

From	Dr. Atul Patel, Registrar, CHARUSAT University
To	All Deans & Principal All Faculty members, Non-Teaching staff and Students
Copy to	The Provost, CHARUSAT University
Subject	Mechanism for Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students
Circular no.	CHA/ADM/ICC/24/0197
Date	6 <sup>th</sup> February, 2024

The CHARUSAT University emphasis on providing opportunities to all individual to learn & grow and to work in safe environment where people gets dignity and respect they deserve. Time and again substantial steps have been taken to establish safer and more inclusive learning and working environments by the university. Hence, in pursuance of UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations, 2015 the Internal Complaints Committee (ICC) of the university is constituted, as under ;

Sr. No.	Category of Nomination	Name	Designation
1	Senior-level women faculty member	Prof. (Dr.) Mrunali R Patel Ramanbhai Patel College of Pharmacy CHARUSAT University email : mrunalipatel.ph@charusat.ac.in	Chairperson
2	Two faculty members	i) Ms. Dolly Sharma Assistant Professor, BDIPS CHARUSAT University email : dollysharma.cips@charusat.ac.in  ii) Dr. Hardik Jayswal Assistant Professor, DEPSTAR CHARUSAT University email : hardikjayswal.it@charusat.ac.in	Member  Member
3	Two non-teaching employee	i) Dr. Pramod Patel Librarian, I <sup>2</sup> IM, CHARUSAT University email : pramodpatel.lib@charusat.ac.in  ii) Ms. Nisha Dave Assistant Registrar CHARUSAT University email : nishadave.adm@charusat.ac.in	Member  Member Secretary
4	One member from NGO or association	Prof. (Dr.) Darshana Dave Dean, MBA Dept. S.P.University, V.V.Nagar email : davedarshana@rediffmail.com	External Member

5	Three students from U.G, P.G & Research Scholar level (only, if the matter involves students)	i) <u>U.G Level</u>	Member
		Nisarg Chaudhari (22DCE011) Bachelor of Technology (CE) DEPSTAR, CHARUSAT University	
		ii) <u>P.G Level</u>	Member
		Prachi Patel (23PGCE006) Master of Technology (CE) CSPIT, CHARUSAT University	
		iii) <u>Research Scholar Level</u>	Member
		Dhatri Raval (19DRMCA010) CMPICA, CHARUSAT University	

The term of the above nominated members shall be for a period of three years i.e from **1<sup>st</sup> January, 2024 to 31<sup>st</sup> December, 2026** or till he/she holds the position by virtue of which he/she is nominated, whichever is earlier. Atleast half of the total members of the ICC can constitute the quorum.

### OBJECTIVES

- To create healthy & safe working environment for all, specifically for women employees and students.
- To prevent discrimination and sexual harassment against the women, by providing 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 the women, by the students and employees.
- Deal with the cases of discrimination and sexual harassment against the women, in a time bound manner aiming at ensuring support services to the victimised and termination of the harassment.
- Recommend appropriate punitive action against the guilty party to the Chair / Provost of the university.

### IMPORTANT DEFINITION

**Sexual Harassment** includes such unwelcome sexually determined behaviour by any person individually or in association with other person or by any person in authority, either directly or by implications such as ;

- i) Any unwanted conduct with sexual undertones if it occurs or which is persistent and which demands, 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;
  - any unwelcome physical, verbal or non-verbal conduct of sexual nature
  - demand or request for sexual favours
  - making sexually coloured remarks
  - trying to have physical contact and advances
  - eve teasing, jokes causing or likely to cause awkwardness or embarrassment
  - showing pornography
  - Innuendos and taunts
  - Gender based insults or sexist remarks



- 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:
- promise of preferential treatments as quid pro quo for sexual favours
  - threat of detrimental treatment in the conduct of work
  - threat about the present or future status of the person concerned
  - creating an intimidating offensive or hostile learning environment
  - humiliating treatment which is likely to affect the health, safety and dignity or physical integrity of the person concerned
- iii) Physical confinement against one's will and any other act likely to violate one's privacy.
- iv) Any act of gender discrimination such as denial of employment to women due to women's reproductive role or rigidity in attitude, which hinders the reproductive role to women (for example, non-flexible working hours and timings, non-availability of day care services, lack of maternity leave etc.)

