

NU/AC/Prev\_SexHaras/06-911

January 7, 2006



## **NOTIFICATION**

### **Sub: Complaint Committee for prevention of Sexual Harassment**

In pursuance of the directions issued by the Hon'ble Supreme Court in the judgement of Vishaka & Others v/s. State of Rajasthan & Others reported in 1997 (6) SCC 241, the Nirma University of Science & Technology issues following norms to prevent Sexual Harassment of women under the University and its institutions:

1. Any kind of sexual harassment of women is strictly prohibited. The sexual harassment includes:
  - (a) Physical contact and advances;
  - (b) a demand or request for sexual favours;
  - (c) sexually coloured remarks;
  - (d) showing pornography;
  - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
2. Any act of sexual harassment as narrated above will be viewed very seriously and the stern action will be taken against the person concerned.
3. To provide the procedure for the solution, settlement or prosecution of the acts of sexual harassment, a complaint committee of the following members has been constituted to deal with such cases:

### **Chairperson & Counsellor:**

1. Prof. Harismita Trivedi  
Asst. Professor, Institute of Management  
Nirma University of Science & Technology  
Ahmedabad-382481.  
Phone: (O) 02717-241900 to 904 (Ext. – 633)  
(R) 079-26610567/ 26613421

### **Members:**

2. Dr Ranjana Harish  
Vice President  
Women's Development Cell, Gujarat University  
Professor and Head, Department of English  
School of Languages, Gujarat University  
Navrangpura, Ahmedabad-380009.
3. Dr Jagruti Patel  
Asst. Professor, Institute of Pharmacy  
Nirma University of Science & Technology  
Ahmedabad-382481.
4. Prof Madhuri Bhavsar  
Asst. Professor, Dept. of CE/ IT/MCA  
Institute of Technology  
Nirma University of Science & Technology  
Ahmedabad-382481.
5. Ms Mamta Saiyad  
I/c Head, Department of Plastics Engineering  
Institute of Diploma Studies  
Nirma University of Science & Technology  
Ahmedabad-382481.
6. Ms. Hiral Patel  
Librarian  
Institute of Technology  
Nirma University of Science & Technology  
Ahmedabad-382481.
7. Shri B. J. Patel  
Dy. Registrar (IT/ IDS)  
Nirma University of Science & Technology  
Ahmedabad-382481.

### **Member Secretary**

8. Shri G. R. Nair  
Dy. Registrar (IM/ IP)  
Nirma University of Science & Technology  
Ahmedabad-382481.  
Phone: (O) 02717-241900 to 904 (Ext. – 606)  
(M) 9825320070

4. The person who becomes victim of any act of sexual harassment narrated in Paragraph-1 should report to the chairperson of the complaint committee. The chairperson will also work as counsellor in this regard.
5. The committee will process individual grievances concerning any kind of harassment including sexual harassment in the Nirma University of Science & Technology and its institutions and take suitable actions in the manner and mode provided as under:
  - a) Any women employee or girl student will file a complaint concerning any sexual harassment against a boy student or a male officer or an employee
  - b) Such a complaint may either be oral or in writing
  - c) Any complaint in writing has to be signed by the person making the complaint
  - d) If the complaint is oral, the same shall be put in writing (in detail) by the counsellor and will read out to the complainant and will not be acted upon till the same is signed by the complainant
  - e) The complainant shall be afforded full secrecy at each stage
  - f) The chairperson will convene a meeting of the committee at the earliest but within a period of one week from the date of such complaint
  - g) An advance intimation shall be given to the complainant about the meeting and at the first meeting, the complainant shall be heard. The committee shall, then decide whether the complaint deserves to be proceeded with depending on the evidence and presentation made before it
  - h) In case the committee decides to proceed with the complaint, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded and disposed of with a note to that effect made in the complaint register
  - i) In case the complainant requests that the complaint should be proceeded with beyond a mere warning, the same be proceeded after observing law of natural justice and full opportunity should be given to present their version to both the concerned parties
  - j) Based on the inquiry made by the complaint committee and also the presentation and evidences presented, the committee will give its final report including the recommendations of the penalty to be imposed to the Vice Chancellor (Director) of the University

6. Penalties:

The penalties may be minor or major depending upon the nature of guilt for the employees and the students as the case may be as per the Discipline – Appeal Rules and Maintenance of Discipline of the Students on the campus respectively.

