



5.1.4

**THE INSTITUTE HAS A
TRANSPARENT MECHANISM FOR
TIMELY REDRESSAL OF STUDENT
GRIEVANCES INCLUDING SEXUAL
HARASSMENT AND RAGGING
CASES**



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ज्ञान-विज्ञान विमुक्तये
प्रो. रजनीश जैन
सचिव

Prof. Rajnish Jain
Secretary



University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
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F.No. 14-4/2012(CPP-II)

7th December, 2018

PUBLIC NOTICE


ON

UGC (GRIEVANCE REDRESSAL) REGULATIONS, 2018

UGC had notified UGC (Grievance Redressal) Regulations, 2012 in official Gazette of India on **23rd March, 2013**. These regulations were aimed at addressing and effectively resolving grievances of students related to Higher Educational Institutions.

The UGC had received a number of responses on these regulations and hence constituted an Expert Committee to revisit UGC (Grievance Redressal) Regulations, 2012. The draft University Grants Commission (Grievance Redressal of Students) Regulations, 2018 prepared by the Committee is attached herewith for observations and suggestions of stakeholders. The feedback and comments on the above draft may be sent to UGC via email grmhei.2018@gmail.com on or before **31st December, 2018**.

(Prof. Rajnish Jain)


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**UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI – 110 002**

NOTIFICATION

F.No.14-4/2012 (CPP-II)

New Delhi, the __ October, 2018

In exercise of the power conferred under clause (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the University Grants Commission (Grievance Redressal) Regulations, 2012, the University Grants Commission hereby makes the following regulations:

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

- a) These regulations shall be called as the University Grants Commission (Grievance Redressal of Students) Regulations, 2018.
- b) They shall apply to all HEIs, whether established or incorporated by or under a Central Act or a State Act, and every institution recognised by the University Grants Commission under clause (f) of Section 2 of the University Grants Commission Act, 1956 and to all institutions deemed to be a university declared as such under Section 3 of the said Act.
- c) They shall come into force from the date of their publication in the Official Gazette.

2. DEFINITION: IN THESE REGULATIONS, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (a) "Act" means the University Grants Commission Act, 1956 (3 of 1956);
- (b) "aggrieved student" means a student who has any complaint in the matters concerned with the grievances defined under these regulations, and includes a person seeking admission to any institution of higher education;
- (c) "college" means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any



qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;

(d) "Commission" means the University Grants Commission established under section 4 of the UGC Act, 1956.

(e) "declared admission policy" means such policy for admission to a course or program of study as may be offered by the institution and published in the prospectus referred to in sub-regulation (1) of regulation 3;

(f) "grievances" include the following complaints of the aggrieved students, namely:

i. making admission contrary to merit determined in accordance with the declared admission policy of the institution;

irregularity in the admission process adopted by the institution;


iii. refusing admission in accordance with the declared admission policy of the institution;

non publication of prospectus, (either hard copy / online) as specified in these regulations;

v publishing any information in the prospectus, which is false or misleading, and not based on facts;

vi withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a students for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;

vii demand of money in excess of that specified in the declared admission policy to be charged by such institution;


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- viii. breach in reservation policy in admission as may be applicable;
 - ix. nonpayment or delay in payment of scholarships to any student that such institution is committed, under the conditions imposed by University Grants Commission, or by any other authority;
 - x. delay in conduct of examinations or declaration of results beyond the specified schedule in the academic calendar;
 - xi on provision of student amenities as may have been promised or required to be provided by the institution;
 - xii non transparent or unfair evaluation practices;
 - xiii. Refund of fees, in case a student withdraws the admission within the stipulated time as mentioned in the prospectus, as notified by the Commission from time to time.
- (g) "Department Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a Department.
- (h) "Institutional Grievance Redressal Committee" means a committee constituted under these regulations, at the level of an Institution.
- (i) "College Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a college.
- (j) "University Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a University.
- (k) "Higher Educational Institution" means a University within the meaning of clause (f) of Section 2, a college within the meaning of clause (b) of sub-section (1) of Section 12A, and an institution deemed to be a University declared under Section 3, of the University Grants Commission Act, 1956;
- (l) "Institution" for the purposes of these regulations, means any university, college or such other institutions, as the case may be;
- (m) "Office of profit" means an office which is capable of yielding a profit or pecuniary gain, and to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached;



(n) "Ombudsperson" means the Ombudsperson appointed under these regulations;

(o) "University" means a university established or incorporated by or under a Central Act or a State Act and includes an institution deemed to be university declared as such under Section 3 of the Act.

3. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS AND PRICING:


i. Every higher educational institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:

(a) the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;

(b) the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;

(c) the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;

(d) the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;


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- (e) each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or program of study, and the other terms and conditions of such payment;
- (f) rules / regulations for imposition and collection of any fines specified heads or categories, minimum and maximum fine may be imposed.
- (g) the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or program of study and the time within and the manner in which such refund shall be made to that student;
- (h) details of the teaching faculty, including their educational qualifications, alongwith the category they belong to Regular / visiting ----- and teaching experience of every member of its teaching faculty.
- (i) information with regard to physical and academic infrastructure and other facilities including hostel accommodation and its fee, library, hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the institution;
- (j) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution.
- (k) any other information as may be specified by the Commission:

Provided that an institution shall publish / upload information referred to in items (a) to (k) of this regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in different newspapers and through other media:

Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its

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ii.


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publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

4. GRIEVANCE REDRESSAL COMMITTEES (GRC):

A. Department Grievance Redressal Committee (DGRC)

- (i) In case of universities, all complaints relating to a department shall first be addressed to Department Grievance Redressal Committee (DGRC) to be constituted at the level of departments/school/center whose composition shall be as follows:
 - a) Head of the Department / School / Center – Chairperson
 - b) a Professor from outside the department / school / center to be nominated by the Head of HEI – Member
 - c) A faculty member well-versed with grievance redressal mechanism to be nominated by the Head of the Department – Member.
- (ii) The Chairperson and members of the committee shall have a term of two years.
- (iii) The quorum for the meeting shall be two, including Chairperson.
- (iv) The DGRC shall follow the principles of natural justice while deciding the grievances of the students.
- (v) The DGRC shall make efforts to resolve the grievance within the stipulated period and shall submit its report to the Head of the Institution within a period of 15 days from the date of receipt of complaint to the DGRC.
- (vi) The DGRC shall provide a copy of the report to the aggrieved person(s).

B. Institutional Grievance Redressal Committee (IGRC)





(i) The complaints not related to departments/schools / center and the grievances not resolved at the DGRC shall be referred to the Institutional Grievance Redressal Committee (IGRC) to be constituted by Head of the HEI, whose composition shall be as follows:

- (a) Pro-Vice Chancellor / Dean/ Senior academician of HEI – Chairperson.
- (b) Dean of students/Dean, Students Welfare
- (c) Two senior academicians other than Chairperson.
- (d) Proctor / Senior academician

(ii) The above Committee shall be approved by the statutory body of institution (Executive Council or its equivalent).

(iii) The Chairperson of IGRC and DGRC shall not be the same. The tenure of the Committee members shall be two years.

(iv) The quorum for the meetings shall be three, including Chairperson.

(v) The IGRC shall consider the recommendation of DGRC while giving its recommendations. However, the IGRC shall have the power to review recommendations of the DGRC.

(vi) The IGRC shall follow the principles of natural justice while deciding the grievances.

(vii) The IGRC shall send the report and the recommendations to the Head of the HEI within a period of 15 working days from the date of receipt of grievance, or appeal or recommendations of the DGRC.

(viii) The IGRC shall provide a copy of the report to the aggrieved person(s).

C. College Grievance Redressal Committee (CGRC)





- (i) In case of colleges, all complaints shall first be addressed to College Grievance Redressal Committee (CGRC) whose composition shall be as follows:
 - a) Principal of the college -Chairperson
 - b) Two senior faculty members nominated by the principal of the College.
- (ii) The tenure of the members shall be two years
- (iii) The quorum for the meeting shall be two, including Chairperson.
- (iv) The CGRC shall follow the principles of natural justice while considering the grievances of the students.
- (v) The CGRC shall send the report and recommendations to the Vice-Chancellor of the affiliating university within a period of 15 days of receiving the complaint.

