meet at least once in a semester or at such intervals as may be necessary.
- 2.6.2 The quorum for all meetings shall be more than half of the existing members of the committee.
- 2.6.3 Any member of the committee may request the PO to call an emergency meeting. A notice of two working days shall be required for such a meeting to be convened. Quorum for an Emergency Meeting shall be four. Urgent meetings may be called by the PO in case of dire emergency.
- 2.6.4 Members shall be intimated of scheduled meetings in writing and by postal or by electronic communication systems.
- 2.6.5 Notice of meetings of the ICC will be issued by the PO.
- 2.6.6 Minutes of all meetings shall be recorded, confirmed and adopted.
- 2.6.7 If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.
- 2.6.8 ICC shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of the ICC.

2.7 ANNUAL REPORT OF ICC

As required by the Supreme Court Judgement, the University authorities shall forward to the Government Department concerned, the Annual Report

of ICC together with a written report on the action taken by the University on the recommendations of the ICC and the Appeals Committee.

3.1 SUPPORTIVE MEASURES

- 3.1.1 The Executive Authority 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 sufficient allocation of financial resources.
- 3.1.2 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.
- 3.1.3 Since research students and doctoral candidates are particularly vulnerable the university authorities must ensure that the guidelines for ethics for Research Supervision are put in place.
- 3.1.4 Orientation Courses for administrators must have a module on gender sensitisation and sexual harassment issues.
- 3.1.5 Adequate lighting must be a necessary aspect of infrastructure and maintenance.
- 3.1.6 Concern for the safety of girl students must not be cited to impose discriminatory rules for women in hostels as compared to male students. Campus safety policies should not result in scrutinisation, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.

4.1 POWERS AND DUTIES

4.1.1 Gender Sensitisation and Orientation

- a) ICC will ensure the prominent publicity of the Policy in all academic departments, hostels, offices of administration, as well as in all public places on the campus such as the library, stadium, auditorium, health centre, residential areas, canteens, banks, post office, shopping centres , recreation and fitness centres , etc. at Kalady and as well as at the regional centres.
- b) ICC will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any other campus body to carry out these programmes.
- c) ICC will conduct at least one major activity per semester involving large sections of the University community.

4.1.2 Crisis Management and Mediation

- a) ICC will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assault on the campus if the aggrieved parties seek conciliation .
- b) ICC can, through a circular at the beginning of each semester, enlist and activate an adequately representative team of volunteers. ICC shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.

- c) ICC will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, ICC members, and/or the volunteers identified by it, shall be intimated without delay.
- d) ICC will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitisation, crisis mediation and management duties of ICC, but shall not participate in the task of formal redress of complaints under these Rules and Regulations of ICC.
- e) In cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, ICC shall, upon its discretion, assist the affected party in making a complaint to the appropriate authority outside the University. However, The University Authorities shall not immediately forward a complaint to the Police station without consulting with and taking the opinion of ICC in this regard. The mechanism of redress envisaged in the constitution of the ICC shall remain the primary avenue for dealing with issues of sexual harassment.

4.1.3 REMEDIAL MEASURES

- a) Make the mechanism for registering complaints safe, accessible and sensitive.

- b) Take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance, explore conciliation and reparation, facilitate redress to the victims and recommend action.
- c) Recommend to the concerned authorities follow-up action and monitor the same.
- d) Advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- e) Seek medical, police and legal intervention with the consent of the complainant.
- f) Make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if she so desires.

5.1 COMPLAINT FILING PROCESS

5.5.1 The complaint can be lodged within three months of the incident and in case of a series of incidents, within a period of three months from the date of the last incident. The date of complaint can be extendable if the committee is convinced of the special circumstances cited for the delay in complaining. The complaint may be oral or in writing. If the complaint is oral, it shall be put to writing by the ICC member receiving the complaint, on the form, prescribed for the purpose, and authenticated by the complainant under his/her dated signature or thumb impression as the case maybe.

5.5.2 Any woman student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, a

member of the academic or non-teaching staff, University functionaries or University authorities. Third party complaints and witness complaints shall also be entertained. The ICC shall take *suo motto* notice of and action against grave violations of the basic principles of gender sensitivity and justice on its campuses.