**All Heads of the Institution, Heads of the Department and the Section Heads are hereby requested to kindly bring this to the notice of all the employees and students of the Institutions / Sections concerned.**

**Sd/-**

Executive Registrar

To,

1. All the above members
2. All Heads of the Institution
3. All Heads of the Department (IT/ IDS)
4. All Area Committee Chairman (IM/IP)
5. Deputy Registrar (Examination)
6. Accounts Officer, Nirma University
7. Chief Librarian, Nirma University

Copy to: OS – IT/ IDS/ IM/ IP/ Academics/ Examination, Students' Section, Establishment Section, Internal Auditor (Accounts Section), III Cell, Library – IT/ IDS, Library – IM/ IP, Estate Department, Transport Section, CSO

c.f.w.c to: 

1. Vice President, Nirma University
2. Vice Chancellor (Director), Nirma University
3. Chief Operating Officer, Nirma University

NU/AC/Reconst\_Prev\_SexHaras/09- 284  
Date : 18.12.2009

## **NOTIFICATION**

- Read: 1. **Notification No. NU- 911 dated 07.01.2006 – Constitution of Complaint Committee for prevention of Sexual Harassment**  
2. **Approval of Director General on note-dated 12.12.2009**

Sub: **Reconstitution of Complaint Committee for prevention of Sexual Harassment**

Due to relinquishment of some members from the membership of the Complaint Committee for Prevention of Sexual Harassment, the Director General has reconstituted the Complaint committee as under :

### **Chairperson & Counsellor:**

1. Dr. Purvi Pokhariyal  
Asst. Professor ,Institute of Law  
Nirma University, Ahmedabad  
Phone : (O) 02717-241900 to 904 (Ext. – 654)  
(M) 99988 49689

### **Members:**

2. Ms. Rajashri Bhatt  
Chairperson (Women Development Cell)  
Gujarat University  
Navrangpura, Ahmedabad – 380 009  
Phone : (M) 98982 67595
3. Mrs. Niyati Acharya  
Asst. Professor ,Institute of Pharmacy  
Nirma University, Ahmedabad  
Phone : (O) 02717-241900 to 904 (Ext. – 741)  
(M) 98245 13258
4. Prof. Madhuri Bhavsar  
Senior Asso. Professor, Dept. of CE/ IT/MCA  
Institute of Technology  
Nirma University , Ahmedabad  
Phone : (O) 02717-241911 to 15 (Ext. – 262)  
(M) 98790 50660

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**Nirma University of Science and Technology**

Sarkhej-Gandhinagar Highway, Ahmedabad 382 481, INDIA, Ph.: +91-02717-241900/01/02/03/04 Fax: +91-02717-241916 Email: exe\_registrar@nirmauni.ac.in Website: www.nirmauni.ac.in

5. Ms Mamta Saiyad  
Head, Department of Plastics Engineering  
Institute of Diploma Studies  
Nirma University, Ahmedabad  
Phone : (O) 02717-241911 to 15 (Ext. – 314)  
(M) 98240 76708
6. Ms. Hiral Patel  
Librarian, Institute of Technology  
Nirma University , Ahmedabad  
Phone : (O) 02717-241911 to 15 (Ext. – 231)  
(M) 98798 84208
7. Shri B. J. Patel  
Dy. Registrar (IT/ IDS)  
Nirma University, Ahmedabad  
Phone : (O) 02717-241911 to 15 (Ext. – 505)  
(M) 98253 06200

**Member Secretary**

8. Shri G. R. Nair  
Dy. Registrar (IM/ IP)  
Nirma University, Ahmedabad  
Phone: (O) 02717-241900 to 904 (Ext. – 606)  
(M) 9825320070

1. Any kind of sexual harassment of women is strictly prohibited. The sexual harassment includes:
  - (a) Physical contact and advances;
  - (b) a demand or request for sexual favours;
  - (c) sexually coloured remarks;
  - (d) showing pornography;
  - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
2. Any act of sexual harassment as narrated above will be viewed very seriously and the stern action will be taken against the person concerned.

