

PREAMBLE

Anant National University (ANU) is committed to creating and maintaining a working, living, and learning environment that is creative, productive and respectful to all. This includes ensuring that each student, teacher and non-teaching staff work together, in an environment of mutual trust, freedom of expression and dignity, free from any form of violence, harassment, exploitation, discrimination and intimidation in thought or in action.

ANU policy on Prevention of Sexual Harassment is informed by the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and students in Higher Educational Institutions) Regulations, 2015. These rules may be called the Anant National University (Prevention, Prohibition and Redressal of sexual harassment of employees and students) Rules, 2017 and shall come into force with immediate effect.

All employees, students and third parties are subject to this policy and are expected to take full responsibility and accountability in understanding, implementing, observing and adhering to the terms of this policy in their conduct with other employees, students and third parties to ensure that the objectives of the policy are achieved.

1. OBJECTIVE

To outline the University's policy to protect all members (direct and indirect) against Sexual Harassment in particular

To promote a social and psychological environment that will raise awareness about and prevent sexual harassment in its various forms

Provide for an effective complaint and redressal mechanism to deal with cases of discrimination and sexual harassment, in a time bound manner.

To ensure that the 'aggrieved party' and 'accused' receive the necessary rehabilitation

2. DEFINITIONS

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

Accused: Person alleged to have committed sexual harassment, named in the complaint

Campus: Classrooms and areas within the boundary of the Institute at Sanskardham, Hostel accommodation provided by the University

Covered Individuals are persons who have engaged in protected activity, such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee a student or a guardian of the offended person

Internal Complaints Committee means the internal complaints committee constituted under sub rule (1) of rule 3 of these rules.

Sexual Harassment is a form of gender based discrimination and includes any unwelcome attention of sexual nature, be it verbal, nonverbal or physical conduct. Anyone from either gender can be a victim of sexual harassment, and anybody from either gender can be a perpetrator. Sexual Harassment includes any one or more of the following unwelcome acts or behaviour which is offensive to the person or persons it is targeted towards whether directly or by implication namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Displaying sexually explicit stares, gestures or suggestive pictures; or

- Any other unwelcome physical, verbal or non verbal conduct of sexual nature; or
- Implied or explicit promise of preferential treatment in employment or coursework evaluation; or
- Implied or explicit threat of detrimental treatment in employment or coursework evaluation; or
- Implied or explicit threat about present or future employment status or coursework evaluation; or
- Interference with work or creating an intimidating or offensive or hostile work or learning environment for the person concerned; or
- Humiliating treatment likely to affect health or safety;

Use of the employer's or employees own computer system or any electronic or digital device for the purpose of viewing, displaying, recording or disseminating material that is offensive in nature may also constitute harassing behaviour.

Any conduct or behaviour is unwelcome if the recipient does not consent to it and regards it as offensive. Consent is not constituted if the individual is deemed unable to make a reasonable judgment about the nature of the activity (i.e., he/ she is on medication, is intoxicated, or is mentally disabled). The recipient or victim not complaining, does not necessarily mean or imply that the conduct is welcome.

Some comments and/or advances are blatant and crude and are inherently offensive: these will almost always be deemed as unwelcome.

Workplace means the campus of the university including –

- a. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the University;
- b. Any sports institute stadium, sports complex or competition or game venue, whether residential or not, used for training, sports or other activities relating to the University;
- c. Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in the University

3. INTERNAL COMPLAINTS COMMITTEE

1. A Committee will be formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management team. The Internal Complaints Committee shall consist of the following members to be nominated by the Provost, unless otherwise specified:

- A Chairperson who shall be a senior female faculty member (not below a Professor) at the University;

Provided that in case a senior level woman employee is not available, the Chairperson shall be nominated from other offices or administrative units of the 'workplace' referred to in sub-section 2 of the act

Provided further that in case the other offices or administrative units of work place do not have a senior level woman employee the Chairperson shall be nominated from any other workplace of the same employer or other department or other organization

- Two members from faculty and three non-teaching staff of the University;

- One member from wider community; from amongst renowned academicians, social activists, journalists and/or representatives of Non-Governmental Organizations (NGOs); committed to the cause of women or a person familiar with the issues related to sexual harassment
- Two members of student body, if the matter involves students, who shall be enrolled at the university, elected through transparent democratic procedure

2. At least one half of the total members of the ICC shall be women

3. The tenure of the members of the committee shall be ordinarily for three years from the date of nomination

Provided a third of the staff members (teaching and non teaching) of the ICC may change every year

4. No person against whom a Complaint is made shall be part of the ICC.

4. PROCESS OF MAKING COMPLAINT

Any aggrieved individual may lodge a complaint to the Internal Complaints Committee in writing within 90 days from the date of an incident and in case of continued harassment, 90 days from the last instance of harassment Complaint of sexual harassment:

1. Where the aggrieved party is unable to make a complaint on account of physical incapacity, a complaint may be filed by:-

- A relative or friend
- A co-worker
- An officer of the National Commission for Women or State Women’s Commission or
- Any person who has knowledge of the incident, with the written consent of the aggrieved party, or

2. Where the aggrieved party is unable to make a complaint on account of medical incapacity, a complaint may be filed by:-

- A relative or friend
- A special educator
- A qualified psychiatrist or psychologist or
- The guardian or authority under whose care treatment or care is being provided, or
- Any person who has knowledge of the incident, jointly with a relative or friend or a special educator or psychologist or the guardian or authority under whose care treatment or care is being provided, or

3. Where the aggrieved party for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident and written consent of aggrieved party, or

4. Where the aggrieved party is dead, a complaint may be filed by any person who has knowledge of the incident with written consent of legal heir.

