

**The Sexual Harassment Monitoring Committee
Against Sexual Harassment of Women at Workplace
(Prevention, Prohibition And Redressal) :
Rules and Procedures**



GUJARAT TECHNOLOGICAL UNIVERSITY

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POLICY AGAINST SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE

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I. PREAMBLE

Gujarat Technological University (GTU) is the largest state technical University, established by the legislative assembly of the State of Gujarat vide Act No. 20 of 2007. Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013” is notified in the Gazette of India in the year 2013. The ACT provides for protection against sexual harassment of women at workplace. Three key obligations were imposed on institutions to meet that standard, namely:

- ✚ Prohibition
- ✚ Prevention
- ✚ Redress

University Grant Commission has also notified in the Gazette of India on 2nd May 2016, *University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015*. As per the mandate given by the UGC Regulations, 2015:

“It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps require.”

The Supreme Court of India created legally binding guidelines in a landmark judgment, *Vishaka vs. State of Rajasthan (1997)*. These guidelines are based on the right to equality and dignity rendered under the Constitution of India and by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Guidelines comprised of:

- ✚ A definition of sexual harassment
- ✚ Shifting accountability from individuals to institutions
- ✚ Prioritizing of prevention of discrimination based on gender
- ✚ Provision of an innovative redress mechanism

All the Higher educational institutions are also bound by the Supreme Court’s directive (Vishaka Guidelines), the Act and UGC (*Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions*) Regulations, 2015. Gujarat Technological University is keen to creating and maintaining an environment, in all its campuses, which is free of all forms of gender violence, sexual harassment, and discrimination based on sex/gender. As per the provisions of the UGC (*Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions*), Regulations 2015 GTU has constituted a committee called “Internal Complaint

Committee (ICC) to Prevent Sexual Harassment of Women at the Workplace. i.e. Sexual Harassment Monitoring Committee (SHMC)”

II. **OBJECTIVE**

The main objective of framing these rules is to support and strengthen, “*Zero Tolerance*” policy adopted by the University for Gender Inequality and Prevention of sexual harassment at work place. These rules are prepared and published for all employees, workers, students etc. of Gujarat Technological University, as defined in the UGC Regulations, 2015 to provide a basic understanding of sexual harassment at workplace.

OBJECTIVES OF SEXUAL HARASSMENT MONITORING COMMITTEE (SHMC)

University has constituted Sexual Harassment Monitoring Committee (SHMC) as an Internal Complaint Committee (ICC) as defined in the UGC Regulations, 2015. The objectives of the SHMC is to Prevent Sexual Harassment of Women at the Workplace are as follows:

- ✦ To develop a policy against sexual harassment of women.
- ✦ To develop a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence.
- ✦ To create a secure physical and social environment to discourage any act of sexual harassment
- ✦ To support the commitment of the University to provide an environment, free of gender-based discrimination as per Article 14 of the Constitution of India. i.e. “*Zero Tolerance*” policy
- ✦ To ensure the implementation of the Rules in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- ✦ To promote a social and psychological environment to raise awareness regarding prevention of sexual harassment.

Further, the policy against Sexual Harassment of Women shall now be called The Sexual Harassment Monitoring Committee against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures.

III. **DEFINITIONS**

- 1) A. “Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely¹:-
 - a. Physical contact and advances; or
 - b. A demand or request for sexual favours; or
 - c. Making sexually coloured remarks; or
 - d. Showing pornography; or
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

¹ Ibid, Section 2 (n)

B. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment²:-

- a. Implied or explicit promise of preferential treatment in her employment; or
 - b. Implied or explicit threat of detrimental treatment in her employment; or
 - c. Implied or explicit threat about her present or future employment status; or
 - d. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - e. Humiliating treatment likely to affect her health or safety.
- 2) "Aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent³.
- 3) "Respondent" means a person against whom the aggrieved woman has made a complaint under section III (1).
- 4) "Student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short term training programmes in a University;

Provided that a student who is in the process of taking admission in University, although not yet admitted, shall be treated, for the purpose of these regulations, as a student of that University, where any incident of sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities in a university other than university where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that university where any incident of sexual harassment takes place against such student.