***The functions of the committee shall be;***

3. To provide the procedure for the solution, settlement or prosecution of the acts of sexual harassment.

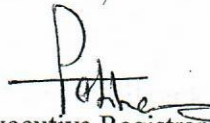



4. The person who becomes victim of any act of sexual harassment narrated in Paragraph-1 should report to the chairperson of the complaint committee. The chairperson will also work as counsellor in this regard.
5. The committee will process individual grievances concerning any kind of harassment including sexual harassment in the Nirma University and its institutions and take suitable actions in the manner and mode provided as under:
  - a) Any women employee or girl student will file a complaint concerning any sexual harassment against a boy student or a male officer or an employee.
  - b) Such a complaint may either be oral or in writing.
  - c) Any complaint in writing has to be signed by the person making the complaint.
  - d) If the complaint is oral, the same shall be put in writing (in detail) by the counsellor and will read out to the complainant and will not be acted upon till the same is signed by the complainant.
  - e) The complainant shall be afforded full secrecy at each stage.
  - f) The chairperson will convene a meeting of the committee at the earliest but within a period of one week from the date of such complaint.
  - g) An advance intimation shall be given to the complainant about the meeting and at the first meeting, the complainant shall be heard. The committee shall, then decide whether the complaint deserves to be proceeded with depending on the evidence and presentation made before it.
  - h) In case the committee decides to proceed with the complaint, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded and disposed of with a note to that effect made in the complaint register.
  - i) In case the complainant requests that the complaint should be proceeded with beyond a mere warning, the same be proceeded after observing law of natural justice and full opportunity should be given to present their version to both the concerned parties.
  - j) Based on the inquiry made by the complaint committee and also the presentation and evidences presented, the committee will give its final report including the recommendations of the penalty to be imposed to the Director General of the University.

6. Penalties:

The penalties may be minor or major depending upon the nature of guilt for the employees and the students as the case may be as per the Discipline – Appeal Rules and Maintenance of Discipline of the Students on the campus respectively.

**All Heads of the Institution, Heads of the Department and the Section Heads are hereby requested to kindly bring this to the notice of all the employees and students of the Institutions / Sections concerned.**

  
Executive Registrar

-  To,
1. All the above members
  2. All Heads of the Institution
  3. All Heads of the Department (IT/ IDS),IS
  4. All Area Committee Chairman (IM/IP)
  5. Deputy Registrar (Examinations)
  6. I/c Accounts Officer
  7. Librarian – IT/IDS, IM, IP, IL, IS,

Copy to: OS – IT/IDS,IM,IP,IL,IS, Academics/ Examination, Students' Section, Establishment Section, Internal Auditor (Accounts Section), III Cell, Library – IT/ IDS, Library – IM/ IP, Estate Department

c.f.w.c to:

1. Vice President, NU
2. Director General , NU
3. Chief Operating Officer, NU





## **NOTIFICATION**

- Read: 1. **Notification No. NU- 911 dated 07.01.2006 – Constitution of Complaint Committee for prevention of Sexual Harassment**  
2. **Notification No. NU - 284 dated 18.12.2009 - Reconstitution of Complaint Committee for Prevention of Sexual Harassment**  
3. **Approval of Director General on note-dated 24.03.2014**

Sub: **Reconstitution of Complaint Committee for prevention of Sexual Harassment**

