

1. SHORT TITLE AND COMMENCEMENT

- (i) These Directions shall be called SVKM's NMIMS University's Women Grievance Redressal Cell (Prevention of Sexual Harassment) Directions, 2009.
- (ii) These Directions shall come into force from the date of issuance thereof.

2. EXTENT AND APPLICATIONS OF THE DIRECTIONS

- A. These Directions extend and apply to all the students and employees of the campus, off-campus, schools, departments and faculties of the SVKM's NMIMS University. These Directions also extend and apply to all the offices and authorities of the SVKM's NMIMS University.
- B. These Directions will apply to all cases and/or complaints or allegations of sexual harassment :
 - (i) By a student against a co-student, an employee;
 - (ii) By an employee against a student, another employee;
 - (iii) By a member of the management against a student or an employee
- C. These Directions will also apply in respect of all cases and/or allegations of sexual harassment :
 - (i) By a student, employee or member of the management against a third party or an outsider;
 - (ii) By a third party or an outsider against a student, employee.

Explanation : The applicability of these Directions will be irrespective of whether the alleged sexual harassment has taken place within or outside the University or its schools or its off-campus.

3. DEFINITIONS

- A. **"Cell"** means Women Development Cell constituted under the provisions of these Directions.
- B. **"Campus"** means main campus of the University.

- C. **“Employee”** means every person in the employment of the University to which these Directions are applicable, including any teaching/non-teaching staff or officers, temporary, part-time, honorary and visiting persons, adjunct faculty engaged in any duties by whatever designation called and also employees employed on a leave vacancy, casual or project basis or also employed through a contractor.
- D. **“Expert”** means any person who has done or is engaged in research work in any University and/or college/institution of academic learning/deemed universities and such others who are engaged in the country or outside in the field of Women’s Studies or Gender Justice.
- E. **“Management”** means and includes the trustees or the managing or governing body, by whatever name they may be called, of Shri Vile Parle Kelavani Mandal Trust registered under the Bombay Public Trust Act, 1950 (Bom xxix of 1950) and society registered under the Societies Registration Act, 1860 (XXI of 1860), under whose management the University is functioning and any officer or member of the Authority of the University as defined in the Rules of the SVKM’s NMIMS University.
- F. **“NGO”** includes any non-governmental organization operating on a secular non-profit basis and involved in the amelioration of the status of women and children, duly registered under the Bombay Public Trust Act, 1950 (Bom xxix of 1950), or any society registered under the Societies Registration Act, 1860 (21 of 1860).
- G. **“Off-Campus”** means campus established by the University outside Mumbai for conducting its courses or for research.
- H. **“School”** means school established by the University for conducting its courses or for research.
- I. **“Sexual Harassment”** includes such unwelcome sexually determined behaviour (whether directly or by implication) as :
- (i) Physical contacts and advances;
 - (ii) A demand or request for sexual favours;
 - (iii) Sexually coloured remarks;
 - (iv) Showing pornography;
 - (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation : “Sexual Harassment” shall include, but will not be confined to the following :

- (i) When submission to unwelcome sexual advances, request for sexual favours and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, as a term or condition for instruction, employment, participation or evaluation of a person's engagement in any university activity.
- (ii) When unwelcome sexual advances and verbal, non-verbal or physical conduct such as loaded comments, remarks or jokes, letters, phone-calls or e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or the effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive university environment.
- (iii) Where any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, and

When any such conduct as defined in (i) and (ii) above is committed by a third party or outsider in relation to a member of the University's community or vice versa.

J. **"Student"** includes any person who is enrolled for any course, whether by attendance or by distance education, with the University to which these Directions are applicable and includes –

- (i) an Under-graduate/Post-graduate student, a Research Scholar and a Repeater;
- (ii) any person, student or ex-student who has been permitted the use of any of the facilities of the University such as library, laboratory, reading room, gymkhana etc. on the payment of a fee or otherwise.