- 5) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name⁴.
- 6) "Academic staff" includes any person on the PayRoll of the University who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, contract basis, guest faculty, visiting faculty, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- 7) "Non-teaching staff" includes any person on the PayRoll of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wagger, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
- 8) "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of Gujarat Technological University.
- 9) "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Gujarat Technological

² *Ibid*, Section 3 (2)

³ *Ibid*, Section 2 (a) of UGC Regulations 2015

⁴ *Ibid*, Section 2 (f) of UGC Regulations 2015

- University, irrespective of whether he/she is the person to whom the accommodation is officially allotted.
- 10) "Service provider" includes any person who runs or manages commercial enterprises on the campus, or provides services to the campus. It includes, but is not limited to persons working in canteen on the campus, as well as persons working in staff quarters on the campus etc.
 - 11) "Chairperson" means the Chairperson of the ICC/SHMC nominated under sub-section V(1)(A)(a)
 - 12) "Employer means-
 - a) in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in the behalf.
 - b) in any workplace not covered under sub-section (i), any person responsible for the management, supervision and control of the workplace⁵.
 - 13) "Campus" includes all places of work and residence in the Gujarat Technological University campus. It includes all places of instruction, research and administration such as health center, library, university press, hostels, guest houses, public places and places of residence allotted and administered by Gujarat Technological University, including the shopping center, post office, bank, playground etc.
 - 14) "Third party" shall include the NGO representative and eminent woman academic serving on ICC/SHMC.
 - 15) "Counselor" includes any woman appointed by the University authorities, who has proven expertise in social and personal counseling on matters arising out of incidents of sexual harassment.
 - 16) "Eminent woman academic" includes a senior woman academic who is presently not a member of either the academic or the non-teaching staff of Gujarat Technological University, and who has experience in working for gender equality.
 - 17) "Enquiry Committee" will be ICC of the institute or SHMC of the University
 - 18) "ICC" shall be the Internal Complaints Committee of Institute against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures.
 - 19) "SHMC" shall be the Gujarat Technological University Internal Complaints Committee Against Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal): Rules and Procedures
 - 20) "NGO" includes any Non-Governmental Organization registered under the Societies Registration Act or as a public charitable trust. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women for a minimum of three years. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to Gujarat Technological University; i.e. at least two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of Gujarat Technological University.

⁵ *Ibid*, Section 2 (g) of UGC Regulation 2015

- 21) "University" means Gujarat Technological University. "University authorities" shall refer to the Vice-Chancellor of Gujarat Technological University, as well as any such person to whom such powers may be delegated, or any person who is entrusted with the powers and functions to act on behalf of the University under the Gujarat Technological University Act, 2007, or Regulations thereunder.
- 22) "HIGHER EDUCATION INSTITUTION(HEI): HEI means a University within the meaning of clause (j) 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 under section 3 of The University Grants Commission Act,1965 (3 of 1956)
- 23) "Vacations" shall refer to the period when the Affiliated Institute is observing vacations according to Academic Calendar issued by the University.
- 24) "Vacations Committee" as defined in Section V(3) herein.
- 25) "Appeals Committee" as defined in Section XII (ii)(d) herein.

IV. JURISDICTION

- 1) The affiliated colleges shall formulate an Internal Complaints Committee (ICC) as per Sections V of the Policy.
- 2) It shall apply to all students, academic staff and non-teaching staff on active roles of Gujarat Technological University, as also to residents, service providers and outsiders, on the Gujarat Technological University campuses, to the extent specified in these rules and procedures.
- 3) It shall also apply to all the affiliated Colleges, Zonal offices, Regional GIC Centers, Centers of excellence or any other office/ establishment directly or indirectly in control of or run by Gujarat Technological University.
- 4) This Policy shall be applicable to all complaints of sexual harassment made as under:-
 - (a) By a student, a member of the academic teaching staff, or by a member of the non-teaching staff against a student or another member of the academic or non-teaching staff; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
 - (b) By a service provider or an outsider against a student or a member of the academic teaching staff or non-teaching staff or made by a student or a member of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.
 - (c) By a resident against a student or a member of the academic teaching staff or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
 - (d) By a member of a committee formed as per prevailing GTU Regulations against a student or a member of the academic teaching staff or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a member of a committee formed as per prevailing GTU Regulations, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

V. CONSTITUTION OF ICC/ SHMC

Constitution of the ICC/ SHMC shall be as prescribed in the University Grants Commission (Prevention, Prohibition and Redressal of Sexual harassment of women employees and Students in higher educational institutions) Regulations, 2015.