**Aggrieved Women** means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected by any act of sexual harassment by the respondent.

**Campus** means any location or the land on which CHARUSAT university and its constituent institutional facilities like libraries, laboratories, lecture halls, residences, halls, auditoriums, toilets, students centres, hostels, dining halls, parking areas, other amenities like health centre, canteen, bank counters etc. are situated and also includes extended campus and covers within its scope places visited as a student of the institute including transportations provided for the purpose of commuting to and from the institutions, the locations outside the institution on field trips, internships, study tours, 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 concern institute or university.

**Employee** means a person employed by the CHARUSAT university or its institutes (regular/term/contract basis) and also includes for this regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistant whether employed or not including those involved in field studies, projects, short-visits, camps etc.

**Student** means a person duly admitted and pursuing a programme 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 Higher Education Institutions other than the HEI where such student is enrolled shall be treated for the purpose of these regulations as a student of that HEI where any incident of sexual harassment takes place against such student.

**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 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 violation.
- (b) 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.
- (c) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment;
- (d) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- (e) to provide assistance if an employee or a student chooses to file a complaint with the police.

## **PROCESS FOR MAKING COMPLAINT**

An aggrieved person is required to submit written complaint to ICC within three months from the date of incident and in case of 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 responsible 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 filling 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 to the ICC.
- (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 Provost, CHARUSAT University. A copy of the findings or recommendations shall also be served on both the parties to the complaint.
- (d) The Provost 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 Provost within a period of thirty days from the date of recommendations.
- (f) If the Provost 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 Provost shall proceed only after considering the reply or hearing by 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 of the offender shall not be made public or kept in the public domain specifically during the process or the inquiry.

**INTERIM REDRESSAL** The concerned institute / university may take any of the following action(s)

- a) transfer the complaint or the respondent to another section or department to minimise the risks involved in contact or interaction, if such as 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 examination 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 or surroundings;
- e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making complaint of sexual harassment;

#### **PUNISHMENT AND COMPENSATION**

- a) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the university if the offender is employee.
- b) Where the respondent is a student, depending upon the severity of the offence, the following punishment can be imposed
  - withhold privileges of the student such as access of library, auditoria, halls of residence, transportation, scholarships and identity card
  - suspend or restrict entry into the campus for a specific period



- expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants
  - award reformatory punishment like mandatory counselling and / or performance of community services
- c) The aggrieved person is entitled to the payment of compensation. The competent authority of the university shall issue direction for the payment of the compensation recommended by the ICC and accepted by the Provost of the university which shall be recovered from the offender. The compensation payable shall be determined on the basis of
- mental trauma, pain, suffering and distress caused to the aggrieved person
  - the loss of career opportunity due to incident of sexual harassment
  - the medical expenses incurred by the victim for physical, psychiatric treatment
  - the income and status of the alleged perpetrator and victim; and
  - the feasibility of such payment in lump sum or in instalments

### **ACTION AGAINST FRIVOLOUS COMPLAINT**

If the ICC concludes that allegations made were false, malicious or the complaint was made knowing it to be untrue / forged or misleading information has been provided during the inquiry, then the complainant shall be liable to be punished as per the provisions of regulation 10 of the notification issued by the UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in HEI) regulations, 2015 dated 02.05.2015 (*refer clause "Punishment and Compensation" as mentioned 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.

[Note : In case of any dispute or doubt arise then the provision of the 'University Grant Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 dated 02.05.2016 be referred.]



Dr. Atul Patel  
Registrar