5.5.3 Complaints can be lodged directly with any member of ICC, or through existing channels for lodging grievances, such as the University authorities, wardens, teachers, students' unions/association representatives, administrative superiors, etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of ICC within two working days of its receipt by her/him, failing which she/he would be held accountable and will be liable to submit a written explanation to the University Authorities.

5.6 RESTRAINT ORDER

5.6.1 A restraint order in terms of ICC Rules shall provide, a summary of the complaint, the date(s), time(s), and location(s) of the alleged incident(s). It shall warn the defendant(s) against any attempt on his part or by person(s) acting on his behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence.

5.6.2 The complainant or any other person should intimate in writing the PO of the ICC and/or any member of the Committee of any violation of the Order of Restraint by the defendant(s), or any persons acting on his behalf.

5.6.3 Should the ICC be convinced of the truth of such allegations, the PO of the ICC 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 him. The ICC shall, under such circumstances retain the right to close the enquiry proceedings, and to give an ex-parte decision on the complaint.

5.6.4 The ICC shall consider all violations of the Order of Restraint when determining the nature of offence of a defendant found guilty of sexual harassment.

5.7 PRELIMINARY INQUIRY PROCEDURE

5.7.1 Preliminary Verification Process

The ICC shall observe the following procedure in the conduct of an inquiry:

- 1) On receipt of a complaint, the ICC shall, for verification of the complaint,
 - i. summon the complainant,
 - ii. summon the alleged victim, where the complainant is a person other than the alleged victim.

NOTE:

a) In case the alleged victim does not appear, the ICC shall strive to create an enabling environment (like providing a confidential location) for the alleged victim to appear before the ICC.

b) It is important to ascertain the details of the complaint which may not necessarily be set out in the complaint in view of the sensitive nature of the same.

c) In case the alleged victim cannot appear before the ICC in person, the ICC may arrange to have her statement recorded at a place of her choice.

- 2) The details about the place and nature of alleged acts of sexual harassment need to be specifically noted. Details about the date/period and time of the

alleged act/s of sexual harassment should also be recorded wherever possible.

- 3) The ICC shall inform the complainant and/or alleged victim about the inquiry procedure, her rights and entitlements as regards the ICC and its proceedings, should the inquiry be proceeded with.
- 4) The ICC shall thereafter make a reasoned observation if the said complaint falls within the jurisdiction of the ICC.

5.8 DISCIPLINARY ACTION PENDING INQUIRY

In case a prima facie case has been established, immediate appropriate disciplinary action like suspension shall be taken by the competent disciplinary authority against the alleged accused pending inquiry. If this has not been taken earlier ICC may recommend the same.

- i) In the event of the victim being a student and the accused being a teacher, if there is a prima facie report against the accused and he is not suspended, the accused shall not act as an examiner for any examination for which the student appears nor assess any assignment/project/submission of the student. If the accused is the Head of the department, during the period of inquiry the charge may handed over to the next senior.
- ii) In the event of the victim and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not be placed in an immediately superior or equal position that may negatively determine the working environment of the victim.

5.9 INVESTIGATION AND INQUIRY INTO COMPLAINT

- 1) On receipt of a complaint the same will be registered and the PO will call a meeting of the ICC.

- 2) A register of complaints will be maintained.
- 3) Separate files will be maintained for each case with the file number as on register.
- 4) A daily register sheet shall be maintained of the proceedings on each day of inquiry.
- 5) The ICC is bound to maintain confidentiality during the time of the enquiry so as not to prejudice the proceedings.
- 6) During an inquiry the quorum for all ICC meetings shall be five.
- 7) The ICC shall, within ten days of the receipt of a complaint, establish if there is a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
- 8) The entire process of enquiry should be completed preferably within three months and not exceeding five months except for unavoidable circumstances which shall be recorded in writing.
- 9) Any ICC member charged with sexual harassment in a written complaint must step down as member during the inquiry into that complaint and if found guilty be permanently disqualified from becoming a member of the Committee.
- 10) Filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc.
- 11) No counter complaints against the complainant/s will be acted upon by any inquiry committee of the University till such time as the ICC completes its inquiry report.

- 12) The ICC should make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint. The ICC shall recommend action against anyone who intimidates the complainant or members of the ICC, during or after the inquiry.
- 13) The alleged victim may not be re-examined for her statement as the same would have been recorded during the preliminary verification process, except and unless she wishes to make an additional statement or if there are any additional details to be sought from the alleged victim.