A. Internal Complaints Committee shall consist of the following members:

- a. **“The Chairperson/ Presiding Officer** who shall be a women faculty member employed at a senior level (not below a Professor in case of University and not below an Associate Professor or Reader in case of a College) at the educational institution, nominated by the Vice-Chancellor of Gujarat Technological University

Provided that in case a senior level employee is not available, the Chairperson/ Presiding Officer shall be nominated from other Offices or administrative units of the workplace.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the Chairperson/ Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;”

- b. **Two faculty members and two non-teaching employees**, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Vice-Chancellor of Gujarat Technological University;
- c. **Three students**, if the matter involve students, who shall be enrolled at the undergraduate, master and research scholar levels respectively nominated by the Vice-Chancellor of Gujarat Technological University;
- d. **One member from amongst non-government organisation** or associate committed to the cause of Women or person familiar with the cases relating to sexual harassment, nominated by the Vice-Chancellor of Gujarat Technological University.

B. At least one half of the total members of the ICC/SHMC shall be women.

1) **TERM OF ICC/SHMC**

- ✚ The term of both the Committees shall be for three years.
- ✚ Vice Chancellor, Gujarat Technological University has power to nominate/remove/add any member of the SHMC as deemed fit before the expiry of the term.
- ✚ The University/HEI shall ensure that the SHMC/ICC is constituted before the expiry of the term of the existing committee.

2) **VACATIONS COMMITTEE**

During the period when there is vacation, ICC shall strive to ensure the discharge of its duties and functions, in accordance with the procedure outlined herein:

- 1) ICC shall designate from within itself a Vacations Committee(s), for the period when the Institute is in vacation, of not less than five persons. Half of the members of the said Committee shall be women.
- 2) The Vacations Committee shall nominate from within itself a Convener, who shall be a woman faculty member, and shall exercise all the powers and functions of the Chairperson of ICC outlined herein. As and when the Chairperson resumes duty, the convener shall cease to hold office.
- 3) At least seven days before every vacation ICC shall intimate the concern stake holders by Public Notice the contact details of the members of the Vacations Committee.
- 4) On any complain, the chairperson of vacations Committee shall call a meeting to discuss and initiate further action on the complaint in accordance with the procedures outlined in this policy.

VI. **DISQUALIFICATION OF CHAIRPERSON AND MEMBERS**

A person shall be disqualified for being appointed, nominated or designated as, or for being continued as, a member of 'Sexual Harassment Monitoring Committee ICC/SHMC' if he / she is –

- 1) Facing any inquiry relating to sexual harassment or found guilty of sexual harassment.
- 2) Punished for any misconduct in the past.
- 3) Having unsound mind
- 4) Having any pending case in court / Convicted in any criminal offence(s).
- 5) Not attending the meetings regularly without genuine reason
- 6) Not showing interest to strengthen the SHMC at university level
- 7) Found guilty for disclosing confidential information related to sexual harassment cases to any third party.

VII. **STATUTORY STATUS:**

The Internal Complaint Committee to Prevent Sexual Harassment of Women at the Workplace/ SHMC is empower to carry out the mandate of the policy and has statutory power as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:

- 1) Summoning and enforcing the attendance of any person (COMPLAINANT /COMPLAINEE /WITNESS) and examining him/her on OATH and recording the statements
- 2) Requiring the discovery and production of valid Documents
- 3) Any other matter which may be prescribed

VIII. DUTIES OF THE COMMITTEE:

The committee is NOT supposed to act as a moral police; neither will it intrude on anyone's privacy. The role of the Committee is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment, and to curtail sexual expression within the campus. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress up or behave) affect their functioning as members of the committee.

1) Preventive

- a. To create and ensure a safe environment that is free of sexual harassment.
- b. To create an atmosphere promoting equality and gender justice.
- c. To publicise the policy widely, especially through prospectuses, notice boards etc.
- d. To publicise the names and phone numbers of members of the committees.
- e. To plan and carry out programmes for gender sensitisation with the assistance of the Gender Sensitising Committees/Women Development Cell(WDC)/ICC (wherever they exist).

2) Remedial

- a. To make a mechanism for registering complaints that is safe, accessible and sensitive.
- b. To take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- c. To recommend to the concerned authorities follow-up action and monitor the same.
- d. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- e. To seek medical, police and legal intervention with the consent of the complainant.
- f. To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if s/he so desires.