In pursuance of the directions issued by the Hon'ble Supreme Court in the judgement of Vishaka & Others v/s. State of Rajasthan & Others reported in 1997 (6) SCC 241, the Nirma University has constituted a complaint committee as per sr.no.-1 & 2 cited above and now, due to existence of new Act with regard to sexual harassment of women at workplaces (Prevention, Prohibition and Redressal) Act, 2013, the existing Complaint Committee for Prevention of Sexual Harassment is required to be reconstituted with certain modifications. Accordingly, the Director General has approved to reconstitute the Complaint committee as under :

1. **CONSTITUTION:**

**Chairperson & Counsellor:**

1. Dr. Purvi Pokhariyal  
Director & Dean, Institute of Law  
Nirma University, Ahmedabad  
Phone : (O) 079-30642802  
(M) 99988 49689

**Members:**

2. Ms. Nupur Sinha  
Director,  
Centre for Social Justice (External Member)  
C-106, Royal Chinmay, Opp. IOC Pump,  
Off. Judges Bungalows Road, Bodakdev,  
Vastrapur, Ahmedabad - 54  
Ph. - 079 - 26854248  
M. - 09909963342
3. Prof. Harismita Trivedi  
Professor,  
Institute of Management, NU

4. Prof. Madhuri Bhavsar  
Asso. Professor, Dept. of CE/ IT/MCA  
Institute of Technology, NU  
Ahmedabad  
Phone : (M) 98790 50660  
(O) 079-30642217
5. Prof. Niyati Acharya  
Assistant Professor,  
Institute of Pharmacy, NU  
Ahmedabad.
6. Shri. Dinesh J Patel  
Assistant Registrar,  
Establishment Section, NU  
Ahmedabad.  
Ph. - (O) - 079 - 30642123  
(M) - 9825955484
7. Shri. B. J. Patel  
Deputy Registrar  
Institute of Technology, NU  
Ahmedabad  
Phon: (O) - 079-30642512  
(M) - 98253 06200

**Member Secretary**

8. Shri G. R. Nair  
Dy. Registrar  
Institute of Management, NU  
Ahmedabad  
Phone: (O) 079-30642 606)  
(M) 9825320070

**2. OBJECTIVES**

- To prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees
- To lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employees:
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment:
- Recommend appropriate punitive action against the guilty party to the Chair/Director General of NU.

### **3. PROCEDURE FOR APPROACHING COMMITTEE**

The Committee will deal with issues relating to sexual harassment at Nirma University. It is applicable to all students, staff and faculty. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party. A written complaint may be addressed to the Chair of the Committee. If the complaint is made to any Head of Institute, they may forward it to the Convener of the Committee Against Sexual Harassment.

### **4. SEXUAL HARASSMENT:-**

Sexual harassment can be defined as "unwelcome" sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography; and
- Other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

### **5. THE FOLLOWING IS ALSO COVERED WITHIN THE DEFINITION OF SEXUAL HARASSMENT:**

- Eve-teasing.
- Unsavoury remarks.
- Jokes causing or likely to cause awkwardness or embarrassment.
- Innuendos and taunts.
- Gender based insults or sexist remarks.
- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like.
- Touching or brushing against any part of the body and the like.
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
- Forceful physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy.

### **THE PROCEDURE TO BE FOLLOWED BY THE COMMITTEE WILL BE AS UNDER:**

### **6. COMPLAINT OF SEXUAL HARASSMENT-FOR THE PURPOSE OF SUB-SECTION (2) OF SECTION 9:**

- (i) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by :
  - (a) her relative or friend; or
  - (b) Her co-worker; or

- (c) An officer of the National Commission for Women or State Women's Commission; or
  - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- (ii) where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
- (a) her relative or friend; or
  - (b) a special educator; or
  - (c) a qualified psychiatrist or psychologist; or
  - (d) the guardian or authority under whose care she is receiving treatment or care; or
  - (e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

#### **7. MANNER OF INQUIRY INTO COMPLAINT:**

- i. Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the complaints committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- ii. On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- iii. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).
- iv. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- v. The complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be;

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.



