Prevention of Sexual Harassment (POSH)

Ref No: HR/SOP/21	**Version No:** 1.0	**Effective Date:** 01.07.2025
Approved by: President, VGU	**Document Classification:** Public	**Use:** Internal

1. Preamble

Sexual harassment is a serious infringement on fundamental rights, including the right to equality, the right to life and dignity, and the right to work and study in a safe environment. Vivekanand Global University, Jaipur is committed to upholding these rights by ensuring a campus that is free from sexual harassment, intimidation, discrimination, and abuse.

This policy is formulated in accordance with:

a **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, hereinafter referred to as the **POSH Act**;

b The **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**;
University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Aggrieved persons and Students in Higher Educational Institutions) Regulations, 2015;

c Other applicable labour and civil rights laws in India.

The relevant sections and subsections of the POSH Act have been referenced in this document where applicable to promote clarity and legal compliance. in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and UGC Guidelines, extending the scope to protect persons of all genders.

2. Policy Statement

The University has zero tolerance for sexual harassment. All complaints of sexual harassment will be taken seriously, handled sensitively and with due confidentiality, and addressed promptly through a fair process in accordance with the law and the principles of natural justice.

3. Objectives

a To articulate a clear policy against sexual harassment.
b To establish a safe academic and work environment.
c To educate the university community on what constitutes sexual harassment.
d To provide effective procedures for prevention, reporting, inquiry, and resolution of complaints.
e To prohibit retaliation against anyone who reports or participates in an inquiry.

4. Scope

This policy applies to all:

For Vivekananda Global University, Jaipur
Registrar

a Students (full-time, part-time, online, visiting)
b Teaching and non-teaching staff (permanent, temporary, contractual, and outsourced)
c Vendors, service providers, visitors, and any other individuals present on campus
d Activities conducted off-campus (internships, study tours, conferences, placements, etc.)

5. Definitions

The definitions in this section are aligned with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Aggrieved persons and Students in Higher Educational Institutions) Regulations, 2015.

5.1 Sexual Harassment

Sexual harassment includes but is not limited to:

a Unwelcome physical, verbal or non-verbal conduct of a sexual nature
b Requests or demands for sexual favours
c Sexually coloured remarks, jokes, emails, messages
d Display of pornographic or sexually explicit materials
e Conduct that interferes with an individual's academic or professional performance or creates an intimidating, hostile, or offensive environment

The policy covers two primary forms:

a **Quid Pro Quo Harassment**: Demanding sexual favours in exchange for academic or employment benefits.
b **Hostile Environment Harassment**: Conduct that creates an uncomfortable, threatening or offensive environment.

5.2 Aggrieved Person

Any female who alleges to have been subjected to any act of sexual harassment by the respondent.

5.3 Respondent

A person against whom the aggrieved person has made a complaint.

5.4 Employer

The university authority responsible for management, supervision, and control of the workplace including administrative, academic, and service areas.

5.4 Disciplinary Authority

The Disciplinary Authority is responsible for reviewing the recommendations of the ICC and executing appropriate action in accordance with service rules, employment contract, or university regulations. The disciplinary committee comprises of the Registrar, Pro President, and Director Management Studies of the University.

For Vivekananda Global University, Jaipur
Registrar

5.5 Appellate Authority

The Appellate Authority refers to the higher authority designated to hear appeals made by either the complainant or the respondent against the recommendations or decisions taken by the ICC or the Disciplinary Authority. The Appellate Authority must be independent of the ICC and the original disciplinary process to ensure fairness and objectivity. The Appellate Authority comprises of The President of the University.

5.6 Employee

Any female employed by the university for any work, either directly or through a contractor, on regular, temporary, ad-hoc or daily wage basis, either for remuneration or not, and includes staff, faculty, trainees, interns, and volunteers.

5.7 Student

A person admitted to and pursuing any programme of study (regular or distance mode) or short-term courses at the university. It includes students visiting from or attending affiliated institutions.

5.8 Third Party Harassment

Sexual harassment by a person who is not an employee or student of the university but is associated in some capacity such as visitor, vendor, or contractor.

5.9 Workplace

"Workplace" includes:

a Any department, organization, unit, branch or premises under the control of Vivekanand Global University, Jaipur.
b Any place visited by the aggrieved person or student arising out of or during the course of employment or study including field work, study tours, placements, internships, cultural events, academic conferences, or any activity sponsored by the University.
c Any mode of transport provided by the University for the purpose of commuting to and from the location of activity.