K. **"University"** means SVKM's NMIMS (Deemed University u/s 3 of the UGC Act, 1956).

4. **AIMS AND OBJECTS OF THE UNIVERSITY WOMEN GRIEVANCE REDRESSAL CELL (UWGRC)**

The objects of the Cell shall be :

- (i) To prevent sexual harassment and to promote the general well-being of female students, teaching and non-teaching women staff of the University.
- (ii) To provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and that no women employee has reasonable grounds to believe that she is disadvantaged in connection with her employment.
- (iii) To provide guidelines for the redressal of grievances related to sexual harassment of female students, teaching and non-teaching women staff of the University.

5. DUTIES OF THE UNIVERSITY

- (i) In case of sexual harassment in any of the premises of the University, active assistance shall be provided to the complainant by the University to pursue the complaint and the safety of the complainant shall also be ensured.
- (ii) The University shall provide all the necessary assistance for the purpose of ensuring full, effective and speedy implementation of these Directions.

6. A. COMPOSITION OF THE UNIVERSITY WOMEN GRIEVANCE REDRESSAL CELL (UWGRC)

- (i) The Cell shall consist of at least five members and not more than seven members, and not less than half of its members should be women.
- (ii) The Chancellor shall nominate members for the Cell.
- (iii) While constituting the Cell, representation may be given to the representatives of teaching staff and non-teaching staff of the University.
- (iv) There shall be one member representing NGO's, nominated by the Chancellor.
- (v) A person having legal background shall be ex-officio member to be nominated by the Chancellor.

- (vi) The Chancellor shall appoint a Chairperson and a Secretary from amongst the members of the Cell. The Chairperson should be a woman.
- (vii) In absence of the Chairperson, Vice Chancellor shall suggest Acting Chairperson of the particular meeting.
- (viii) The Cell shall also perform the role as “Complaint Committee”.

B. THE TERM OF THE OFFICE OF THE CELL

- (i) The term of office of the Cell shall be for three years. In case of any vacancy occurring in the Cell, it shall be filled in for the remainder of the term of office of the Cell by the Chancellor.
- (ii) The names of the members of the Cell, along with their contact places and telephone numbers shall be displayed at all times in a conspicuous place of the main notice board of each of the University premises.

C. QUALIFICATIONS OF THE MEMBERS OF THE CELL

- (i) A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Cell if there is any complaint or serious criminal charges involving moral turpitude pending against him/her or if he is found guilty of sexual harassment.
- (ii) If a member of the Cell remains absent without permission of the Chairperson for three consecutive meetings, his/her office shall thereupon become vacant and it shall be filled up by the Chancellor.

A member of the Cell, not being a member ex-officio, may resign at any time by tendering her/his resignation in writing to the Chairperson and such person shall be deemed to have vacated her/his office and as soon as the Chairperson accepts the resignation, the same shall be filled in accordance with the composition as mentioned in 6. A.

7. POWERS AND DUTIES OF THE UWGRC

- (i) To ensure implementation of these Directions as may be laid down in the University and other constituents to which it is applicable.
- (ii) To process individual grievances concerning sexual harassment in the University departments/Administration/Authorities and to recommend suitable action in the manner and mode particularly provided hereafter.
- (iii) To exercise such other powers and perform such other duties as may be conferred or imposed on it by or under these Directions.
- (iv) To do all such acts and things as may be necessary to carry out the objects of these Directions.

8. MEETINGS OF THE CELL

- (i) The Cell shall meet at least twice every academic year and the intervening period between two meetings shall not exceed six months.
- (ii) The Chairperson of the Cell can call a Special Meeting at any time upon the written request of not less than one third of the total number of members of the Cell, on a date not later than fifteen days after the receipt of such requisition by the Chairperson.
- (iii) The quorum for any meeting of the Cell shall be one third of its members. If the quorum is not present at any meeting, it shall be adjourned for half an hour and proceed with those who are present and the proceedings of such a meeting shall not be challenged on the ground of absence of quorum.

9. PROCEDURE FOR INVESTIGATION OF COMPLAINTS

- (i) Any woman employee/female student of the University Departments/Schools/Administration/Authority shall have the right to lodge a complaint with any of the members of the Cell.
- (ii) Such complaints may be oral or in writing.
- (iii) Any complaint in writing shall be signed by the person making the complaint. If the complaint is oral the same shall be documented in writing in detail by the Cell member to whom the complaint is made and shall not be acted upon till signed by the complainant. A Complaint

Register shall be maintained by the Complaints Committee. It should be a confidential document.