D. University Grievance Redressal Committee (UGRC)

- (i) In case of grievances not resolved by CGRC, it shall be referred to University Grievance Redressal Committee (UGRC) for which the Vice-chancellor of the affiliating university shall constitute a University Grievance Redressal Committee (UGRC) consisting of five members for a individual colleges or a group of colleges keeping in view the location of the college(s). The UGRC shall be constituted by the Vice-chancellor of the affiliating university consisting of :
 - a) A senior Professor of the university – Chairperson
 - b) Dean, Student Welfare or its equivalent - Member
 - c) Three Principals drawn from the affiliating colleges, on rotation basis to be nominated by the Vice-Chancellor – Members
- (ii) The Chairperson and members of the committee shall have a term of two years.
- (iii) The quorum for the meeting shall be two, including Chairperson.





- (iv) The CGRC shall follow the principle of normal justice while deciding the grievance of the students.
- (v) The CGRC shall send the report and the recommendations to the principal of the college within a period of 15 days of receiving the complaint.

E Any person aggrieved by the decision of the Institutional Grievance Redressal Committee or University Grievance Redressal Committee may within in a period of six days prefer an appeal to the Ombudsperson.

5. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:

- (i) Each HEI shall appoint an Ombudsperson for redressal of grievances of students under these regulations.
- (ii) The Ombudsperson shall be a person not related to the university and who is a retired Vice-Chancellor, Registrar or a faculty member who has at least ten years of experience as a Professor.
- (iii) The Ombudsperson shall not be in any conflict of interest with the university, either before or after his appointment.
- (iv) The Ombudsperson, or any member of his immediate family shall not -
 - (a) hold or have held at any point in the past, any post or, employment in any office of profit in the university;
 - (b) have any significant relationship, including personal, family, professional or financial, with the university;
 - (c) hold any position in university by whatever name called, in the administration or governance structure of the university.
- (v) The Ombudsperson in a State University shall be appointed by the Executive council of the university on part-time basis from a panel of three names recommended by the search committee consisting of the following members, namely:-





- (a) Nominee of the Governor of the State or his nominee - Chairperson
 - (b) Vice-Chancellor of a University of State to be nominated by the State Government – Member
 - (c) Vice-Chancellor of the concerned State University – Member
 - (d) Registrar of the concerned State University – Secretary (non-voting)
- (vi) The Ombudsperson in a Central University and institution deemed to be university shall be appointed by the Executive Council of the Central University or the equivalent statutory body of the Deemed to be University, as the case may be, on part - time basis from a panel of three member recommended by the search committee consisting of the following members, namely:-
- (a) Nominee of University Grants Commission – Chairperson
 - (b) One Vice Chancellor from Central University to be nominated by UGC (for Central Universities) – Member
- OR
- One Vice Chancellor from institution deemed to be university to be nominated by the UGC (for Deemed to be Universities) - Member
- (c) The Vice Chancellor of the university – Member
 - (d) The Registrar of the university – Secretary (Non-Voting)
- (vii) The Ombudsperson shall be a part time officer appointed for a period of three years from the date he/she assumes the office and may be reappointed for another one term in the same university.
- (viii) The Ombudsperson shall be paid the sitting fee per day as per the norms of the university for hearing the cases, in addition to the reimbursement of the conveyance.



- (ix) The Ombudsperson may be removed on charges of proven misconduct or misbehavior or as defined under these regulations, by the concerned appointing authority i.e. the Executive Council of the University.

6. FUNCTIONS OF OMBUDSPERSON:

- (i) The Ombudsperson shall hear any appeal of an applicant for admission as student or student of the university against the university or institution affiliated to it as the case may be, after the student has availed all remedies available in such institution for redressal of grievance such as IGRC / UGRC;
- (ii) No application for revaluation or remarking of answer sheets shall be entertained by the Ombudsperson. However, the issues of malpractices in the examination and evaluation processes may be referred to the Ombudsperson.
- (iii) Ombudsperson may seek the assistance of any person as amicus curiae, for hearing complaints of alleged discrimination.
- (iv) The Ombudsperson shall make all efforts to resolve the grievances within a period of 30 days of receiving the appeal from the student(s).

