

Quantum University, Roorkee

Anti Sexual Harassment Policy¹

1. Introduction

The Supreme Court of India, in a judgment delivered in 1997, on the writ petition (Criminal) No. 666-70 of 1992, has inter alia, issued the following directive:

"Duty of the Employer or other responsible persons in workplace and other institutions:

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

As educational institutions are bound by the aforementioned directive of the Hon'ble Supreme Court, the Quantum University has decided to formulate the policy and guidelines to deal with the problem and cases of sexual harassment in University premises and other university related places like Buses, Tours, Internships and training places etc.

It is the policy of Quantum University to provide and maintain a working environment, free from gender discrimination and sexual harassment for its students, faculty, employees, vendors, contractors, and all others in contact with the Institute. The Institute strongly disapproves of any conduct that constitutes sexual harassment and will take all measures, disciplinary and legal, to ensure compliance. All complaints will be thoroughly investigated and appropriate action will be taken promptly as per guidelines enunciated in this document.

The objective of this Policy is to provide protection against sexual harassment and for prevention and Redressal of complaints of sexual harassment and matters connected therewith and incidental thereto. The Policy also endeavors to set expectations regarding workplace behavior and provide with a framework for reporting concerns.

2. Sexual Harassment:

Sexual harassment is a form of discrimination. It is behavior that is not welcome, is personally offensive, destroys morale and interferes with institutional effectiveness. Sexual harassment is an unlawful employment practice as per the Guidelines and norms laid down by the Hon'ble Supreme Court in case of Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384). In the judgment, the Hon'ble Supreme Court has held that each incident of sexual harassment results in the violation of the fundamental rights of Gender Equality and the Right to Life and Liberty. Sexual harassment is a clear violation of woman's right to gender equality as guaranteed under Articles 14 and 15, her right to live with dignity under Article 21, and her right to work with dignity in a safe environment under Article 19(1) (g) of the Constitution of India.

Consistent with the definition of sexual harassment, given by the Hon'ble Supreme Court, the Institute has adapted it to its academic environment as under:



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¹ This policy document draws substantially from the Handbook on Sexual Harassment of woman at workplace (Prevention, Prohibition and Redressal) Act 2013 and the Gazette of India, No.593 and No.2733 dated December 9, 2013 of Ministry of Women and Child Development, Government of India Notifications. The policy is drafted in the same spirit.

"Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication), between members of the same or opposite sex, as:

- a. unwelcome physical contact and advances (molestation, stalking);
- b. demand or request for sexual favours (either explicitly or implicitly), in return for (or a term or condition of) employment or a promotion, or for awarding higher marks in examination (or for other academic advancement), or in case of evaluation of a person towards any Institute or academic activity;
- c. sexually coloured remarks (including through letters, phone calls, e-mail, etc.);
- d. displaying/showing/communicating pornography, obscene letters;
- e. sexual or indecent gestures and indication (including display of pictures, contraceptives, signs, verbal or non-verbal communication with sexual overtones - which offends the individual's sensibilities and affects her performance);
- f. any other unwelcome physical, verbal or non-verbal conduct of sexual nature (including eve teasing, innuendos and taunts, physical confinement against one's will and which is likely to intrude upon one's privacy);
- g. entry into private place marked for female employees and students, with the intent to commit mischief and harassment;
- h. taking of photographs of female workers/ staff without permission and converting it in to pornographic material and circulating the same by means of electronic media;
- i. harassment through telephone calls or email, uninvited following, blackmailing in or outside the campus; and
- j. all such acts and conducts against women employees and students, which amount to commission offence defined in the Indian Penal Code.
- k. 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 harassment—
 - i. implied or explicit promise of preferential treatment in her employment, or
 - ii. implied or explicit threat of detrimental treatment in her employment, or
 - iii. implied or explicit threat about her present or future employment status, or
 - iv. interference with her work or creating an intimidating or offensive or hostile work environment for her, or
 - v. humiliating treatment likely to affect her health or safety."



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An Act of Sexual Harassment shall be deemed to have been committed, when any of the above acts is committed within the workplace (including any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey), classroom or within the campus or outside in the circumstances where the victim of such an act and conduct has a reasonable apprehension that in relation to the victim's employment or work or study (whether she is drawing salary, or honorarium, or voluntary) - such conduct is humiliating, hurts the dignity, causes mental torture, fear and anxiety - and which constitute health and safety problem, causing restricted movement,

fearful living and discrimination in service or recruitment or promotion in the event of raising any objection and not obliging or consenting to such conduct.

3. University Committee (Internal Complaints Committee) Against Sexual Harassment (UCASH)

The UCASH shall comprise of the following members:

- a. Presiding Officer, who shall be a woman faculty member at senior level of the university
- 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
- c. One member from any non-government organization or associations committed to the cause of women, or a person familiar with issues relating to sexual harassment; and
- d. Three students, if matter involves students, who shall be enrolled at undergraduate, master's and research scholar level respectively.

At least one-half of the total members of the UCASH shall be women. Further, the UCASH shall in each academic session shall hold at least two meetings to review the efficacy and implementation of this policy.