- vi. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- vii. In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

#### **8. OTHER RELIEF TO COMPLAINANT DURING PENDENCY OF INQUIRY:**

The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to -

- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (b) Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

#### **9. MANNER OF TAKING ACTION FOR SEXUAL HARASSMENT:**

Except in case where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

#### **10. ACTION FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE:**

Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

#### **11. APPEAL:**

Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

#### **MISCELLANEOUS**

#### **12. PENALTY FOR CONTRAVENTION OF PROVISIONS OF SECTION 16:**

Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

### **13. MANNER TO ORGANISE WORKSHOPS, ETC.:**

Subject to the provisions of section 19, every employer shall-

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women,
- (b) Carry out orientation programmes and seminars for the members of the Internal Committee;
- (c) Carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, Women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (d) Conduct capacity building programmes for the members of the internal committee;
- (e) Declare the names and contact details of all the Members of the Internal Committee;
- (f) Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

### **14. PREPARATION OF ANNUAL REPORT:**

The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:

- (a) number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken by the employer of District Officer.

**All Heads of the Institution, Heads of the Department and the Section Heads are hereby requested to kindly bring this to the notice of all the employees and students of the Institutions / Sections concerned.**

  
I/c Executive Registrar

To.

- 1. All the above members
- 2. All Heads of the Institution
- 3. All Heads of the Department (IT/ IDS)
- 4. All Area Committee Chairman (IM/IP)

5. Deputy Registrar -Examinations / IT/ IM
6. I/c Accounts Officer
7. Librarian – IT/IDS, IM, IP, IL, IS
8. Establishment Section, Estate Dept., Admn. Officer - IP, Internal Auditor (Accounts Section), Students' Section, III Cell, Library – IT/ IDS, Library – IM/ IP, Estate Department, Transport Section, CSO

Copy to: OS – IT/IDS,IM,IP,IL,IS, Academics/ Examination, Ph.D.

- c.f.w.c to:
1. Vice President, NU
  2. Director General , NU
  3. Chief Operating Officer, NU
  4. Director (G&AA), NU

NU/AC/CCPSH/Memb nomi/18- 98

Date: 24.06.2018

## **NOTIFICATION**

- Read: 1. Notification No. NU- 911 dated 07.01.2006 – Constitution of Complaint Committee for prevention of Sexual Harassment
2. Notification No. NU - 284 dated 18.12.2009 - Reconstitution of Complaint Committee for Prevention of Sexual Harassment
3. Notification No. NU – 14-51 dated 24.04.2014 - Reconstitution of Complaint Committee for Prevention of Sexual Harassment
4. Approval of Director General on note-dated 09.05.2018

Sub: Nomination of Dr. N. Lalitha in the Complaint Committee for Prevention of Sexual Harassment

It is, hereby, notified for the information of all concerned that, the Director General, Nirma University, has approved the nomination of **Dr. N. Lalitha**, Professor, Gujarat Institute of Development & Research, as an external member of Complaint Committee for Prevention of Sexual Harassment, Nirma University place of Ms. Nupur Sinha.

The updated list of members of Complaint Committee for prevention of Sexual Harassment is attached herewith as **Appendix – A**.

The objectives, functions etc. of Complaint Committee for prevention of Sexual Harassment are as under;

### **1. OBJECTIVES**

- To prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees
- To lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employees;
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- Recommend appropriate punitive action against the guilty party to the Chair/Director General of NU.



## **2. PROCEDURE FOR APPROACHING COMMITTEE**

The Committee will deal with issues relating to sexual harassment at Nirma University. It is applicable to all students, staff and faculty. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party. A written complaint may be addressed to the Chair of the Committee. If the complaint is made to any Head of Institute, they may forward it to the Convener of the Committee Against Sexual Harassment.