7. PROCEDURE FOR REDRESSAL OF GRIEVANCES BY OMBUDSPERSON AND GRIEVANCE REDRESSAL COMMITTEE:

- (i) Each institution shall, within a period of three months from the date of issue of this notification, have an online portal where any aggrieved student of that institution may submit an application seeking grievance redressal.
- (ii) On receipt of any online complaint, the institution shall refer the complaint to the appropriate Grievance Redressal Committee, as the case may be, along with its comments within 15 days of receipt of complaint on online portal.
- (iii) The Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved person.



- (iv) An aggrieved person may appear either in person or be represented by such person as may be authorized to present his/her case.
- (v) The Grievances not resolved at the appropriate Grievance Redressal Committee(s) shall be referred to the Ombudsperson.
- (vi) The institution shall co-operate with the Ombudsperson or the Grievance Redressal Committee(s), as the case may be, in redressal of grievances and failure to do so may be reported by the Ombudsperson to the Vice Chancellor.
- (vii) On the conclusion of proceedings, the Ombudsperson shall pass such order, with reasons for such order, as may be deemed fit to redress the grievance and provide such relief as may be desirable to the affected party at issue, after giving due hearing to both the parties.
- (viii) Every order under the signature of the Ombudsperson shall be provided to the aggrieved person and the institution and shall be placed on the website of the institution.
- (ix) The institution shall comply with the recommendations of the Ombudsperson. Any recommendations of the Ombudsperson not complied with by the institution shall be reported by the Ombudsperson to the Commission.
- (x) In case of any false or frivolous complaint, the Ombudsperson may recommend appropriate action against the complainant.

8. INFORMATION REGARDING OMBUDSPERSON GRIEVANCE REDRESSAL COMMITTEE:

The institution shall provide detailed information regarding provisions of Grievance Redressal Committee(s) and Ombudsperson on their website and in their prospectus prominently.

9. CONSEQUENCES OF NON-COMPLIANCE:

The Commission shall in respect of any institution which willfully contravenes these regulations or repeatedly fails to comply with the recommendation of the Ombudsperson or the Grievance Redressal






Committee(s), as the case may be, may proceed to take one or more of the following actions, namely:

- (a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;
- (b) withholding any grant allocated to the Institution;
- (c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;
- (d) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;
- (e) recommend to the affiliating university for withdrawal of affiliation, in case of a college;
- (f) The Commission may take necessary and appropriate action as it may deemed fit, in case of an institution deemed to be university;
- (g) recommend to the concerned State Government for necessary and appropriate action, in case of a university established or incorporated under a State Act;
- (h) The Commission may take necessary and appropriate actions against any institution for non-compliance.

Provided that no action shall be taken by the Commission under this regulation unless the institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

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Vishaka Guidelines against Sexual Harassment at Workplace

**Guidelines and norms laid down by the Hon'ble Supreme Court in
Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC
384)**

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.


Duty of the Employer or other responsible persons in work places and other institutions

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.

Definition

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:


- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;


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- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature


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Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

Preventive Steps

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- A. Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.**
- B. The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.**
- C. As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.**
- D. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.**


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Criminal Proceedings

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

Disciplinary Action

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

Complaints Committee

The complaint mechanism, referred to above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.



The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

Worker's Initiative

Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

Awareness


Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.


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VISHAKA GUIDELINES

POLICY AGAINST SEXUAL HARASSMENT

1. Objectives

To set forth the expectations of conduct and mutual respect in regard to sexual harassment and the process of complaint if these expectations are not met or violated.

This will help explain what sexual harassment is and how to deal with the conduct if it arises, to articulate the Organization's strong opposition to sexual harassment, and to identify penalties that can be imposed for such prohibited conduct.

To establish clearly that this Organization is committed to providing a work environment that is free from discrimination and harassment in any form.