- (iv) The complainant shall be afforded full confidentiality at this stage.
- (v) In the event of the complaint being made to any member of the Cell, immediately upon receipt of the complaint, and within not more than ten working days, the member of the Cell to whom the complaint is made, shall communicate the same to the Chairperson of the Cell. However, if the complainant so desires, her name shall be kept confidential and shall not be divulged except to the Cell.
- (vi) Within a period of three weeks from the date of such communication, the Chairperson shall convene its meeting.
- (vii) At the first meeting, which shall be held within three weeks of the receipt of the complaint, the complainant or at her request her representative, shall be heard. If a woman complainant specifically expresses a desire that she be allowed to depose in the presence of only women members of the Cell, the Cell shall hear the said complainant after the male members have withdrawn from the hearing. However, the complaint shall not be finally disposed off until after the male members of the Cell attend and participate in the decision making process. The Cell shall then decide whether the complaint deserves to be proceeded with. The complaint shall stand dropped, if according to the Cell, the complainant has not been able to disclose prima facie, an offence of sexual harassment.
- (viii) In case, the Cell 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 of the Cell, heard and if so satisfied that a warning is just and proper, it be recommended to the Vice Chancellor that he may be warned about his behaviour. The matter shall then be treated as concluded with a recording, to that effect, made in the Complaint Register. With acceptance of the recommendation by the Vice Chancellor, he be warned about his behaviour and necessary note be made into the Service Book of the employee/Record of the student including the Migration Certificate. The Cell should verify compliance of the action taken.
- (ix) However, before proceeding with the enquiry, the Cell shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind

the nature and gravity of the misdemeanour complained of. In case the Cell comes to the conclusion that such an action is necessary, it shall recommend to the Vice Chancellor accordingly.

- (x) The Cell shall accord fair and reasonable opportunity to the delinquent to defend himself and shall ensure observance of the principles of natural justice.
- (xi) If the complainant wishes to proceed with the complaint beyond a mere warning to the delinquent, the delinquent shall be given in writing by the Cell an opportunity to explain within two weeks; why he should not for good and sufficient reasons be treated as guilty of his behaviour and be not recommended to be punished for the act complained of. If the written explanation of the delinquent is not found to be satisfactory or if he does not provide any written explanation, the Cell shall recommend at the outset whether the offence deserves a minor or a major penalty.
- (xii) In the event of the Cell coming to a decision that the delinquent be imposed a minor penalty, a specific minor penalty shall be recommended by the Cell to the Vice Chancellor who shall then expeditiously act on such recommendation.

10. PROTECTION AGAINST VICTIMIZATION

- (i) In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry if the teacher is found guilty, the accused shall not act as an examiner for any examination for which the student appears.
- (ii) In the event of the complainant 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 write the Confidential Reports of the complainant, if he is otherwise so authorized.

11. PENALTIES AND PUNISHMENT FOR SEXUAL HARASSMENT

The Cell may recommend the following penalties on a person found guilty of sexual harassment :

- A. An employee found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties:

- (i) Warning, Reprimand or Censure
- (ii) Fine
- (iii) Withholding of increments or promotion
- (iv) Reduction to a post in the lower pay-scale or to a lower stage of increment in his own pay-scale.

Major Penalties:

- (v) Compulsory retirement
- (vi) Termination of service
- (vii) Removal/dismissal from service

- B. A student found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties:

- (i) Warning
- (ii) Written Apology
- (iii) Bond of good behaviour
- (iv) Debarring entry into a hostel/campus/off-campus
- (v) Suspension for a specified period of time
- (vi) Withholding results.

Major Penalties

- (i) Debarring from examinations for a specified period of time
- (ii) Expulsion from university

The University shall decide whether the person against whom a complaint of sexual harassment is made should be placed under suspension. An employee placed under suspension shall be entitled to subsistence allowance at the rates as applicable under the rules of discipline.

The University may direct that the person against whom a complaint of sexual harassment is made, be prohibited from entering the premises of the University during the pendency of the matter before the Committee.