IX. MEETINGS OF ICC/SHMC:

- 1) ICC/SHMC shall meet at least four times in a year.
- 2) Members shall be intimated of meetings in writing or by electronic communication.
- 3) Minutes of all meetings shall be confirmed and adopted.
- 4) Any member may request the Chairperson to call an Ordinary Meeting. Forty-eight hours' notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall be one-third of the members of ICC/SHMC. Motions shall be carried by a simple majority.
- 5) Any member may request the Chairperson to call an Emergent Meeting. At least twenty-four hours' notice shall be required for such a meeting to be called. The quorum for an Emergent Meeting shall be one-third of the members of ICC/SHMC. Motions shall be carried by a simple majority.
- 6) A Special Meeting may be called by the Chairperson of ICC/SHMC, with at least twenty-four hours' notice. A special meeting shall have a quorum of two-third of the members of ICC/SHMC, and the attendance of at least one of the third party members shall be

mandatory. Motions shall be carried by a two-thirds majority of the members present and voting.

- 7) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. But for the adjourned Ordinary or Special meetings, the required quorum shall be the same as in regular meetings.
- 8) At least one meeting should be called specifically for the purpose of the presentation of the Annual Report of ICC/SHMC at the end of the Calendar Year.

X. PROCEDURE FOR REGISTERING COMPLAINT

- 1) Any woman employee or female student or? (hereinafter mentioned as the 'COMPLAINANT') shall have the right to file a complaint concerning any sexual harassment against a male student /employee /faculty /administrative staff / research staff / any of the members of the Committee (hereinafter mentioned as the 'COMPLAINEE') as the case may be. The name, address, identity of complainant or any other particulars related to the filed case shall be kept confidential.
- 2) An Aggrieved Person is require to submit a written complaint to the ICC/SHMC within three months of the date of incident and in case of a series of incidents within the period of three months from the date of last incident in the prescribed form-I.
- 3) Provided that where such complaint cannot be made in writing, the chairperson/presiding officer or any member of the internal committee shall render all reasonable assistance to person for making complain in writing.
- 4) 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 circumstances were such which prevented the person for making complaint in writing.
- 5) Friend, 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 in capacity or death.
- 6) The complainant is required to provide supporting documents / CD / Video / CCTV footage etc., if available, along with written request letter to the ICC/SHMC to avoid injustice.
- 7) SHMC Chair Person will ask for a report from the concern ICC on receipt of the complaint within ten days. On receipt of the report from ICC of the concern institute, SHMC will convene meeting within a period of 5 working days to make preliminary enquiry/fact finding enquiry to verify the facts of the complaint.
- 8) On the basis of preliminary enquiry, if SHMC decides to proceed with the complaint, committee may have the option to settle the matter between complainant & complainee through conciliation. For this the wish of the complainant shall be ascertained.
- 9) If the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behavior. The matter shall then be treated as concluded and disposed of with a note to that effect made in the complaint register.

- 10) The ICC of institute shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

XI. THE INQUIRY PROCESS

The ICC/SHMC shall comply with the procedure prescribed in these Regulations, for making a complaint and inquiring into the complaint in a time bound manner. All necessary facilities should be provided to the ICC/SHMC to conduct the inquiry expeditiously and with required privacy.

1) The Inquiry Process of ICC

- 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 or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- c. The inquiry has to be completed within a period of ninety days from the 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 SHMC. Copy of the findings or recommendations shall also be served to both parties of the complaint.
- d. If the SHMC 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 of the proceedings.
- e. An appeal against the findings or /recommendations of the ICC may be filed by either party before the SHMC within a period of thirty days from the date of the recommendations.
- f. The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain

2) The Inquiry Process of SHMC

- a. The SHMC 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 or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- c. The inquiry has to be completed within a period of ninety days from the 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. Copy of the findings or recommendations shall also be served on both parties to the complaint.

- d. An appeal against the findings or /recommendations of the SHMC may be filed by either party before the Vice Chancellor within a period of thirty days from the date of the recommendations.
- e. If Vice Chancellor decides not to act as per the recommendations of the SHMC, then he/she shall record written reasons for the same to be conveyed to SHMC and both the parties of the proceedings. If on the other hand it is decided to act as per the recommendations of the SHMC, then Vice Chancellor will ask the employer to issue a show cause notice on the party against whom action is decided to be taken, answerable within ten days
- f. The employer i.e. Registrar being an administrative head of the University will ensure implementation of recommendation of the SHMC in consensus with the Vice-Chancellor, GTU.
- g. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. Vice Chancellor shall facilitate a conciliation process through SHMC, 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 unitive intervention.
- h. The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain.