2. Scope

This policy is applicable to all employees of the organization. All contract employees; retainers, trainees and temporary employees are also expected to abide by this policy.

3. Definition of sexual harassment

Sexual harassment has many different definitions and it is not the intent of this policy to limit the definition of sexual harassment, but to give employees as much guidance as possible concerning what activities constitute sexual harassment.




The Supreme Court, in the recent guidelines released (Vishaka Guidelines), defines sexual harassment as “any unwanted and unwelcome sexually oriented behaviour whether directly or by implication”. Such an act vitiates working environment.

Sexual harassment includes, but will not be confined to the following:

Creation of a hostile work environment through unwelcome sexual advances such as:

Physical contact or molestation

- Stalking
- Requests for sexual favours, verbal or physical conduct of a sexual nature, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person’s engagement in any Organizational activity
- Sexually coloured remarks or jokes, letters, phone calls or e-mails, gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares
- Sounds of derogatory nature
- Sexual harassment by one in position of power or influence constituting quid pro quo when submission by an individual is made either in explicit or implicit terms or condition of employment or submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotion and pay rise.
- The definition of sexual harassment will also apply to any member of a third party or outsider in relation to an employee of the organization or vice versa on the premises of organization.
- Any of the acts mentioned above, committed in circumstances wherein the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work, such conduct can be humiliating or may constitute a health and safety problem, the same will tantamount to sexual harassment.


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4. Obligations of the Organization

The Organization shall be responsible, among others, for the following:

1. Prohibit, prevent and deter commission of acts of sexual harassment.
2. Implement the Policy in strict alignment, thus creating a favourable environment.
3. Spread awareness of the Policy amongst its employees by providing easy access to the policy through publication, notification and circulation of the same.
4. Sensitizing employees about sexual harassment issues.
5. Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps.
6. Implementation of recommendations of the Complaints Committee (as defined hereinafter)
7. It will be the responsibility of the Human Resource function to get an understanding of the issues raised and counsel the Complaint as well as the accused and make them aware of all implications of filling/ not filling a complaint formally.
8. In a scenario, wherein the Organization/ Complaint's committee becomes aware of commission of an act(s) of sexual harassment, the organization shall have the right to initiate suo-moto action, even in the absence of a formal complaint being submitted by any employee.

5. Complaints Committee

A Complaints Committee will be set up by the Organization, which will address all cases/ complaints of alleged sexual harassment


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submitted by the employee(s) to the Organization, to prevent and deal with sexual harassment within the outlined framework. However this Committee would be formed only in case the need arises, after the HR function has talked to both the parties involved (Complainant and Accused) and ensured that the implications of filing a complaint (or not doing so) has been discussed in detail with them.

6. Composition

The complaints Committee will consist of the following:


1. Two-three representatives from other functions & Board Members (not including function of the Complainant and accused)
2. If deemed necessary, one member from a third party such as NGO/ outside counsel or a person or body conversant with dealing with the issue of sexual harassment.
3. It is mandatory that at-least half the members of the Complaints Committee are women and the Complaints Committee is led by a Women member. In case of separation/ death of any of the Complaints Committee member, the designate personnel will cease to be a member of the committee and an alternate member will be appointed for the position thus created.

7. Disqualifications

A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing as a member of the Complaints Committee, if there is any complaint concerning sexual harassment pending against him/she is found guilty of sexual harassment.

8. Submission of a Complaint

Any employee will have a right to lodge a complaint concerning sexual harassment against an employee or a third party interacting with the Organization (henceforth referred to as “Complaint”) with the Complaints Committee, as outlined below:


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1. An employee making a Complaint (henceforth referred to as “Complainant”) will be provided full confidentiality.
2. No person against whom a Complaint is made shall be part of the Complaints Committee.
3. Within three (03) working days of the receipt of the Complaint, the Complaints Committee will convene a meeting of which advance written intimation will be given to the Complainant.
4. The complainant will be entitled to remain present personally during the meeting.

During the first meeting of the Complaints Committee, the Complainant shall be heard and the Complaints Committee shall decide whether the Complaint requires to be proceeded with. The Complaint will be dropped only if the complainant does not disclose an offence of sexual harassment.