## **3. SEXUAL HARASSMENT**

Sexual harassment can be defined as "unwelcome" sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography; and
- Other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

## **4. THE FOLLOWING IS ALSO COVERED WITHIN THE DEFINITION OF SEXUAL HARASSMENT**

- Eve-teasing,
- Unsavoury remarks,
- Jokes causing or likely to cause awkwardness or embarrassment,
- Innuendos and taunts,
- Gender based insults or sexist remarks,
- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like,
- Touching or brushing against any part of the body and the like,
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings,
- Forcible physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy.

## **THE PROCEDURE TO BE FOLLOWED BY THE COMMITTEE WILL BE AS UNDER:**

### **5. COMPLAINT OF SEXUAL HARASSMENT-FOR THE PURPOSE OF SUB-SECTION (2) OF SECTION 9**

- (i) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by :
  - (a) her relative or friend; or
  - (b) Her co-worker; or
  - (c) An officer of the National Commission for Women or State Women's Commission; or
  - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;

- (ii) where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
  - (a) her relative or friend; or
  - (b) a special educator; or
  - (c) a qualified psychiatrist or psychologist; or
  - (d) the guardian or authority under whose care she is receiving treatment or care; or
  - (e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent,
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

## **6. MANNER OF INQUIRY INTO COMPLAINT**

- i. Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the complaints committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- ii. On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- iii. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).
- iv. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- v. The complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:  
Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- vi. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- vii. In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

## **7. OTHER RELIEF TO COMPLAINANT DURING PENDENCY OF INQUIRY**

The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to -

- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (b) Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

## **8. MANNER OF TAKING ACTION FOR SEXUAL HARASSMENT**

Except in case where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

## **9. ACTION FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE**

Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

## **10. APPEAL**

Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

## **MISCELLANEOUS:**

## **11. PENALTY FOR CONTRAVENTION OF PROVISIONS OF SECTION 16**

Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

## **12. MANNER TO ORGANIZE WORKSHOPS, ETC**

Subject to the provisions of section 19, every employer shall-

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women,
- (b) Carry out orientation programmes and seminars for the members of the Internal Committee;
- (c) Carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, Women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (d) Conduct capacity building programmes for the members of the internal committee;

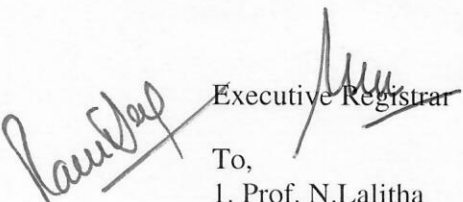
- (e) Declare the names and contact details of all the Members of the Internal Committee;
- (f) Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

### **13. PREPARATION OF ANNUAL REPORT**

The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:

- (a) Number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken by the employer of District Officer.

All Heads of the Institute are requested kindly to bring this to the notice of all the employees and students of the respective Institute / Sections concerned.

  
Executive Registrar

To,

- 1. Prof. N.Lalitha
- 2. All Heads of Institute
- 3. All members of the CCPSH

Copy to: AR-Est, IL; All OS; P.A. to ER

- c.f.w.c to:
- 1. Vice President
  - 2. Director General



## **Members of CCPSH**

### **Chairperson & Counsellor:**

1. Dr. Purvi Pokhariyal  
Director & Dean, Institute of Law  
Nirma University, Ahmedabad  
Phone : (O) 079-30642802, (M) 99988 49689

### **Members:**

2. Dr. N. Lalitha – External Member  
Professor,  
Gujarat Institute of Development and Research,  
Add.: 6, Ravish Bungalows,  
Hebatpur Road, Thaltej, Ahmedabad-380 059.  
Ph. (O) 02717-242366 (Extn.-213) (M) 9427308677  
Email: lalithanarayanan@gmail.com
3. Prof. Harismita Trivedi  
Sr. Asso. Professor, Institute of Management,  
Nirma University, Ahmedabad. Ph- (O) 079-30642629
4. Prof. Madhuri Bhavsar  
Professor, Dept. of CS&E  
Institute of Technology, Nirma University, Ahmedabad  
Phone : (M) 98790 50660, (O) 079-30642217
5. Prof. Niyati Acharya  
Assistant Professor,  
Institute of Pharmacy, Nirma University, Ahmedabad.  
Ph. (O) 079-30642721
6. Assistant Registrar  
Establishment Section, Nirma University  
Ahmedabad. Ph. - (O) - 079 - 30642681
7. Shri B. J. Patel  
Deputy Registrar,  
Institute of Technology, Nirma University, Ahmedabad  
Phone: (O) - 079-30642512, (M) - 98253 06200