XII. PROVISIONS FOR APPEAL AGAINST THE FINDINGS OR / RECOMMENDATIONS OF THE SHMC

An accused or complainant may file an appeal to the Vice Chancellor in following circumstances,

- (i) In the event of the SHMC not taking action on a complaint
- (ii) If the complainant or accused is dissatisfied with the disciplinary action taken by the SHMC, complainant can file appeal to the Vice Chancellor with all supporting documents.

Procedure to be followed:

- a) Appeal(s) may be lodged with the University authorities, in case of appeal as per (i) / (ii) above, in the prescribed Form:IX .
- b) Complainant may file an appeal within 30 days of the receipt of order of SHMC.
- c) Within seven working days of the Appeal received, Vice Chancellor shall convene a meeting of the Appellate Committee in case of (i)/ (ii).
- d) An Appellate Committee shall consist of the following 4 members

1. Vice Chancellor will be the chairperson of the Appellate Committee.
 2. One person to be nominated by the Board of Governor of Gujarat Technological University from amongst its members.
 3. One former Chairperson of SHMC or any former senior woman member of SHMC nominated by the Vice-Chancellor.
 4. One-woman faculty member from the Post Graduate Schools of the Gujarat Technological University, or any other senior woman faculty member nominated by the Vice-Chancellor.
- (iii) The Appellate Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official records. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines laid down in the Rules and Procedures.
- (iv) The Appeals Committee shall report to the Board of Governors of Gujarat Technological University its findings and recommendations on the nature of the action to be taken on the appeal.

XIII. DISCIPLINARY ACTIONS/PENALTIES-

- 1) During pendency of inquiry.—(1) During the pendency of an inquiry on a written request made by the aggrieved woman/person, the Internal Committee or SHMC, as the case may be, may recommend to the employer to—
 - a. Transfer the aggrieved woman or the respondent to any other workplace; or
 - b. Grant leave to the aggrieved woman up to a period of three months, salary of the said period will be granted subject to the outcome of the complaint; or
 - c. Grant such other relief to the aggrieved woman as may be prescribed.
- 2) The leave granted to the aggrieved woman/person under this section shall be in addition to the leave she would be otherwise entitled.
- 3) On the recommendation of the ICC or the SHMC, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the SHMC, as the case may be.
- 4) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI or Institute/ University, if the offender is an employee.
- 5) Where the respondent is a student, depending upon the severity of the offence, the University may-
 - a. Withhold privileges of the student, such as access to the library, auditoria, halls of residence, transportation, scholarships, allowance, and identity card;
 - b. Suspend or restrict entry into the campus for a specific period.
 - c. Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants,
 - d. Award reformatory punishments like mandatory counseling and, performance of community services.

- 6) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC/SHMC, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-
 - a. Mental trauma, pain, suffering and distress caused to the aggrieved person;
 - b. The loss of career opportunity due to the incident of sexual harassment;
 - c. The medical expenses incurred by the victim for physical, psychiatric treatment;
 - d. The income and status of the alleged perpetrator and victim; and
 - e. The feasibility of such payment in lump sum or in installments.
 - f. Registrar, GTU being an administrative head of the University will ensure payment of compensation, if any recommended by the SHMC.

XIV. **FRIVOLOUS COMPLAINT**

As defined in the Rule 11 of the University Grants Commission (Prevention, Prohibition and Redressal of Sexual harassment of women employees and Students in higher educational institutions) Regulations, 2015, to ensure the protection of employees and students from sexual harassment do not get misused, following is prescribed;

- 1) If the Committee finds that there is no merit in the complaint, SHMC shall record reasons for its conclusion.
- 2) A meeting of the Committee to be called to decide whether a show-cause notice shall be issued to the complainant.
- 3) If it is decided to issue a show-cause notice, the Chairperson of SHMC shall issue it to the complainant. The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant to explain, within seven working days, in writing and/or in person, as to why disciplinary action shall not be taken against him/her.
- 4) Within seven working days of receipt of any explanation from the complainant to the show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of SHMC shall convene a meeting to consider the explanation or any lack thereof.
- 5) If insufficient or unconvincing explanation received, SHMC shall put the case concerning the complaint before the Vice Chancellor, who shall impose strong penalty so that it excludes the possibility of lodging a motivated/forged complaint for maligning some person's character or any other reason.
- 6) Final decision is of the Vice Chancellor for deciding penalty to frivolous complaint.