In case the Complaints Committee decides to proceed with the Complaint, the Complainant’s concerns with respect to the issue shall be taken into account and if the Complainant so wishes the accused (henceforth referred to as “Accused”) will be called to a meeting of the Complaints Committee, be heard and if necessary, warned about his/her behavior and the matter conducted with a recording to that effect made by the Complaints committee. However, if the complainant wishes to proceed with the complaint beyond a mere warning to the Accused, the same will be proceeded with in the manner prescribed in this policy under the „proceedings“ section.


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9. Proceedings of the Complaints Committee

1. The following is the redressal process, which will be adopted by the Complaints committee to address any complaints lodged by an employee: The complaints Committee will prepare the statement of allegation and will share the same with the Accused.
2. If the Accused desires to tender any written explanation to the statement of allegation, he/she shall submit the same to the Complaints Committee.

The Complaints Committee will give ample opportunity to the Complainant and the Accused, for putting forward and defending their respective case by presenting witnesses and evidence, which may establish their claims.

3. The Complainant and the Accused will have the right to submit supporting evidence.
4. The complaints Committee will complete the enquiry/ investigation and prepare a report of its findings on the charges against the Accused and its decision to the Managing Director and any other such persons as nominated by him (henceforth referred to as the "Management") within a period of sixty days from the date of filing of the Complaint by the Complainant. The report of the Complaints Committee will also include recommendations to the Management for imposition of penalty along with reasons for such recommendations, as applicable.


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10. Implementation of Recommendations of the Complaints Committee


1. The Management will consider the recommendations and findings of the Complaints Committee and will be required to arrive at a decision with respect to the proposed corrective action against the accused with ten days of the submission of the report by the Complaints Committee.
2. The Management has the right to issue such order and/ or directions as it deems fit. The Management shall also endorse a copy of its order to the Complainant, Accused and to the Complaints Committee.

11. Punishment for Sexual Harassment

The Management can impose the following penalties, which are indicative and not exhaustive on an employee who is found guilty of sexual harassment. These can be further classified as minor and major penalties, as follow:

- Minor Penalties
- Written Warning
- Major Penalties
- Withholding of performance based pay awards and bonus
- Withholding of promotion
- Termination of service

Further the employee will also be required to give a written apology to the Accused and upon his/her failure to do so, the penalty can be enhanced.


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12. Protection against Victimization

The following will be obligations of the Organization, during the processing/ investigation of the Complainant:

1. In the event the Accused is the Complainant's Reporting Manager/ senior, the Organization will review the possibility of relocating the employee within the Organization and ensure that the Complainant is not being evaluated by the Accused.
2. Ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Accused, whether directly or indirectly, will result in appropriate action against the Accused by the Complaints committee in consultation with the Management.
3. In case the Accused is a third party interacting with the organization, such accused shall not be allowed to enter the organization premises except for the purpose of attending any meeting/ interaction as and when required by the Complaints Committee

Post Conclusion of the Investigations of the Complaint, the Organization will observe the following:

1. If the Accused is found to be guilty, the Accused shall not write the evaluation/ reports of the Complainant, if she is otherwise authorized to do so.
2. In case the Accused is a third party interacting with the organization, and found to be guilty, the Accused shall not be allowed to enter the organization premises.


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In the event, the Complaints Committee after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false and made with mala fide intention by the Complainant, then the Complaints Committee shall take such appropriate measures, in consultation with the Management, against the complaint, as it may deem necessary.

13. Criminal Proceedings

In case the act under sexual harassment amounts to a specific offence under the applicable law, the Management shall initiate appropriate action, in accordance with law, by making a complaint with the appropriate authority.

Approved by: Secretary

Date: 30-08-2020

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UNIVERSITY OF MUMBAI
No. CONCOL/ 24 / of 2014 – 2015

CIRCULAR:-

The Government of India has published the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for its implementation at the organization levels.