5.10 PROCEDURE FOR CONDUCTING INQUIRY

- 1) Where the ICC is required to conduct an inquiry against any person, the ICC shall draw up from the statement/s of the alleged victim/complainant:
 - (i) the substance of the imputations of sexual harassment into definite and distinct articles of charge as per the definitions in para 2.1 .
 - ii) a statement of the imputations of sexual harassment in support of each article of charge, which shall contain;
 - (a) a statement of all relevant facts including any admission or confession made by the accused;
 - (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- 2) The ICC shall deliver or cause to be delivered to the accused copies of the above statement of imputations of sexual harassment and shall require the accused to submit, within ten days, a written statement of his defense and state whether he desires to be heard in person.

- (i) On receipt of the written statement of defense, the ICC may inquire into such of the articles of charge as are not admitted, and where all the articles of charge have been admitted by the accused in his written statement of defense, the ICC shall record its findings on each charge after taking such evidence as it may think fit.
 - (ii) Even if no written statement of defense is submitted by the accused, the Committee may inquire into the articles of charge.
- 3) The accused shall appear in person before the ICC on such day and at such time within ten working days from the date of receipt of the statement of imputations of sexual harassment as ICC may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Committee may allow.
- 4) If the accused has not admitted any of the articles of charge in his written statement of defense or has not submitted any written statement of defense, but appears before the ICC, the ICC shall ask him whether he is guilty or has any defense to make and if he pleads guilty to any of the articles of charge, the ICC shall record the plea, sign the record and obtain the signature of the accused thereon. The ICC shall, then, declare a finding of guilt in respect of those articles of charge to which the accused pleads guilty.
- 5) If the accused fails to appear within the specified time or refuses or omits to plead, the ICC shall require the production of evidence by the complainants by which the articles of charge are to be proved, and shall adjourn

the inquiry to a later date not exceeding fifteen days, after recording an order that the accused may, for the purpose of preparing his defense

(i) inspect within five days of the order or within such further time not exceeding five days as the ICC may allow, the documents of record of evidence specified in the list referred to in sub-rule (1) of section 5.10 as above;

(ii) submit a list of witnesses to be examined on his behalf;

- 6) If the accused applies orally or in writing for the list of witnesses mentioned in the list referred to in sub-rule (1 b) of section 5.10., the ICC shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the complainant, give notice within ten days of the order or within such further time not exceeding ten days as the ICC may allow, for the production of any documents which are in the possession of the concerned authority but not mentioned in the list referred to in sub-rule (1) of section 5.10.

NOTE: *The accused shall indicate the relevance of the documents required by him to be produced by the concerned authority. The ICC shall, on receipt of the notice for the production of documents, provide the same.*

Provided that the ICC may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- 14) On receipt of the requisition referred to in sub-rule (1) of section 5.10, every

Authority having the custody or possession of the requisitioned documents shall produce the same before the ICC. Provided that if the Authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the Institution/State, it shall inform the ICC accordingly and the ICC shall, on being so informed, communicate the information to the accused and withdraw the requisition made by it for the production of documents.

- 15) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by the complainant. The witnesses shall be examined by the complainant and may be cross-examined by the accused. The ICC may also put such questions to the witnesses as it deems fit.

NOTE: *Examination or cross-examination of the complainant/alleged victim/witnesses/accused may be either personal or through video conferencing as per the wishes and convenience of the alleged victim.*

- 9) If it shall appear necessary before the close of the case on behalf of the complainant, the ICC may, in its discretion, allow the complainant to produce evidence not included in the list given to the accused or may itself call for new evidence or recall and re-examine any witness and in such case the accused shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the productions of such new evidence,

exclusive of the day of adjournment and the day to which the inquiry is adjourned. The ICC shall give the accused an opportunity of inspecting such documents before they are taken on the record. The ICC may also allow the accused to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

NOTE: *New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally. When the case for the complainant is closed, the accused shall be required to state his defense, orally or in writing, as he may prefer. If the defense is made orally, it shall be recorded, and the accused shall be required to sign the record. In either case, a copy of the statement of defense shall be given to the complainant.*

- 10) The evidence on behalf of the accused shall then be produced. The witnesses produced by the accused shall then be examined and shall be liable to cross-examination, re-examination and examination by the ICC.
- 11) The ICC may, after the accused closes his case, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him.
- 12) If the accused to whom a copy of the articles of charge has been delivered, does not submit the written statement of defense on or before the date specified for the purpose or does not appear in person before the ICC or otherwise fails or refuses to comply with the provisions of this rule, the ICC may hold the inquiry ex-parte and arrive at its findings.