5.10 Victimization

Victimization refers to any adverse action or threat of adverse action against a person who files a complaint of sexual harassment, provides evidence or support during an inquiry, or otherwise participates in the redressal process. It includes intimidation, discrimination, reprisal, or ostracism directed towards complainants or witnesses. The University strictly prohibits any form of victimization.

5.11 Campus

The physical or virtual space of Vivekanand Global University, Jaipur, including all its schools, departments, hostels, libraries, laboratories, auditoriums, canteens, sports facilities, vehicles, affiliated colleges, and off-campus activity sites such as field trips, internships, exchange programs, cultural events, or any other settings associated with university functions. Any location within or outside the university premises where activities related to the university take place, including classrooms, hostels, cafeterias, virtual platforms, field visits, placements, study tours, and university-sponsored events.

For Vivekananda Global University, Jaipur

6. Section 3 Of POSH ACT (2013)

Section 3 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, mandates that no woman shall be subjected to sexual harassment at any workplace. It further elaborates that certain circumstances, if present in relation to or connected with any act or behavior of sexual harassment, can be considered as such. These include:

- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in her employment.
- Implied or explicit threat about her present or future employment status.
- Interference with her work or creating an intimidating or offensive or hostile work environment.
- Humiliating treatment likely to affect her health or safety.

7. Institutional Framework: Internal Complaints Committee (ICC)

VGU shall constitute an ICC with the following members:

a Presiding Officer: Senior woman faculty member
b Minimum two faculty/staff with experience in social work, gender studies, or law
c Three student members (at least one female)
d One external member from an NGO or with gender sensitization background
e The ICC will function with autonomy and report directly to the President of the University.

7.1. Duties and Responsibilities of the ICC

The Internal Complaints Committee (ICC) is responsible for implementing the POSH policy and ensuring prompt redressal of complaints. The key responsibilities include:

a **Complaint Handling**: ICC shall receive, acknowledge, and record all complaints of sexual harassment confidentially. They will provide assistance in filing complaints where needed, especially in cases of incapacity.
b **Preliminary Assessment**: Determine the prima facie validity of a complaint, decide whether conciliation may be attempted, and if necessary, initiate formal inquiry procedures.
c **Inquiry & Hearings**: Conduct fair, unbiased, and time-bound inquiries, offering equal opportunity to the complainant and the respondent. Hearings must adhere to principles of natural justice, and all records must be properly documented.
d **Digital Communication & Proceedings:** All communications, documents and/or notices issued in electronic form in relation to the proceedings under this Policy shall be deemed to have been serviced on the respective parties, in accordance with the provisions of the Information Technology Act, 2000 (IT Act).The proceedings of the ICC under this Policy shall be conducted either in physical mode or virtual mode, as the facts and circumstances may require, in accordance with the provisions of the IT Act and the Committee shall ensure that such proceedings are conducted as per the requirements laid down by the Act.
e **Interim Measures**: Recommend interim protective steps during pendency of the inquiry, such as temporary transfer, leave for complainant, or restriction on respondent.
f **Decision Making & Reporting**: Submit findings and recommendations to Registrar within 10 days of completing the inquiry. ICC shall suggest disciplinary measures or exoneration as appropriate.
g **Sensitization and Capacity Building**: Conduct regular gender sensitization and awareness sessions, orientation for students, faculty, and support staff, and ensure visibility of POSH policies.
h **Annual Reporting**: Submit annual reports to the university and to appropriate statutory authorities, summarizing number of complaints received, resolved, and pending.

For Vivekananda Global University, Jaipur

Registrar

i **Confidentiality & Record Keeping**: Maintain confidentiality throughout the process. All documentation should be securely stored and accessed only by authorized members.

7.2 Tenure of the ICC Committee

Tenure of the ICC Committee is 3 years

8. Filing of Complaints

8.1 Mode of Filing

Aggrieved Person can submit a complaint in writing to the Internal Complaints Committee (ICC) or any of its members.

The complaint can be submitted through:

- Email
- The official complaint portal
- A hard copy

If the aggrieved person is unable to write the complaint due to a physical or mental condition, the Presiding Officer or any member of the ICC will help in drafting the complaint.