WHEREAS, sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS, the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;


AND WHEREAS, it was expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace and accordingly Indian Parliament has enacted The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto;

AND WHEREAS, in exercise of power conferred by Sub-section (3) of Section (1) of the Act 2013, the Central Government has notified the Act to come into force from Ninth December Two Thousand Thirteen;

AND WHEREAS, in exercise of power conferred by Section 29 of the Act, the Central Government has made rules which are known as The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, which also came into force from Ninth December Two Thousand Thirteen;

AND WHEREAS, under Section 4 of the Act 2013, it is incumbent upon the employer of a workplace to constitute an Internal Complaints Committee and make such other rules in accordance with the provisions of the Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto;

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PURSUANT HEREOF, all the employers of the colleges/ institutions affiliated to the University of Mumbai are hereby directed that:

1. If there exist no Internal Complaints Committee in accordance with the Act 2013, to constitute the Internal Complaints Committee, strictly in accordance with the provisions of the Act 2013, within two weeks from the receipt of this circular.
2. If there exist any Committee prior to the enactment of these rules but has not been reconstituted in accordance with the provisions of the Act 2013, then, to re-constitute such existing committee strictly in accordance with the provisions of the Act 2013, within two weeks from the receipt of this circular.
3. All Institutions/colleges should intimate the complete details of the duly constituted or re-constituted Internal Complaints Committee to the University of Mumbai within four weeks from the date of the receipt of this circular.
4. All Institutions/colleges should strictly comply with all the provisions of the Act 2013, particularly the duties of the employer as envisaged under Section 19 of the said Act.
5. In addition to the aforesaid for giving effect to any provision of the Act 2013, all the Institutions/colleges should do such other things or take other steps which are required to be done or taken under the said Act or such other Act for the time being in force.

In pursuance to the Act 2013, the Chairmen / Directors and Principals of the affiliated colleges/institutions are hereby requested to follow the above directions immediately regarding the establishment of the Internal Complaints Committee as per the Act 2013 in the respective colleges/institutions.

Mumbai – 400 032
Date:- 12/11/2014



(Dr. M.A. Khan)
Registrar
(University of Mumbai)

To,
The Chairmen / Directors and Principals of all the affiliated colleges / institutions
for information & necessary action.

Copy for information:-

1. The Secretary, Higher & Technical Education Department, Mantralaya Annexe, Mumbai – 400 032.
2. The Director, Higher Education, Maharashtra State, Central Building, Pune – 411 001.

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3. The Director, Higher & Technical Education, Elphinstone Technical School Building, Mahapalika Marg, Mumbai – 400 001.
4. The Joint Director, Higher Education, Mumbai Region, Mumbai – 400 001.
5. The Joint Director, Higher Education, Konkan Region, Panvel – 400 001.
6. The Joint Director, Technical Education Department, Kherwadi, Bandra (East), Mumbai – 400 051.
7. The Presiding Officer, College Tribunal for Mumbai and S.N.D.T. Women's Universities, University Building, East Wing, Fort, Mumbai – 400 032.
8. University of Mumbai College Principals Association, Dnyansadhana College of Arts, Science & Commerce, Near Eternity Mall, Thane (W) – 400 604.
9. The Secretary, Association of Non-Government College (A.N.G.C.), Vidyapeeth Vidyarthi Bhavan, Churchgate, Mumbai – 400 020.
10. The General Secretary, Bombay University and College Teachers Union, Mumbai University Club House, "B" Road, Churchgate, Mumbai – 400 020. (Two copies)
11. The Executive Secretary to the Vice-Chancellor and the Personal Assistants to (i) the Pro-Vice-Chancellor (ii) the Registrar and (iii) the Director, BCUD.
12. Record Section (10 copies).


