

NORTH EAST CHRISTIAN UNIVERSITY

INTERNAL COMPLAINTS COMMITTEE

POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT

The North East Christian university (NECU) is committed to creating a campus free from discrimination, harassment, retaliation or sexual assault at all levels. NECU adheres strictly to a zero tolerance policy towards sexual harassment and ensures to act decisively against all gender based violence perpetuated against employees and students of all sexes.

In adherence to UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 (hereinafter referred to as UGC Regulation) NECU shall have an independent framework to regulate prevention, prohibition and redressal of sexual harassment of its employees and students.

1. **APPLICABILITY:** This Regulation shall apply to all Students, Employees (irrespective of their tenure, position, Designation or Gender) and Visitors (in whatever capacity) of the University.

2. **DEFINITIONS:** In these regulations, unless the context otherwise requires:
 - (a) “aggrieved woman” means in relation to work place, a woman of any age whether employed or not, who alleges to have subjected to any act of sexual harassment by the respondent;
 - (b) ‘Act’ means the Sexual Harassment of Women at workplace (Prevention, promotion and Redressal) Act, 2013 (14 of 2013);
 - (c) “Campus” means the location or the land on which NECU and its related institutional facilities like library, lecture halls, residences, halls, toilets, student centres, hostels, dining areas, parking areas, canteen etc., are situated and also includes extended campus and covers within its scope places visited as a student of the HEI including transportation provided for the purpose of commuting to and from the institution , the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meet, and such other activities where a person is participating in the capacity of an employee or a student of NECU;
 - (d) “employee” means a person as defined in the Act and also includes, for the purposes of the Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assis-

tants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

- (e) "Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956).
- (f) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person.
- (g) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agent or in litigation;
- (h) "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 anyone or more or all of the following unwelcomed acts or behavior (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) anyone (or more than one or all)
- (i) "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 or NECU, but a visitor to the University in some other capacity or for some other purpose or reason;
- (j) "Victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (k) "workplace" means the campus of a HEI including-
 - (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIS;

(b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;

(c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.

3. GRIEVANCE REDRESSAL MECHANISM:

An Internal Complaints Committee (ICC) shall be constituted by the Vice-Chancellor of NECU with an inbuilt mechanism for gender sensitisation against sexual harassment. The ICC shall have the following composition:

1. A faculty member as a Chairperson/ Convener who shall be a woman, two other faculty members from different disciplines of study, a representative from the administration of the University and a student representative of the University, if the matter involves students.
2. At least one-half of the total members of the ICC shall be women.
3. Persons in senior administrative positions in NECU, such as vice-chancellor, pro Vice-Chancellors, Rectors, Registrars, Deans, Heads of Departments, etc., will not be members of ICCs in order to ensure autonomy of their functioning.
4. The term of office of the members of the ICC shall be for a period of three years. NECU may also employ a system whereby one-third of the members of the ICC may change every year.
5. Whereby the presiding Officer or any member of the Internal Committee:
 - (a) contravenes the provisions of section 16 of the Act; or
 - (b) has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him; or
 - (c) he has been found guilty in any disciplinary proceedings in office prejudicial to the public interest,

Such Presiding officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section”.

4. RESPONSIBILITIES OF INTERNAL COMPLAINTS COMMITTEE (ICC):

The Internal Complaints Committee shall:

- (a) provide assistance if any employee or a student chooses to file a complaint with the police;

- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimise the need for purely punitive approaches that lead to further resentment, alienation or violence;
- (c) Protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- (d) Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (e) Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

5. THE PROCESS FOR MAKING COMPLAINT AND CONDUCTING INQUIRY:

The ICC shall comply with the procedure prescribed in these regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. NECU will provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

6. 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 Convenor/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 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 associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

7. PROCESS OF CONDUCTING INQUIRY:

- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- (2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- (3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Vice-Chancellor of NECU. Copy of the findings or recommendations shall be served on both parties to the complaint.
- (4) The Vice-Chancellor of NECU shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- (5) An appeal against the findings or/recommendations of the ICC may be filed by either party before the Vice-Chancellor of NECU within a period of thirty days from the date of the recommendations.
- (6) If the Vice-Chancellor of NECU decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Vice-Chancellor of NECU shall proceed only after considering the reply on hearing the aggrieved person.
- (7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement shall be made as a basis of conciliation. NECU will facilitate a conciliation process through ICC, as the case maybe, once it is sought.
- (8) The identity of the aggrieved party or victim or the witnesses or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

8. INTERIM REDRESSAL:

The NECU may,

- (a) Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;

- (b) Ensure that offenders are warned to keep a distance from the aggrieved, and whenever necessary, if there is a definite threat, restrain their entry into the campus.
- (c) Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

9. PUNISHMENT:

- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of NECU, if the offender is an employee.
- (2) Where the respondent is a student, depending upon the severity of the offence, NECU may:
 - (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, 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, of the offence so warrants ;
 - (d) award reformatory punishments like mandatory counselling and, or, performance of community services.

10. ACTION AGAINST FRIVOLOUS COMPLAINT:

If the ICC concludes that the allegations made are false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (1) of regulations 9, if the complainant happens to be an employee and as per sub-regulation (2) of that regulation, if the complaint happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, concurred before any action is recommended.