13) Whenever ICC, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another ICC which has, and which exercises, such jurisdiction, the ICC so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding ICC is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

14) After the conclusion of the inquiry, a report shall be prepared and it shall include –

(i) The articles of charge and the statement of the imputations of sexual harassment; the defense of the accused in respect of each article of charge; an assessment of the evidence in respect of each article of charge; the findings on each article of charge and reasons thereof.

(ii) The recommendation of the ICC regarding the action/ penalty to be initiated against the accused if found guilty.

NOTE: *The ICC shall consider the gravity of the offence in recommending the nature of disciplinary action and the quantum of punishment has to be commensurate with the gravity of the offence. The ICC shall also take into account the vulnerability of victims and the potential for continuing coercion from the accused shall be considered in assessing the gravity of the offence as well as the proportionality of the action to be taken against the accused.*

EXPLANATION: *If in the opinion of the ICC, the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:*

Provided that the findings on such article of charge shall not be recorded unless the accused has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

15) The ICC, shall prepare and submit the Report of Inquiry to the university authorities/ disciplinary authority for action which shall include:

- a) the Final Report prepared by it on the findings of the inquiry with conclusions;
- b) the orders, if any, made by the ICC in regard to the inquiry;
- c) the penalties suggested against the guilty.

16) The authority shall act on the recommendations of the ICC and shall impose on the accused such penalty as suggested by the Report or any other exemplar punishment as it may deem fit in accordance with the rules.

5.11. PROCEDURAL SAFEGUARDS FOR COMPLAINANT/ ALLEGED VICTIM DURING INQUIRY

5.11.1 At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face except to have to identify the delinquent (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgement. The option in this respect must be explained to the complainant and her consent in writing shall be taken.

- 5.11.2 At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant or her character be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.
- 5.11.3 In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, recommend the institution of enquiry proceedings.
- 5.11.4 The complainant may withdraw his/her complaint in writing at any time during the procedure of complaints receiving and/or enquiry.
- 5.11.5 The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Complaints Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the defendant(s), or any person on his behalf, on the complainant. In such an instance, the complaints screening/enquiry proceedings shall continue in accordance with the procedure outlined above and follow the normal enquiry procedure.
- a) The ICC shall recommend action against anyone who intimidates the complainant, witnesses or members of the ICC, during or after the inquiry.
 - b) After submission of the Final Report, confidentiality should be maintained, if the complainant so desires, by withholding the complainant's name and other particulars that would identify her.
 - c) Apart from the results of the enquiry as in the Final Report of the Committee, no details or documents may be made public, even in response to a demand through RTI Act.

6.1 OTHER MATTERS IN CONNECTION WITH INQUIRY PROCEDURE

The procedure followed shall be both inquisitorial as well as adversarial.

6.1.1 Procedure for site inspection: In the event of a site inspection deemed necessary by the ICC; an entry shall be made in the daily register with details about the sub-committee that will proceed for the site inspection.

6.1.2. Witnesses: The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

Note: *The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.*

6.1.3. The ICC shall summon the witnesses cited by the Complainant/alleged victim and by the accused. The ICC shall summon any other witnesses that it deems fit. The ICC may also permit the testimony of any witnesses who volunteer to give such testimony.

Note: *The identities of all witnesses shall throughout be protected by the Committee by the use of a coding system for this purpose.*

6.1.4. Clubbing of complaints: While an inquiry is pending with the ICC, if another complaint/s against the same accused is received by the ICC, both or all such complaints may be clubbed together and inquired into.

6.1.5. The Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending their case.

- 6.1.6. The Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the defendant.
- 6.1.7. The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications. In the event of the University Authorities being the defendants, [the hearing may be conducted in their official chambers.
- 6.1.8. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings .
- 6.1.9. The Committee shall be responsible for making the defendant and the complainant aware that counselling services can be made available if so desired.
- 6.1.10. If the complainant, defendant, or witness desire to appear before the Committee accompanied by one companion of their choice, they shall communicate to the PO the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- 6.1.11. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of SSUS. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the PO

specifically if they wish to exercise this right. The PO may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the ICC or take copies of it.