All complaints in writing shall be addressed to the Chairperson of the Committee. Complaints can also be lodged directly with any member of the ICC, or through existing channels for lodging grievances, such as the university’s authorities, hostel in-charge, teachers, students, union/association representatives, administrative superior etc. If the complaint is made through such a channel, the person to whom the complaint is made should bring it to the notice of the Chairperson, ICC within two working days of its receipt by her/him.

5. PROCEDURE ON RECEIPT OF COMPLAINTS

- a. The ICC shall, within a period of seven days upon receipt of the complaint, send one copy of the complaint to the respondent
- 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 receipt of complaint.
- d. Every individual shall cooperate with the ICC in its investigation and any failure to cooperate with the ICC in its investigation will be deemed as a contravention of this Policy. The Committee shall document all investigations and findings.
- e. The University shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.
- f. Internal Complaints Committee can recommend to the employer, at the request of the aggrieved party, interim measures such as
 - (i) transfer of the aggrieved person or the respondent to any other workplace/ classroom; or
 - (ii) granting leave to the aggrieved person up to a period of 3 months in addition to regular statutory/ contractual leave entitlement/ study leave.
 - (iii) in cases involving students, the aggrieved person or respondent may be temporarily transferred to another batch or permitted to attend classes virtually (for e.g. through video conference) as deemed appropriate by the ICCThe complaints committee at the written request of the aggrieved person may recommend to the employer to restrain the respondent from reporting on the work performance of the aggrieved person or writing her/his confidential report, and assign the same to another officer.
- g. The inquiry report, with recommendations, if any, has to be submitted within 10 working days from the completion of the inquiry.
- h. An appeal against the findings or recommendations of the ICC may be filed by either party before the Executive Authority of the University within a period of 30 days from the date of recommendations
- i. If the Executive Authority of the University decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to communicate to the ICC and both parties. 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.
- j. The aggrieved party may seek conciliation to settle the matter. No monetary settlement should be made as a basis of conciliation. The University shall facilitate the process of conciliation through the 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.
- k. The identities of the aggrieved party, victim, witnesses or the offender shall not be made public during the process of the inquiry.

6. PUNISHMENT AND COMPENSATION

Anyone found guilty of sexual harassment shall be liable for disciplinary action.

The actions listed below are indicative, and shall not constrain the authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

1. Whereas the respondent is a member of the Academic Staff
 - a. Warning, reprimand, or censure.

- b. Withholding of one or more increments for a period not exceeding one year.
- c. Removal from an administrative position
- d. Disbarment from holding an administrative position at any or all levels
- e. Suspension from service for a limited period
- f. Compulsory retirement
- g. Dismissal from service

Further, the penalty awarded shall be recorded in his/her Confidential Record.

2. Whereas the respondent is a member of the Non-teaching Staff

- a. Warning, reprimand, or censure.
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

3. Whereas the respondent is a student of the University

- a. Warning, reprimand
- b. Where hostel accommodation has been provided, transfer to another hostel or withdrawal of hostel accommodation for a fixed or entire duration of study
- c. Removal from an administrative position at the Centre, Group and/or Institute levels.
- d. Suspension from university for a limited period.
- e. Expulsion from University and/or a bar on appearing for the entrance exam to any program offered by ANU
- f. Withholding of degree awarded by ANU

Further, the penalty awarded shall be recorded in his/her personal file in the respective programme office.

4. Whereas the respondent is a Service provider/ Outsiders

- a. Warning, reprimand, or censure
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence
- c. Declaration of the campus as out of bounds for her/him,
- d. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus
- e. a bar on appearing for the entrance examination/interview to any programme of study offered by ANU
- f. Any other action as may be necessary.

In addition to the penalties specified under (1)-(4) above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant

7. REHABILITATION

The respective committees will make an effort to resolve complaints through counselling and mediation if commensurate with the nature of the violation.

It will be mandatory for the accused and the victim to go through the process of counselling, for as many sessions as the client and counsellor feel necessary.

The aggrieved party and accused will have to go through interventions or help if found necessary by the counsellor and the committee.

8. ACTION AGAINST FRIVOLOUS COMPLAINT

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing to be untrue, or forged, or misleading information has been provided during inquiry, the complainant shall be liable to be punished as per the applicable provisions of rule 6. 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 will not be established without inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

9. AMENDMENTS

These rules may be amended from time to time on the basis of court judgements and revision in other applicable laws, rules and regulations.

The ICC members for the Academic calendar 2017-2020 are as follows:

Name	Post	Phone number	Email id
Ms Jasmine Gohil	Chairperson	9879259819	jasmine.gohil@anu.edu.in
Ms Rupa Singh	Faculty member	9662763711	rupasingh.plan@anu.edu.in
Ms Archana Baghel	Faculty member	9727596223	archanabaghel.arch@anu.edu.in
Ms Garima Agarwal	Non teaching member	9910608514	garima.aggarwal@anu.edu.in
Mr Munish Agarwal	Non teaching member	9810105021	munish.agarwal@anu.edu.in
Mr Himanshu Raval	Non teaching member, addl charge Member-secretary	9879511197	himanshu.raval@anu.edu.in
Ms Chirashree Thakker	Society/Management Nominee	9825007432	chirashreethakkar@gmail.com
Student rep 1 (3 rd /4 th year)	Student representative		
Student rep 2 (Anant Fellowship)	Student representative		