8.2 Time Frame

The complaint must be filed within three (3) months from the date of the incident. If there were a series of incidents, the complaint should be filed within three (3) months of the last incident.

As per Section 9 of the POSH Act, the ICC may extend this timeline by another three (3) months, if it is convinced that there was a valid reason for the delay. This decision will be recorded in writing.

8.3 Who Can File the Complaint

A complaint can be filed by:

- The aggrieved person
- A relative, friend, co-worker, or psychologist on behalf of the aggrieved person
- Any person who knows about the incident, with written consent from the aggrieved person
- In case the aggrieved person is deceased, their legal heir or a person with knowledge of the incident may file the complaint

8.4 Acknowledgment and Initial Response

- The ICC will acknowledge the complaint in writing
- A case number will be assigned, and the record will be securely maintained

For Vivekananda Global University, Jaipur

Registrar

- The ICC will do a preliminary assessment to check if the complaint is admissible and will then decide whether to proceed with an inquiry or suggest conciliation

9. Redressal Process

9.1 Preliminary Review

As per Section 9 of the POSH Act, after receiving a complaint, the ICC will review it to determine if it can be taken forward. Based on this review, the ICC may:

- Start a formal inquiry, or
- Suggest conciliation under Section 10 of the POSH Act

9.2 Conciliation (Optional)

- Before starting the inquiry, the ICC may try to resolve the matter through conciliation, only if the complainant makes a written request
- Monetary settlements are not allowed during conciliation
- If a settlement is reached, it will be recorded, signed by both parties, and submitted to the employer for action
- If both sides comply with the settlement, the ICC will not proceed with the inquiry

9.3 Formal Inquiry

If conciliation is not requested or fails:

- The ICC will begin an inquiry as per Section 11 of the POSH Act
- The respondent will receive a copy of the complaint within 7 working days
- The respondent must submit a written reply, list of witnesses, and any supporting documents within 10 working days
- The ICC will conduct hearings for both sides and their witnesses while ensuring natural justice
- The entire inquiry must be completed within 90 days from the date the complaint is received

Grievance addressal mechanism if ICC fails to act what is the next course of action

9.4 Findings and Recommendations

- The ICC will prepare a report of its findings with recommendations and submit it within 10 days of completing the inquiry to the Registrar of the University
- Both the complainant and the respondent will be informed of the findings
- If the complaint is proven, the ICC will suggest action according to the applicable service rules
- If the complaint is not proven, no action will be taken against the respondent unless it is a false complaint as defined under Section 14 of the POSH Act

9.5 Non-Cooperation and Ex-Parte Decisions

For Vivekananda Global University, Jaipur

Registrar

If the complainant or the respondent is absent without reason for three consecutive hearings, the ICC may:

- Close the inquiry, or
- Decide the matter ex-parte (in the absence of one party), after giving 15 days' notice

10. Interim Relief Measures

As per Section 12 of the POSH Act, while the inquiry is in progress, the ICC may suggest the following temporary relief measures to the university:

- Transfer of either the complainant or the respondent to avoid contact
- Leave for up tof for the complainant (apart from regular leave entitlement)
- Restriction on the respondent from supervising or evaluating the complainant's work
- Restriction on the respondent's access to the complainant's work area, hostel, or classes
- Protection from retaliation, ensuring that no negative or disciplinary action is taken against the complainant or any witnesses

11. Disciplinary Action

As per Section 13 of the POSH Act and Clause 8 of the UGC Regulations, 2015, if the ICC concludes that sexual harassment took place, the university shall take suitable action.

11.1 For Aggrieved persons

Based on the seriousness of the case, actions may include:

- Written apology or warning
- Official reprimand or censure
- Denial of promotion or pay increment
- Removal from administrative responsibilities
- Suspension
- Termination of employment
- Deduction from salary for compensation to the complainant

11.2 For Students

Disciplinary actions may include:

- Written apology or warning
- Suspension from academic activities or hostel
- Holding back grades, certificates, or other entitlements
- Counselling or community service
- Ban from exams or re-admission
- Expulsion from the university

For Vivekananda Global University, Jaipur

Registrar

11.3 For Third Parties

For contractors, vendors, or others not directly employed:

- Written warning or censure
- Ban from entering the university campus
- Informing their employer or institution
- Termination of contracts or association

11.4 Disciplinary Committee

A disciplinary committee comprising of the Registrar, Pro President, and Director Management Studies will decide the type/quantum of punishment depending upon the gravity of the case.