6.1.12. The complainant and the defendant shall have the right of cross-examination of all witnesses. Such cross-examination shall be conducted in the form of written questions and responses via the Committee.

6.1.13. The defendant/complainant shall submit to the PO, a written list of questions that she/he desires to pose to the witness. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the Order of Restraint issued by ICC as defined above.

6.1.14. All proceedings of the Committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

6.1.15. All persons heard by the Committee, as well as observers /nominees, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties as outlined in the section on Penalties.

6.1.16. In the event that the Committee thinks that supplementary testimony is required, the PO shall forward to the persons concerned a summary of

the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.

6.1.17. Nothing precludes ICC from taking cognisance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings and even after the communication of the findings to appropriate University Authorities, provided that in the latter case, the composition of the reconvened Committee shall include at least half of the members of the Committee that originally enquired into the said complaint. This will hold good in the re-inquiry of this case.

7.1 PENALTIES

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff, University authority or University functionary found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time. One or more penalties may also imposed, at the same time, as deemed necessary and recommended by the ICC and endorsed by the disciplinary authorities.

7.1.1 Penalties in Case of Employees as Teachers

Warning, reprimand, or censure.

- a. Public/written apology

- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Removal from Research supervision as Research Guides.
- e. Disallowing from accompanying students on field trips, study tours, youth festivals, tournaments, camps, etc.
- f. Removal from an administrative position at the University level.
- g. Disbarment from holding an administrative position at the University level.
- h. Suspension from service for a limited period.
- i. Compulsory retirement.
- j. Dismissal from service.

Further, the penalty awarded shall be recorded in his Service book. In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitization.

7.1.2 Penalties in Case of Employees other than Teachers

- a. Warning, reprimand, or censure.
- b. Public/written apology
- c. Transfer
- d. Withholding of one or more increments for a period not exceeding one year.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.

Further, the penalty awarded shall be recorded in his Service Book. In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitization.

7.1.3 Penalties in Case of University Students

- a. Warning or reprimand.
- b. Public/written apology
- c. Transfer to another hostel or withdrawal of hostel accommodation for a period up to one semester.
- d. Withdrawal of the right to an official conduct and character certificate from SSUS.
- e. Withdrawal of hostel accommodation for the entire period of study.
- f. Rustication from the University for a period up to two semesters.
- g. Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by SSUS.
- h. Withholding of a Degree awarded by SSUS.

Further, the penalty awarded shall be recorded in his Personal File and Conduct Certificate not issued. In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitization.

7.1.4 Penalties in Case of Outsiders

- a. Warning, reprimand, or censure.
- b. Public/written apology
- c. A letter communicating his misconduct to his place of education, employment or residence.

- d. Declaration of the campus as out of bounds for him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by SSUS
- e. Referring the case to the nearest Police station.
- f. Any other action as may be necessary.

In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitization.

7.1.5 Penalties in Case of Service Providers

- a. Warning, reprimand, or censure.
- b. Public/written apology
- c. A letter communicating his misconduct to his place of employment.
- d. Declaration of the campus as out of bounds for him.
- e. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- f. Any other action as may be necessary.

In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitization.

7.1.5 Penalties in Case of University Authorities and University Functionaries

- a. Warning, reprimand, or censure.
- b. Public/written apology
- c. Suspension from the position for a specific period.
- d. Compulsory retirement.

- e. Dismissal from service.
- f. Disbarment from holding any administrative position at any government services in future.

Note: *The PO of the Committee may forward the Inquiry Report to the Chancellor for proceedings of penalty against the Vice Chancellor, Pro Vice Chancellor and members of the Syndicate. In the case of Registrar of the University, on the recommendation of the ICC for proceedings of penalty, the University Syndicate shall be the Body to initiate disciplinary action . All other officers of the University will come under the category of non-teaching staff for the purpose of this Rules and Regulations. In all other cases, the disciplinary authority shall take appropriate action.*

7.1.6 Penalty in Case of a Second Offence

A second or repeated offence, may, on the recommendation of ICC, attract a major penalty.

8.1 PROTECTION AGAINST VICTIMISATION

8.1.1 If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry 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.

8.1.2 If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of that student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

- 8.1.3 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 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 he is otherwise so authorized. Nor will he be allowed to continue as her immediate superior officer.
- 8.1.4 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 witnesses, if he is otherwise so authorized. If the defendant(s) is an outsider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.
- 8.1.5 If the defendant(s) is a resident/service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the Order of Restraint issued in accordance with the procedures shall be in force at all times.