### **Member Secretary**

8. Asst. Registrar (Academic Section)  
Nirma University, Ahmedabad  
Phone: (O) 079-30642 680

NU/AC/CCPSH/20-216  
Date: 30.05.2020



### **NOTIFICATION**

- Read: 1. Judgement of hon'ble Supreme Court in the matter of Vishaka & Others v/s. State of Rajasthan & Others reported in 1997 (6) SCC 241  
2. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)  
3. Notification No. NU-911 dated 07.01.2006 – Constitution of Complaint Committee for prevention of Sexual Harassment  
4. Notification No. NU-284 dated 18.12.2009 - Reconstitution of Complaint Committee for Prevention of Sexual Harassment  
5. Notification No. NU-51 dated 24.04.2014 - Reconstitution of Complaint Committee for Prevention of Sexual Harassment  
6. University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 dated 02.05.2016  
7. Approval of Director General dated 22.05.2020

Sub: **Mechanism for Prevention, Prohibition and Redressal of Sexual Harassment of Women employees and students**

It is hereby notified for information of all concerned that in supersession of existing Complaints Committee for Prevention of Sexual Harassment of Women employees and students published vide notifications mentioned at serial 3 to 5 above, and in pursuance to the regulations published vide UGC notification mentioned at serial 6 above with regard to Mechanism for Prevention, Prohibition and Redressal of Sexual Harassment of Women employees and students, the Director General has nominated the members in the Internal Complaints Committee (ICC) at Nirma University, as under:

Sr.	Category	Name	Designation
1.	Senior-level woman faculty member	Dr. Madhuri Bhavsar Professor, Dept. of Computer Science and Engineering, Institute of Technology Nirma University	Chairperson
2.	Two faculty members	i. Dr. Nina Muncherji Associate Professor Institute of Management, irma University  ii. Dr. G.V. Narasihma Rao Associate Professor Institute of Law, Nirma University	Member

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- |  |  |                     |
|--|--|---------------------|
| 3. Two non-teaching employees  | i. Dr. Nilesh Patel<br>Dy. Registrar (Examination)<br>Nirma University   | Member              |
|  | ii. Ms Nisha Dave<br>Office Superintendent<br>Institute of Architecture & Planning<br>Nirma University   | Member<br>Secretary |
| 4. One member from amongst the NGO or associations   | Ms. Prita Jha<br>Founder and President<br>Peace and Equality Cell (PEC)<br>3, Mirzapur Road, Gheekanta<br>Bhadra, Ahmedabad.<br>(M) 9586060807<br>Email - <a href="mailto:pritarjha@gmail.com">pritarjha@gmail.com</a> | External<br>member  |
| 5. Three Students from UG, PG and Research Scholar-level<br>(only if the matter involves students) | i. <u>UG-level</u><br>Ms. Palak Jain<br>B.A.,LL.B. (Hons.) programme<br>Institute of Law, Nirma University<br>Email: <a href="mailto:17bal034@nirmauni.ac.in">17bal034@nirmauni.ac.in</a>                              |                     |
|  | ii. <u>PG-level</u><br>Ms. Yashodhara Khadiya<br>Integrated BBA-MBA programme<br>Institute of Management<br>Nirma University<br>Email: <a href="mailto:ykhadiya_16@nirmauni.ac.in">ykhadiya_16@nirmauni.ac.in</a>      | Member              |
|  | iii. <u>Research Scholar-level</u><br>Ms. Krishan Bhalodi<br>Ph.D. (Full Time)<br>Institute of Pharmacy, Nirma University<br>Email: <a href="mailto:19ftphdp57@nirmauni.ac.in">19ftphdp57@nirmauni.ac.in</a>           |                     |

#### **Objectives:**

- To prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees
- To lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employees;
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- Recommend appropriate punitive action against the guilty party to the Chair/Director General of NU.