11.5 Compensation

The ICC may recommend payment of compensation to the complainant by deducting it from the respondent's salary, stipend, or benefits. The amount will be decided based on:

- Mental trauma and emotional suffering
- Loss of career or academic opportunity
- Medical expenses
- Income and social status of both parties

12. False Complaints

As per Section 14 of the POSH Act:

- If the ICC finds that a complaint was made with malicious intent or was knowingly false, disciplinary action may be taken against the complainant
- However, if the complaint cannot be proved or lacks evidence, that does not automatically make it false
- Malicious intent must be clearly established through a separate inquiry
- Witnesses who provide false evidence or interfere in the inquiry may also be penalized
- Any action will be fair and as per university service or academic rules

13. Confidentiality

As per Section 16 of the POSH Act:

- The identity of the complainant, respondent, and witnesses must remain confidential
- Inquiry details cannot be shared with unauthorized individuals or the media
- Anyone breaking this confidentiality may face disciplinary action
- Information can only be shared with people directly involved or as required by law
- The university may publish summaries of cases (without names) to promote awareness and deterrence

For Vivekananda Global University, Jaipur

Registrar

14. Appeals

As per Section 18 of the POSH Act, if the complainant or the respondent is not satisfied with the ICC's decision or the action taken, they may file an appeal within 90 days of receiving the final report or recommendation.

14.1 Grounds for Appeal

An appeal may be filed on the following grounds:

- Disagreement with the ICC's findings
- The disciplinary action taken was inadequate
- There was a delay in implementing the ICC's recommendations

14.2 Appeal Process

- The appeal must be submitted in writing to the Registrar of the University
- The Appellate Authority may ask for further clarification or conduct a hearing
- A final decision will be given within 30 days of receiving the appeal
- This process ensures transparency and fairness in grievance redressal

15. Institutional Responsibilities

Vivekanand Global University, Jaipur will ensure complete compliance with the POSH Act, 2013 and UGC Regulations, 2015. The university shall:

- Display the POSH Policy on campus notice boards, in student and staff handbooks, and on the university website
- Conduct awareness programs and training sessions every 6 months for students, faculty, staff, and support personnel
- Provide support services such as counselling, medical aid, and legal guidance to aggrieved individuals
- Ensure the ICC works independently and its recommendations are followed promptly
- Submit annual reports to the UGC with data on complaints, actions taken, and awareness activities
- Create a safe environment where aggrieved persons and students feel encouraged to report incidents without fear
- Maintain confidentiality and protect the identity of all parties involved during and after the inquiry

15.1 Support to Complainant for Legal and Disciplinary Action

Vivekananda Global University is fully committed to supporting complainants of sexual harassment through both institutional mechanisms and legal recourse. The University shall:

- Facilitate legal support if the aggrieved chooses to file a complaint under the Bhartiya Nyay Sanhita, 2023 or other applicable laws, by coordinating with law enforcement and offering legal guidance.

For Vivekananda Global University, Jaipur

Registrar

- Take action against non-employees (e.g., visitors, vendors, interns) involved in incidents within University jurisdiction, by supporting legal proceedings and providing assistance as needed.
- Treat sexual harassment as misconduct, with appropriate disciplinary action taken based on the Internal Complaints Committee's (ICC) findings.

Post-resolution, the University ensures ongoing support through follow-ups, access to counselling and academic/workplace assistance, and a clear mechanism for addressing retaliation or recurrence. Feedback will be used to further strengthen redressal processes.

11. Policy Review

This policy shall be reviewed periodically to ensure its relevance and effectiveness.

12. Effective Date

This policy is effective from [Insert Date] and supersedes all previous policies related to aggrieved person grievance handling.

13. Contact

For queries or clarifications regarding this policy, aggrieved persons may contact the HR Department at [Insert Contact Information.

