

ORDINANCE 17 : PREVENTION OF SEXUAL HARASSMENT

1.0 Definition

“Sexual Harassment” includes such unwelcome sexually determined behaviour (whether directly or by implication) as

- (a) Sexually offensive physical contact or advances;
- (b) A demand or request for sexual favours.
- (c) Sexually colored remarks;
- (d) Showing Pornography; And
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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 doing voluntary service, in the University, or in an affiliated institute, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the woman has reasonable ground 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 there to

2.0 Who Can Make a Complaint?

Sexual harassment also includes unwelcome

- Loaded comments having sexually offensive connotations.
- Remarks or jokes having sexually offensive connotations;
- Obscene, e-mails or phone calls having sexually offensive connotations
- Sexual physical gestures, lewd stares;
- Physical contact having sexually offensive connotations and stalking;
- Exhibition of pornography;
- Making of sounds having sexually offensive connotations;
- Playing of music or songs having sexually offensive connotations.
- Relating sexually explicit anecdotes;
- Threat to take vindictive action for denial of sexual favours;
- Singing lewd songs;

- Any act or behaviour that is sexual, based on sex or on sexual orientation, towards a person, that has the aim or effect of compromising that person's right to dignity, equality in employment, and to working conditions that are respectful of that person's dignity, their moral or physical integrity, their right to receive ordinary services offered to the public in full equality.
- The act or behaviour can notably take the form of: pressure (pressions), insults, remarks, jokes based on sex, touching, assault, all sexual exhibitionism, all unwelcome implicit or explicit sexual solicitations, all threats or all sexual blackmail.
- Any pressure, constraint of sexual nature carried out through words, gestures, threats, promises, writing, drawings, sending of objects, all sexually discriminatory remarks, targeting a person during a hire or while conducting his professional activity.
- Any behaviour is unacceptable if
 - (a) Such conduct is unwanted, unreasonable and offensive to the recipient
 - (b) A person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions; and /or
 - (c) Such conduct creates an intimidating, hostile or humiliating work environment for the recipient; and that such conduct may, in certain circumstances, be contrary to the principles of equal treatment within the meaning of Articles 14, 15, 16 and 21 of the Constitution of India.
- Act or conduct creating sexually hostile and intimidating environment.
 - (a) A person who is –
 - (i) A student of this University / affiliated colleges/institutions;
 - (ii) Seeking to be an employee or employed in this University / affiliated colleges/institutions;
 - (iii) A member of the staff of this University or is a member of any committee, board, management, academic council or holds an administrative or consultative position in the University. / Affiliated colleges/institutions;
 - (iv) An applicant for admission into any course offered by this University/ affiliated colleges/institutions.

Subject to the condition that:

Where a complaint instituted before the Complaints Committee is found to be frivolous or vexatious, the Committee shall, for reasons to be recorded in writing, dismiss the

complaint and make an order that the complainant shall pay to the opposite party a fine of minimum Rs. 5000/- (five thousand rupees).

3.0 The Complaint Committee

There shall be a 'University Complaint Committee' and an 'Institute Complaint Committee'.

(i) University Complaint Committee

The University Complaints Committee shall be constituted by the Vice-Chancellor, comprising of 5 ordinary members. At least half of the members of the Committee shall be women. The Chairperson of the Complaints Committee will be nominated by the Vice-Chancellor and shall be a woman. Committee may have co-opted members in addition to above. Three members shall form the quorum.

(ii) Institute Complaint Committee

The Institute Complaint Committee shall be constituted by the Principal / Director of the institute, comprising of 3 ordinary members. At least two members of the Committee shall be women. The Chairperson of the Institute Complaint Committee shall be nominated by the Director / Principal and shall be a woman. Presence of all members in the meeting shall be essential.

4.0 Eligibility for Membership of the Committee

(i) University Complaint Committee

A person employed as Professor or as Reader or in an equivalent grade in the University shall be appointed as ordinary Members of the Committee

In appointing ordinary members, the Vice-Chancellor may take into account the seniority, ability and background of the member.

(ii) Institute Complaint Committee

A person employed as a teacher or in equivalent grade shall be appointed as ordinary members of the Committee, taking into consideration their seniority, ability and background.

The Committees as (i) and (ii) above, may co-opt as many members as are necessary to make an informed, reasonable and expeditious decision. Students, Staff, NGO's or other relevant persons can be co-opted as members.

5.0 Jurisdiction

All members of staff; teaching or non-teaching and all students whether studying in the GGS Indraprastha University Campus or in any affiliated college are subject to the jurisdiction of this ordinance.

The territorial jurisdiction of the University Complaints Committee shall extend to acts of sexual harassment committed in the GGS Indraprastha University Campus, while that of Institute

Complaint Committee to the Institute campus. The campus shall also include hostels, guesthouses, car parks and other properties owned, maintained or under the control of the University/ institute.

In the case of sexual harassment of a third person by a student or staff of this University or of any affiliated college or institution, the Complaints Committee may in its discretion provide information regarding the student or staff to facilitate a proper determination of the third person's complaint.

6.0 Conducting Enquiry by the Compliant Committee

- i) Any person aggrieved shall prefer a complaint before the Complaints Committee at the earliest point of time and in any case within 15 days from the date of occurrence of the alleged incident.
- ii) The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the names of the contravenor and the complaint shall be addressed to the Complaints Committee
- iii) If the complainant feels that she cannot disclose her identity for any particular reason the complainant shall address the complaint to the Vice Chancellor / Director of the concerned institute and hand over the same in person or in a sealed cover. Upon receipt of such complaint the Vice Chancellor / Director of the concerned institute shall retain the original complaint with himself and send to the Complaints Committee a gist of the complaint containing all material and relevant details, other than the name of the complainant and other details, which might disclose the identity of the complainant.
- iv) The Complaints Committee shall take immediate necessary action to cause an enquiry to be made discreetly or hold an enquiry, if necessary.
- v) The Complaints Committee shall after examination of the complaint submit its recommendations to the Vice Chancellor / Director of the concerned institute recommending the penalty to be imposed.
- vi) Vice Chancellor / Director of the concerned institute upon receipt of the report from the Complaints Committee shall after giving an opportunity of being heard to the persons complained against, confirm with or without modification the penalty recommended after duly following the prescribed procedure
- vii) In cases, pertaining to the officer holding the posts of Asstt. Registrar / Lecturers or above the case shall be submitted to the Board of Management / Governing body of the college, which shall with or without modification confirm the penalty recommended, after duly following the prescribed procedure.

7.0 Disciplinary Action

Where the conduct of an employee amounts to misconduct in employment as defined in the conduct rules, appropriate disciplinary action in accordance with the relevant rules shall be initiated.

In the case of an employee of an affiliated institution, the matter will be referred to the management of the institution for appropriate disciplinary action.

Where the conduct of a student amount to misconduct, appropriate disciplinary action in accordance with the relevant ordinance on 'Maintenance of discipline amongst students' shall be initiated by the competent authority.

8.0 Third Party harassment

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

9.0 Annual Report

The Complaints Committees shall prepare an Annual Report giving a full accounts of its activities during the previous year and forward a copy thereof to the Vice Chancellor concerned who shall report to the Board of Management.

10.0 Saving

Nothing contained in this code shall prejudice any rights available to the employee or prevent any person from seeking any legal remedy under the National Commission for Woman Act 1990, Protection of Human Rights Commission Act 1993 or under any other law for the time being in force.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the University 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 harassments. The victims of sexual harassments should have the option to seek transfer of the perpetrator or their own transfer.

BOM Resolution – 20th meeting dated 10.10.2002

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