XV. **PROTECTION AGAINST VICTIMIZATION**

- (i) If the complaint is by student against a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused/guilty teacher shall not supervise any academic activity of the complainant (student), including but not limited to, evaluation and examination. re-examination, and supervision of research.

- (ii) If a witness named by the complainant is a student in a complaint against teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused/guilty teacher shall not supervise any academic activity of the witness (student), including but not limited to, evaluation and examination, re-examination, and supervision of research.
- (iii) If both the complainant and the accused are members of the teaching and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused/guilty shall not write the Confidential Reports of the complainant, he is otherwise so authorized.
- (iv) If witnesses named by the complainant and the accused are members of the academic and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused/guilty shall not write the confidential reports of the witnesses, if he is otherwise so authorized.
- (v) If the accused is an outsider, during the pendency of the investigation and enquiry, the accused shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.
- (vi) If the accused is a resident/service provider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the order of restraint may be issued against him.

XVI. WITHDRAWAL

- 1) The complainant may withdraw her/his complaint in writing at any time during the enquiry procedure. However, ICC/SHMC must ascertain the reasons for withdrawal of the complaint, record the same in writing and get it counter-signed by the complainant.
- 2) The complaints enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the accused(s), or any person on her/his behalf on the complainant. In such an instance, the complaints enquiry proceedings shall continue in accordance with the procedure outlined in the policy.
- 3) If the complainant has contravened or attempts to contravene or abets contravention of other provisions of this Act or any rules made under the Act, He/she will be punishable as decide by committee member.

XVII. SPECIAL PROVISION FOR PHYSICALLY CHALLENGED PERSONS

In case a physically challenged person happens to be a victim of sexual harassment, the procedure for providing support to the person concerned would be more expeditious. In such cases, the victim may directly approach the Vice Chancellor. Depending upon gravity of the incident involved, the Vice Chancellor, in consultation with Chairperson of ICC/SHMC, may take necessary action to reduce the steps involved in the complaints and enquiry procedure as laid down in the Rules and Procedures document.

XVIII. **DISSENTING VIEWS**

If a member of ICC/SHMC does not agree with a majority decision of ICC/SHMC, she/he should have the right to submit a dissenting point of view along with reasons/evidence etc.

XIX. **ALLOWANCES**

The member appointed from amongst the non-governmental organizations or associations shall be paid fees or allowances for holding the proceedings of the Internal Committee.

The member appointed from amongst the non-government organizations shall be entitled to an allowance of Rs 1500 per day or part thereof for holding the proceedings of the Internal Committee. Reimbursement of travel cost incurred in travelling will be as per prevailing GTU norms. Reimbursement of travel cost incurred in travelling will be also applicable to student member of SHMC.

XX. **AMENDMENT IN POLICY**

Amendment to the Rules of SHMC shall have effect only in following circumstances:

- 1) It is mandated by the Sexual Harassment of Women at Workplace (Prevention, Prohibited, Redressal) Act, 2013 and/or *University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015*
- 2) *It is directed by the Board of Governor of the University due to change in Rules Regulation of the University.*
- 3) *Directed by the Vice Chancellor of the University.*

**END
OF
POLICY
DOCUMENT**

Various Performas

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FORM I
Performa for Filing of Complaints of Sexual Harassment

**In order to ensure accessibility and confidentiality for the visually impaired/physically handicapped (Divyang) complainant(s), the ICC/SHMC will arrange for the signature to be collected from them at their place of residence/work inside the campus.*

I. Complainant(s):

Student/resident/academic staff/ non-teaching staff/outsider/service provider / any other

Name	
Designation (if any)	
Age	
Sex	
Address	
Institute / College	
Enrollment Number/ Employee code (if any)	
Phone number	
Email address	

II. Person(s) against whom the complaint is being lodged:

Student/resident/academic staff/ non-teaching staff/outsider/service provider/any other

Name(s)	
Designation (if any)	
Age	

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Sex	
Address	
Institute / College	
Enrollment Number/ Employee code (if any)	
Phone number	
Email address	

III. The Complaint:

1. Is the defendant known to the complainant?	
2. Is this the first incident of this kind? If yes, skip 3 and 4.	
3. Were exactly the same person(s) involved? If no, specify further.	
4. Was the first incident reported? To whom? When? What action, if any was taken?	
5. Approximate date(s), time(s) and location(s) of incident(s), starting from the most recent.	