4. Definitions

- a. **Victim:** Person upon whom sexual harassment is attempted or perpetuated;
- b. **Complaint:** Information either oral or written made by the victim against sexual harassment attempted or perpetuated;
- c. **Complainant:** Victim intimating in writing or orally complaining of commission of Sexual Harassment in workplace classroom or hostel or within the campus;
- d. **Delinquent:** Person alleged to have committed Sexual Harassment, named in the complaint;
- e. **Employee:** Refers to any person employed by the Institute for reward or wage, including any teaching or non-teaching staff, temporary, part-time, honorary, employee including maintenance staff by whatever name called and would include employees employed on a casual or project basis and also employed through contractor;
- f. **Student:** Refers to any person who is enrolled for any Programme of Quantum University, which may include exchange programme, Management Development Programme (MDP), In-company Training Programme or any such programme conducted by or through Quantum University. It also includes a student of another Institute/College/University who is a visitor at the university premises, assets or related places like companies
- g. **Contractual Labour:** Labourer supplied by the Contactor and not in the roll of the university who are paid directly by the Contractor;
- h. **Campus:** It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, parks, streets, lanes and canteens, etc. within the boundary of the University and student residences.
- i. **Work Place:** This shall mean any space in which Institute related academic or administrative or other activities take place
- j. **Preliminary Enquiry:** Fact finding enquiry undertaken to find out the veracity of the Complaint;

- k. **Criminal Proceeding:** Proceeding registered in the Criminal Court by State authorities on the basis of complaint filed with the local police or registered on filing written complaints before the Court for commission of offence of Sexual harassment as defined by the Hon'ble Supreme Court;
- l. **Prevailing Law:** Law declared under Article 141 of the Constitution of India by Hon'ble Supreme Court in its judgment in the matter of Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384);
- m. **University Committee (Internal Complaints Committee) Against Sexual Harassment (UCASH):** Committee constituted in Quantum University to implement the Sexual Harassment Order and Rule vested with the power to counsel, receive complaints, enquire and prepare a report with findings and recommendation to the Disciplinary Authority for taking appropriate decision and award punishment;
- n. **Disciplinary Authority:** Appropriate authority vested with the power to initiate Disciplinary proceeding and take action and pass final order; as given in the schedule;
- o. **Disciplinary Action and Proceeding:** Proceeding initiated on the basis of the report and finding of UCASH and action taken thereof by the Disciplinary Committee in issuing final order;
- p. **Appellate Authority:** Authority vested with the power to receive and dispose of Appeals preferred against the final order of the Disciplinary Authority; receive and dispose of appeal against the Order of dismissal of complaint by the Director as given in the schedule;

5. Redressal Mechanism:

- a. An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the UCASH, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident.
- b. Where the committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of three months, the UCASH may extend the time limit beyond 3 months, by recording the reasons in writing.
- c. The UCASH may, before initiating an inquiry, at the request of the Aggrieved Woman take steps to settle the matter. Where a settlement has been arrived at, no further inquiry shall be conducted by the UCASH.
- d. The conduct of enquiry shall be in accordance with the **University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015** as in force from time to time.
- e. Where the committee arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend to the Vice Chancellor of the university to take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of the university.
- f. In case of a student accused of act of sexual harassment, the university may:
 - i. Withhold privileges of a student such as access to library, auditorium, halls of residence, transportation, scholarships, allowances and identity card;
 - ii. Suspend or restrict entry into the campus for a specific period;


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- iii. Expel and strike off name from rolls of the university including denial of readmission, if the offence so warrants;
- iv. Award reformatory punishments like counselling or performance of community services;
- v. Take such other disciplinary action as decided by the Committee.

6. Appeal:

Any person aggrieved from the recommendations made by the committee or non- implementation of such recommendations may prefer an appeal to the appellate authority i.e. the Vice Chancellor of the University within the period of thirty days of the receipt of the inquiry report/recommendations of the Committee.

7. Malicious Or False Complaints:

If a complaint is found to be malicious or false in order to prejudice that person or otherwise, the Complainant may also be subject to disciplinary action or otherwise as decided by the Committee.

8. Preventive Measures:

- a. Information of the members of the Int Complaints Committee against Sexual Harassment (UCASH) has been put on the University website.
- b. Strict vigilance in vulnerable areas of the university and intensive patrolling within the university campus.
- c. The Warden of Hostels, the Security officers and patrolling staff shall bring immediately to the notice of the UCASH any incident or complaint of sexual harassment.
- d. Academic Staff College will organise sensitization workshops/sessions on sexual harassment on regular basis.

9. Interpretation:

Any question relating to the interpretation or likewise related to any provision of this policy shall be decided by the Vice Chancellor of the university. Notwithstanding anything stated in this policy for any unforeseen issues, or in event of dispute in interpretation of any provision of this policy and in respect of all the matters, whether expressly provided herein or not, the Vice Chancellor of the university may take such measures as may be necessary for removal of difficulties. The decision of the Vice Chancellor shall be final and binding on all concerned.

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