

# **Policy for Women Welfare and Safety at Workplace**



**Vivekananda Global University,  
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## **I. Introduction**

One of the core objectives of the Vivekananda Global University, Jaipur (hereinafter referred to as "University") is to ensure gender equality and gender justice through the University interventions and practices. In keeping with this principle, it is important to ensure a climate, free from discrimination and harassment, with a particular focus on prevention of sexual harassment.

Sexual harassment of women has come to be widely condemned as a form of human rights violation, an infringement on life and liberty and a grave form of gender-based discrimination. Such behavior is an affront to dignity, gender equality, and fundamental rights.

The Supreme Court of India, in a landmark judgment in August 1997 (*Vishaka & others vs. the State of Rajasthan & others*) stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the "Right to Freedom" under Article 19 (1)(g). The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty". Another Supreme Court Judgment in January 1999 (*Apparel Export Promotion Council vs. Chopra*) has stated that sexually harassing behavior "needs to be eliminated as there is no compromise on such violations".

Sexual Harassment is an offence under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 No. 14 of 2013. Section 3(1) provides that : "No woman shall be subjected to sexual harassment at any workplace." Section 19 provides that "Every employer shall- (a): provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace". Section 4(1) of the Act requires that : "Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee".

Educational institutions are bound by the "*Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*". Further in the year 2015, University Grants Commission notified UGC (*Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions*) Regulations, 2015. These regulations have also been incorporated in the policy to achieve the transparency while dealing with the issues of women safety and grievances.

According to Section 2(o)"workplace" includes- . . (ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational.... distribution or service.").

"employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

The Vivekananda Global University, Jaipur (VGU) is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its

jurisdiction. It is with this objective that these Rules have been framed. Sexual harassment of individuals occurring in the place of work or study or in other settings in which they may find themselves in connection with their association with the University is unlawful and will not be tolerated by the University. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unacceptable. To achieve this goal, conduct that is described as "Sexual Harassment" in this policy will not be tolerated and a procedure is provided by which inappropriate conduct will be dealt with, if encountered among employees/students.

While this policy sets forth the goal of the University of promoting a Campus that is free of sexual harassment, the policy is not designed or intended to limit the authority of the University to discipline or take remedial action for conduct which the University deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

## **II. Definitions**

For the purposes of this Policy the definitions will be as provided in section 2 of the Act No. 14 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 .

## **III. Prevention Action**

Consistent with the existing law, the University shall take all necessary and reasonable steps to ensure prevention of sexual harassment.

## **IV. Internal Complaints Committee (ICC)**

1. There shall be a Internal Complaint Committee (ICC) of the University by the name Vishakha Committee.
2. The composition of the Internal Complaints Committee will be in accordance with section 4(2) of the Act No. 14 of 2013 and also as *per UGC(Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015*. The Committee will be headed by a woman and not less than half of its member will be women.

## **V. Grievance Redressal Mechanism**

The University shall constitute Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:-

- (1) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor, nominated by the President;  
Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o);  
Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;”

- (2) 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 President;
- (3) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure; (d) one member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the President.
- (4) At least one-half of the total members of the ICC shall be women.
- (5) Persons in senior administrative positions such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
- (6) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.
- (7) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the President as may be prescribed.
- (8) Where the Presiding Officer or any member of the Internal Committee: (a) contravenes the provisions of section 16 of the Act; or (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or (d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.”

## **VI. Power & Functions of the ICC**

Power and Functions of ICC includes:

- (i) Inquiry into any matter of sexual harassment in the University Campus-Suo Moto or on complaint received;
- (ii) Monitoring of all such cases;
- (iii) Ensuring that the Redressal Mechanism reaches logical end
- (iv) Submitting reports to University authorities; and
- (v) Any other duty assigned by the President
- (vi) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (vii) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- (viii) provide assistance if an employee or a student chooses to file a complaint with the police;

In case of resignation of any member the President shall nominate a suitable replacement

## **VII. Procedure of Dealing with Complaints of Sexual Harassment**

The Committee shall follow the procedure as laid down in the Act No. 14 of 2013 and UGC Regulation 2015 for dealing with complaints of sexual harassment.