Note: For Sr. No. 4 & 5 additional sheets may be attached if required.

Additional details of the complaint may be recorded here:

Complaint filed by

Signature:

Date:

Name:

Place:

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FORM II
Order of Restraint (in duplicate)

Issued to Ms/Mr/Dr/Prof _____ on _____ by
Presiding Officer, SHMC. This is with reference to the complaint lodged by Ms / Mr
/ Dr / Prof _____ on _____ against Mr /
Ms / Dr/ Professor, received at SHMC Office, alleging that _____.

During the pendency of ICC/SHMC's investigative and inquiry procedures into the complaint against you, you are enjoined to respect the human rights, and the confidentiality of the complainant, his/her/their family witnesses.

You shall not commit any act (either directly or by implication) that invades the privacy of the complainant(s), threatens his/her/their security, violates his/her/their human rights or adversely affects his/her/their living, working, and/or educational environment. You (or any person on your behalf) shall not make any attempt to contact the complainant(s), or any person in his/her/their confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, especially those that pertain to his/her/their complaint of sexual harassment against you.

You (or any other person on your behalf) shall respect the right of the complainant(s) to full confidentiality on all matters, especially pertaining to his/her/their complaint of sexual harassment against you. You (or any other person on your behalf) shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about the complainant's personality, character or motivations in any of his/her actions, including those involved in his/her/their lodging a complaint of sexual harassment against you.

A violation of this order may prove prejudicial to your case and it may also induce the ICC/SHMC to recommend immediate disciplinary action against you, in accordance to the provisions of the SHMC Rules & Procedures, which state that:

- (ii) The complainant or any other person should intimate in writing the Presiding Officer of SHMC and/or the SHMC of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
- (iii) The Presiding Officer of SHMC, or the SHMC be convinced of the truth of such allegations. The Presiding Officer of SHMC may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The SHMC Committee or ICC shall retain the right to close the enquiry

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proceedings, and to give an *ex parte* decision on the complaint.

- (iv) SHMC shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

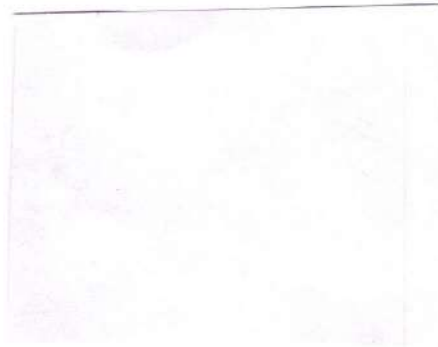
Please affix your signature in the space provided below to confirm that you have received the above restraint order and are informed of its provisions.

Signature: _____

Date: _____

Name: _____

Address: _____



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Form-III

Letter to Witnesses Named by the Complainant/Accused

TO,

Dear

The complaints of sexual harassment against _____ (name(s) of accused(s) has been lodged with the SHMC by _____ (name(s) of complainant(s)) on _____ (date). The complaint refers to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incident took place) in _____ (locations), where the accused(s) allegedly _____.

The SHMC is at present examining the complaint _____ has requested that we solicit your cooperation to corroborate/clarify certain aspects of his/her testimony. We would, therefore, like to meet you on _____ at _____ a.m./p.m. in the _____. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

The Rules & Procedures of the SHMC are available on the University website; www.gtu.ac.in.

Yours truly,

Chair Person, SHMC

Contact no. 079-23267615

Date: _____

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Form- IV
Summons to the Complainant

To,

Dear

This is with reference to the complaint of sexual harassment against _____ (name(s) of accused(s) that you lodged with the SHMC on _____ (date). The SHMC has recommended the institution of a formal enquiry proceeding into your complaint.

Based on your testimony before the SHMC on _____, the SHMC has prepared a charge sheet, on the basis of your complaint on _____. A copy of this charge sheet has been made available to the accused, and I enclose a copy for your records.