8.2 PROVISIONS FOR APPEAL

- 8.2.1 In the event of the complainant or defendant being dissatisfied with the disciplinary action taken by the University authorities, she/he shall have the right to appeal to an Appeals Committee. Appeals may be lodged with the University authorities.
- 8.2.2 An Appeals Committee shall consist of:

- a. One former PO of ICC who is not presently a member of the existing Committee who shall chair the Committee.
- b. One woman nominated by the Syndicate of SSUS from amongst its members.
- c. Present PO of the Committee.
- d. One former senior woman member of ICC nominated by the Vice-Chancellor.
- e. The current NGO representative of the ICC.

8.2.3 The 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 record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the disciplinary action recommended needs to be further reviewed, it may do the same in accordance with this Rules and Regulations. The decision in this regard will be taken by a simple majority.

8.2.4 The Appeals Committee shall report to the Syndicate/ Executive Council of SSUS its findings and recommendations on the nature of the action to be taken on the appeal.

8.2.5 In the event of the defendant being the Vice Chancellor, Pro Vice Chancellor or Syndicate members, the Chancellor shall decide the constitution of the Appeals Committee.

9.1 NETWORKING

9.1.1. ICC can work closely with bodies such as the Centre for Women's Studies,

if any, of the SSUS, Women Cells functioning in the NSS Units, Students Councils, etc. If necessary, assistance may be sought from the Director of Students' Welfare, Wardens of the hostels and other similar persons in authority. Full time counsellors /social workers should be made available as support staff. ICC should constitute a data bank of empathetic legal, psycho-therapist and health experts for ready first aid, consultation, guidance and referral support.

9.1.2 ICC should establish networks with legal experts, legal aid centres, counselling centres, health centres, police stations, Crimes against Women Cells, women's groups in the city and other organisations such as the State Commission for Women, etc. The Committee can identify persons as volunteers in the hostels, offices, and institutions to help raise awareness.

10.1 MONITORING AND REVIEW

- i) The ICC should send Annual Reports to the University.
- ii) The Annual Reports shall maintain confidentiality of the complainants. These reports will be accessible to the University community and other organisations that network with the University.

11.1 AMENDMENTS TO THE POLICY

On the basis of their experience of the working of the policy, the ICC will have the power to make recommendations about changes in the policy as and when required in full adherence with the preamble and objectives of the Policy.

12.1. Record Keeping and Duration

a. All materials relating to a complaint of harassment including reports, correspondence, data, documents, tapes and testimony gathered during the investigation will be retained at the ICC office in a confidential listed file for a minimum of ten years.

b. The PO is responsible for the safe keeping of records. In the event of reconstitution of the committee, all records relating to the complaints of harassment including reports, correspondence, data, documents, tapes, and testimony shall be handed over to the PO of the new Committee.

13.1 ACCOUNTABILITY AND TRANSPARENCY

- 1) Any clarifications regarding the Inquiry Report, sought by the press shall be answered by the University authorities along with the Presiding Officer, ICC.
- 2) Any clarification regarding the disciplinary action initiated against the guilty shall be answered by the University authorities alone.
- 3) While the inquiry is in process, no information, whatsoever regarding the details of the inquiry, shall be revealed by the University authorities or the members of the ICC.
- 4) In the event of a query through RTI Act, only the Final Inquiry Report may be conceded.
- 5) In the event of a legal proceeding on a Complaint, the Registrar will represent the University in the Court through the Standing Counsel of the University.

12.2 COMPLIANCE OF POLICY/ STATUTE

This Policy/Statute shall be strictly complied with by the University. Failure to comply with this Policy/Statute shall attract appropriate action by the

competent authorities as per the guidelines in force as it becomes a violation of the Supreme Court judgement.

12.3. SAVINGS

Notwithstanding the enactment of this Policy/Statute, any legal action taken, order passed, any proceeding pending prior to the enactment of this Policy/Statute shall be saved and continued as if the same have been passed or initiated under this Policy/Statute.