(Dr. M.A. Khan)
Registrar
(University of Mumbai)

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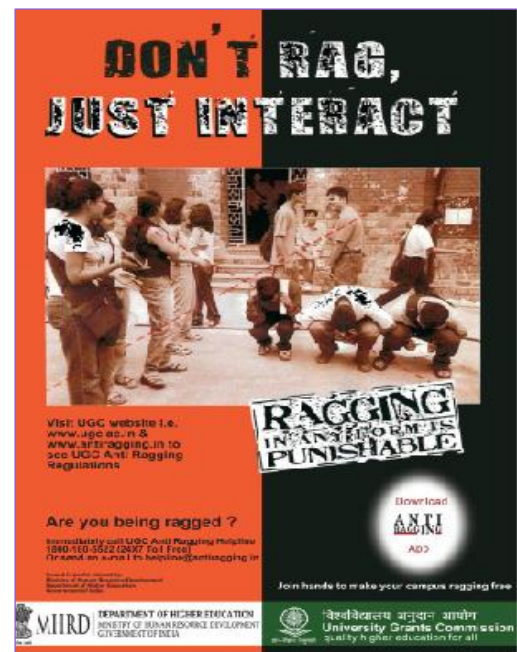

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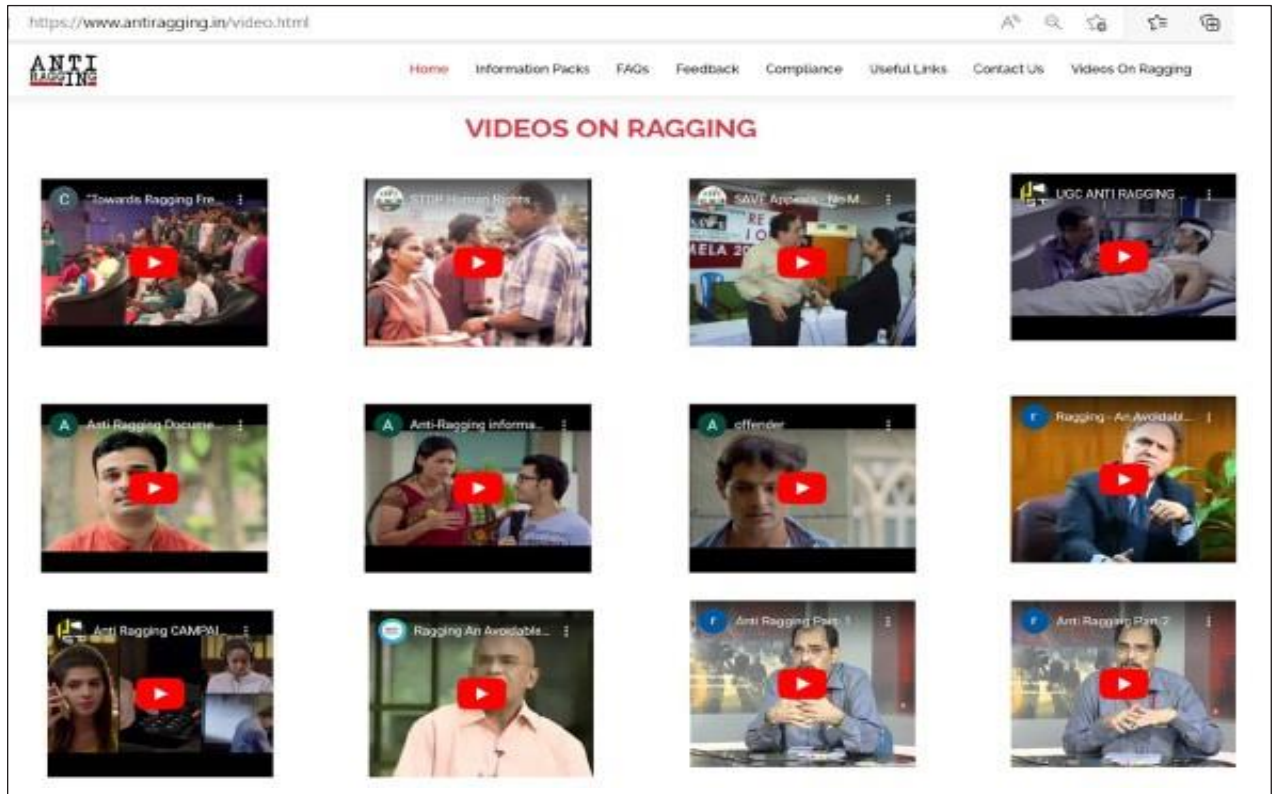
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