This is to request you to meet the SHMC on _____ at _____ a.m./p.m. in the _____. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chair Person SHMC (in writing) the names, postal addresses, and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chair Person SHMC (in writing) in advance.

The Rules & Procedures of the SHMC are available on the University website; www.gtu.ac.in

Yours truly,

Chair Person, SHMC

Date: _____

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Form- V
Summons to the Accused

To,

Dear

This is with reference to the complaint of sexual harassment lodged against you by _____ (name(s) of complainant(s) with the ICC on _____ (date). The SHMC has recommended the institution of a formal enquiry proceeding into the complaint.

Based on complainant's testimony before the SHMC on _____, the ICC has prepared a charge sheet, which is enclosed.

This is to request you to meet the SHMC Committee on _____ at _____ a.m./p.m. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chair Person (in writing) the names, postal addresses, and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chair Person (in writing) in advance.

The Rules & Procedures of the ICC are available on the University website; www.gtu.ac.in

Yours truly,

Chair Person, SHMC

Date: _____

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Form- VI

Summons to Witnesses Named by the Complainant/Accused

To,

Dear

This is with reference to a complaint of sexual harassment against _____ (name(s) of accused(s) lodged by _____ (name of complainant(s) with the ICC/SHMC on _____ (date) . The complaint refers to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incidents took place) in _____ (location) where the accused(s) allegedly _____. The ICC has instituted a formal enquiry proceeding into the complaint.

_____ (complainant) has requested that the SHMC to solicit your cooperation to corroborate/clarify certain aspects of his/her testimony. We would, therefore, like to meet you on _____ at _____ a.m./p.m. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

The Rules & Procedures of the SHMC are available on the University website; www.gtu.ac.in

Yours truly,

Chair Person,SHMC

Date: _____

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Form-VII
Summons to Witnesses

TO,

Dear

This is with reference to a complaint of sexual harassment against _____
(name(s) of accused(s) lodged by _____(name of complainant(s) with the
SHMC on _____ (date) . The complainant has alleged that the accused
_____.

The SHMC has instituted a formal enquiry proceeding against the accused. In the course
of its proceedings, the SHMC has formed the impression that you may be in possession
of information that may prove relevant to the Committee's deliberations on the
complaint and this is to solicit your cooperation in this regard. In particular, the SHMC
would like to ascertain your information of the following matter(s):

The SHMC would be appreciative if you could arrange to meet the Committee on
_____ at _____ a.m./p.m. in the SHMC office. We also request you
to bring along any documents, or other evidence, that you may feel to be relevant to
some aspect of the case.

The Rules & Procedures of the ICC are available on the University website;
www.gtu.ac.in .

Yours truly,

Chair Person, SHMC

Date: _____

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Form- VIII

Written Apology: Suggested Format
(To be Hand-Written by the Offender)

(Name of the Complainant) _____

This is to place on record my understanding that my misbehaviour toward you on (date) _____ in (place) _____, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality and security in the campus. Although I am aware that an apology for my unwelcome and gender insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologize for my action.

I, _____ undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy, threatens your security, violates your human rights, the Gujarat Technological University Policy against Sexual Harassment, or adversely affects your living, working and/or educational environment.

I, _____ undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating or exerting pressure upon you on all matters, specially those which pertain to your complaint of sexual harassment against me.

I, _____ undertake that henceforth, I, or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint against sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality; character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, _____, undertake that I shall attend the gender sensitization programme organized by SHMC. I shall make every effort to ensure that I shall never

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again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by others.

Signature _____

Name: _____

Address _____

Place _____

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Form-IX

**Appeal under Section XIII of the Policy:
The Internal Complaints Committee against Sexual Harassment of
Women at Workplace (Prevention, Prohibition and Redressal):
Rules and Procedures**

To

Appellate Authority (Vice chancellor, GTU)

.....
.....

A. Contact details:

1. Name of the Applicant	
2. Address	

B. Details about Case:

1. Particulars of the order against which appeal is preferred	(a) Order No.	
	(b) Date	
2. Date of submission of original application (Please attach a copy)		
3. Brief facts leading to appeal	(a) No response received within 90 days of submission of Form ____	
	(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached)	
	Grounds for appeal	
.....		
.....		
4. Prayer or relief sought		
5. Last date for filing the appeal		

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6. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time
7. Copies of documents relied upon by the applicant	

Signature of the Applicant