## **VIII. Process of Inquiry**

Process of making complaint of sexual harassment-

- (1) An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.  
Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing;  
Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.”
- (2) Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- (3) 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.
- (4) 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.
- (5) The inquiry has to be completed within a period of ninety days from the receipt of the complaint.
- (6) The statements and other evidence obtained in the inquiry process will be considered confidential materials.
- (7) An officer in the University could be designated to provide advice and assistance to each party if requested by either of them. Similarly, the complainant and the accused will have the right to be represented or accompanied by a member of staff, a friend or a colleague.
- (8) The Committee will organize verbal hearings with the complainant and the accused. Statement of Complainant will be recorded first in the presence of the accused. The accused may cross question the complaint if there is a need to do so in the presence of the Committee.
- (9) The Committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving necessary protection.
- (10) The Committee will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- (11) If the accused, being provided fair opportunity to participate in the inquiry and defend him/her fails to participate in the inquiry, the Committee may conduct the inquiry *ex parte*.
- (12) The Committee will ensure confidentiality during the inquiry process.

- (13) In the course of investigating any complaint of sexual harassment, the Committee shall ensure that the principles of natural justice are adhered to namely:
  - (i) Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the Committee;
  - (ii) Upon completion of the investigation, both parties will be informed of the findings of that investigation.
  - (iii) Documents which form part of the official record shall also be given to the complainant if need be.
- (14) The Committee shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard, the Committee shall also have discretion to make appropriate interim recommendations vis-à-vis an accused person pending the outcome of a complaint including suspension, transfer, leave, change of office/ hostel, etc.
- (15) On completion of the inquiry, the Committee shall report its findings alongwith appropriate recommendations for necessary action to be initiated, to the President within a period of 10 days of completion of inquiry.
- (16) Where the committee arrives at a conclusion that the allegation against the respondent is malicious or that the complainant made the complaint knowing it to be false or if the complainant/aggrieved has produced false/forged or misleading documents, it may make appropriate recommendation for taking action against the aggrieved/ complainant.
- (17) The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students, in practice at the time.

#### **IX. Interim redressal-**

- (i) Transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such a recommendation is made by the ICC;
- (ii) Grant leave to the aggrieved with full protection of status and benefits for a period as decided by ICC;
- (iii) Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- (iv) Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- (v) Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

#### **X. Penalties in Case of Academic Staff**

- (i) Warning, reprimand, or censure.
- (ii) Withholding of one or more increments for a period not exceeding one year.
- (iii) Removal from an administrative position at the University levels.
- (iv) Disbarment from holding an administrative position at the University levels.
- (v) Suspension from service for a limited period.

- (vi) Dismissal from service.
- (vii) Further, the penalty awarded shall be recorded in his/her Confidential Record.

#### **XI. Penalties in Case of Supporting Staff**

- (i) Warning, reprimand, or censure.
- (ii) Withholding of one or more increments for a period not exceeding one year.
- (iii) Suspension from service for a limited period.
- (iv) Dismissal from service.
- (v) Further, the penalty awarded shall be recorded in his/her Confidential Record.

#### **XII. Penalties in Case of University Students**

- (i) Warning or reprimand.
- (ii) Transfer to another hostel.
- (iii) Withdrawal of the right to an official character certificate from University.
- (iv) Rustication from the University for a period up to two semesters.
- (v) Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by University.
- (ix) Withholding of a degree awarded by University.
- (x) Further, the penalty awarded shall be recorded in his/her Personal File.

#### **XIII. Appeal**

1. Any individual who feels aggrieved with the disciplinary action taken may appeal to the Chairperson for a review of the decision. The decision of the Chairperson shall however be final and binding.
2. An appeal against the findings or /recommendations of the ICC may be filed by either party before the President within a period of thirty days from the date of the recommendations.
3. In the event the conduct of complaint amounts to a specific offence under the Indian Penal Code or under any other law in existence, the Committee, subject to the wishes of the complainant, shall take appropriate action in making a complaint with the appropriate authority.
4. All authorities/officers of the University will ensure that the Committee retain its autonomy and may work unhindered from any pressure from any quarter.
5. The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
6. The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.