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**Important definition:**

- (I) **Act** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (II) **Regulation** means University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015
- (III) **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;
    - (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;
- (IV) **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;
- (V) **Campus** means the location or the land on which Nirma University and its constituted 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 institute 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 concerned institute





(VI) **Employee** means a person employed by the Nirma University or its institutes (regular/term/contract basis);

(VII) **Student** means a person duly admitted and pursuing a programme of study including short-term training programmes in the University;  
Provided that a student who is in the process of taking admission in any of the institutes under the University, although not yet admitted, shall be treated, for the purposes of these regulations, as a student;

Provided that a student who is a participant in any of the activities in any of the institutes under the University where such student is enrolled shall be treated, for the purposes of these regulations, as a student;

(VIII) **Third Party Harassment** refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the University, but a visitor to the University in some other capacity or for some other purpose or reason;

**Responsibilities of Internal Complaints Committee (ICC):**

- (a) to provide assistance if an employee or a student chooses to file a complaint with the police;
- (b) to 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) to 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 victimized 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.

**Process for making complaint and conducting Inquiry:** The ICC shall comply with the procedure prescribed in these regulations published vide notification mentioned at serial 6 above for making a complaint and inquiring into the complaint in a time bound manner.

**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. Provided that where such complaint cannot be made in writing, the Chairperson or any member of the ICC 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 situation where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

**Process of conducting Inquiry:**

- a) 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,
- b) Upon receipt of the copy of the complaint, the respondent shall file his/her reply to the complaint along with the list of documents, names and addresses of witnesses within a period of ten days,
- c) The inquiry has to be completed within a period of ninety days from the date of 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 Director General. A copy of the findings or recommendations shall also be served on both parties to the complaint,
- d) The Director General 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,
- e) An appeal against the findings or/recommendations of the ICC may be filed by either party before the Director General within a period of thirty days from the date of the recommendations,
- f) If the Director General decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to the 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 Director General shall proceed only after considering the reply or hearing the aggrieved person,
- g) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The institute concerned 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 punitive intervention,
- h) 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.

**Interim redressal:** The concerned institute may -

- a) transfer the complainant or the respondent to another section or department to minimize 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 victimization as a consequence of making a complaint of sexual harassment.





**Punishment and compensation:**

- 1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the university if the offender is an employee,
- 2) Where the respondent is a student, depending upon the severity of the offence, the following punishment can be imposed:
  - 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;
  - 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 competent authority shall issue direction for payment of the compensation recommended by the ICC and accepted by the Director General, 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

**Action against frivolous complaint:**

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowingly 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 regulation 10 of the notification mentioned at serial 6 above. 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.

The term of the nominated members shall be for a period of three years from the date of this notification, or till he/she holds the position by virtue of which he/she is nominated, whichever is earlier.

Note: In case of any dispute or doubt under this document, the provisions of the 'University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015 dated 02.05.2016' mentioned at serial 6 above, be referred.

Executive Registrar

To,

1. All above members
2. All Heads of Institute
3. All Dy. Registrar

Copy to,

1. All Heads of Dept./Academic Area
2. Chief Accounts Officer
3. All AR
4. Statistician
5. Publication Officer
6. HR Section
7. All OS
8. Estate Section
9. Transport Section
10. Security Officer
11. Website in-charge: update on NU website
12. Prominent notice boards of all Institutes
13. P.A. to ER

c.f.w.cs. to: 1. Vice President; 2. Director General