Annexure

BACKGROUND

The Sree Sankaracharya University of Sanskrit , Kalady is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation and intimidation. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender. Every member of the University community should be aware that while the University is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

Sexual harassment has come to be widely condemned as a form of human rights violation, and an infringement on life and liberty as defined by the Constitution of India. Such behaviour is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: “Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth” and Article 19(1) (g): Right to Freedom which upholds a woman’s right “to practice any profession, or to carry on any occupation, trade or business”].

The Supreme Court of India, in a landmark judgment in August 1997 (Vishaka & others v. State of Rajasthan & others) stated that every instance of sexual harassment is a violation of “Fundamental Rights” of equality under Article 14, right against sex based discrimination under Article 15, right to work of women under Article 19 (1) (g) and right to life and dignity under Article 21 of the

Constitution of India. Another Supreme Court Judgment in January 1999 (Apparel Export Promotion Council vs. Chopra) has stated that “sexually harassing behaviour needs to be eliminated as there is no compromise on such violations” and reiterated that “incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty”. These judgments confirm India’s international commitment to the International Covenant on Economic, Social and Cultural Rights (acceded to in 1979) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, ratified 1993). The Government of India was also a signatory to the Resolutions of the Fourth World Conference on Women in Beijing in 1995.

The Supreme Court judgment of 1997 makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment at the workplace. Educational institutions are bound by the same directive.

The amended Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 has been published in the Gazette of India on 23rd April 2013. The rules have been published on 9th December, 2013. The Act makes it mandatory for employers not only to prevent and prohibit Sexual Harassment at the workplace, but it also provides employees with an impartial grievance redress mechanism and regulations as per the requirements of the Act. Following this University is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction In pursuance of the above, and in compliance with the requirement of

the Act, it has been decided to formulate a policy and operating procedures for dealing with such issues in the University.

SOCIAL CONTEXT OF SEXUAL HARASSMENT

Though violent conduct is prohibited both by law and by University rules, a specific policy defining sexual harassment is required to address the specific form and extent of sexual harassment in the University. The policy recognises that sexual harassment is not an offence merely amounting to disruption of law and order. Sexual harassment is an act of power, and a public and collective violation that is often trivialised by labelling it an interpersonal transgression. It is therefore a violation of gender equality and also, of the right to a safe education and work environment for all. Sexual harassment not only affects a few individuals but reinforces gender-based discrimination for everyone. It therefore, becomes imperative that various educational institutions, and civil society as a whole, should take adequate measures to ensure the safety, security, dignity, rights and equality of women as well as other gender minorities and gender non-conforming individuals. Such measures will strengthen social and professional relationships at the work place. It has to be borne in mind that the University functions within a social context. Given the social stigma associated with sexual harassment, a majority of instances of sexual harassment go unreported or even unmentioned. The policy, therefore, has evolved mechanisms that are accessible and will ensure confidentiality. It has also attempted to ensure fair, accountable and representative procedures for redress and resolution.

SCOPE OF REFERENCE FOR THE UNIVERSITY

In formulating a policy for preventing and redressing sexual harassment, the fact that the University consists of a number of academic departments and administrative offices and Regional Centers spread over the entire State of Kerala has been considered. The University has a large constituency of students and employees. A majority of these people commute to their “work place” (i.e. place of work/study) from various parts of the State. The interpretation of the term, “work place,” for the purpose of the policy for University, will extend to all public spheres that remain in contact with members of the University community. Such public spaces include not just the physical premises under the supervision of the University system, but the jurisdiction will include fieldtrips, sports tournaments, conferences, University festivals and all other such activities.

GUIDING PRINCIPLES FOR DEFINITION OF SEXUAL HARASSMENT, PREVENTION, REMEDIAL AND REDRESSAL MECHANISM

This policy defines sexual harassment and the mechanisms of prevention, remedy and redress by looking at the specific structures, needs and imperatives in University. It is guided by the definition of sexual harassment given by the Supreme Court in 1997 in Vishaka vs. State of Rajasthan. It is also guided by the Justice Wad Committee Report of 1994 (University of Delhi) which in its definition of sexual harassment included *quid pro quo* (“When submission to unwelcome conduct is explicitly or implicitly made a condition or the basis for employment decisions”) and a ‘Hostile Work Environment’ (for example when a

person/s harasses someone solely because of her gender to the point that the conduct makes it more difficult for that person to perform his/her job or the conduct creates an intimidating, hostile or offensive working/learning environment).It is also guided by the amended Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.This Regulation also follows the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations 2015 of 2nd May 2015.