For Vivekananda Global University, Jaipur

Registrar

Frequently Asked Questions

1. **Who is covered under the University's policy on prevention of sexual harassment?**
   The policy applies to all female students (regular, distance, part-time, visiting), teaching and non-teaching staff (permanent, temporary, ad-hoc, contractual, or outsourced), vendors, service providers, and any individual present on campus or during off-campus activities sponsored by the University.
2. **Does the POSH policy apply during off-campus events such as internships or study tours?**
   Yes. The scope of the policy expressly includes all university-related activities conducted off-campus, such as internships, placements, field visits, conferences, and study tours.
3. **Is third-party harassment within university premises covered under this policy?**
   Yes. The policy covers sexual harassment by third parties including visitors, contractors, or any non-employee associated with the University.
4. **How is "sexual harassment" defined under this policy?**
   Sexual harassment includes any unwelcome physical, verbal, or non-verbal conduct of a sexual nature, sexually coloured remarks, display of explicit content, and conduct that interferes with professional or academic performance or creates a hostile environment.
5. **What constitutes "quid pro quo" sexual harassment under this policy?**
   It refers to situations where sexual favours are demanded in return for academic or employment benefits, including promotion, grades, or favourable treatment.
6. **Is harassment via digital platforms (emails, messages, virtual classrooms) included under the policy?**
   Yes. Harassment occurring through digital or virtual means is expressly covered under the definitions of workplace and conduct in the policy.
7. **What is the composition of the Internal Complaints Committee (ICC)?**
   The ICC comprises a woman Presiding Officer (senior faculty), at least two faculty/staff members, three students (at least one female), and an external expert with knowledge of gender sensitization.
8. **What is the tenure of the ICC members?**
   The tenure of the ICC is three (3) years from the date of its constitution.
9. **To whom does the ICC report?**
   The ICC functions autonomously and reports directly to the President of the University.
10. **Are ICC proceedings legally valid if conducted virtually?**
    Yes. Proceedings may be conducted virtually or physically, and such mode is legally recognized under the Information Technology Act, 2000.
11. **Who can file a complaint of sexual harassment?**
    The aggrieved woman, her relative, friend, psychologist, or any third party with her written consent. In case of death or incapacity, a legal heir or person aware of the incident may file the complaint.
12. **What is the limitation period for filing a complaint under the POSH policy?**
    A complaint must be filed within 3 months from the date of the incident, or in case of a series of incidents, within 3 months from the last incident. This may be extended by an additional 3 months upon showing sufficient cause.
13. **Can the ICC assist the aggrieved person in drafting the complaint?**

For Vivekananda Global University, Jaipur

Registrar

Yes. If the complainant is unable to draft the complaint due to physical or mental incapacity, ICC members are obligated to provide assistance.

14. **Does the ICC assign a case number to complaints?**
Yes. All complaints are acknowledged in writing and assigned a unique case number for official records and tracking.
15. **Can the ICC suggest conciliation before inquiry begins?**
Yes, but only upon a written request by the complainant. Monetary settlements are prohibited.
16. **What happens if conciliation is successful?**
A written settlement is signed by both parties and submitted to the University. No further inquiry will be conducted if compliance is ensured.
17. **What if the respondent fails to submit a reply to the complaint?**
The inquiry will proceed ex-parte after giving 15 days' notice, ensuring due process.
18. **What is the maximum time limit for completion of ICC inquiry?**
Ninety (90) days from the date of receiving the complaint.
19. **What disciplinary measures may be recommended if the complaint is proven?**
The ICC may recommend actions including written warning, suspension, pay deduction, removal from administrative duties, or termination, depending on the severity.
20. **What if the complaint is not proved?**
If the complaint is unsubstantiated, no action is taken against the respondent unless the complaint is found to be false and malicious under Section 14 of the POSH Act.
21. **Can the ICC recommend interim relief before inquiry completion?**
Yes. The ICC may suggest measures such as transfer, leave, restriction on contact, or non-retaliation protections to ensure the aggrieved person's safety.
22. **Is the University obliged to act upon interim recommendations?**
Yes. The University must implement interim measures suggested by the ICC to prevent further harm or victimization.
23. **What protection is offered to witnesses and supporters of the complainant?**
The policy prohibits any form of victimization, intimidation, or retaliation against complainants, witnesses, or those assisting in the inquiry.
24. **Who imposes disciplinary action post ICC recommendations?**
A Disciplinary Committee comprising the Registrar, Pro-President, and Director (Management Studies) shall determine the appropriate quantum of penalty.
25. **Can compensation be awarded to the complainant?**
Yes. The ICC may recommend monetary compensation based on trauma, loss of career opportunity, and other relevant factors, to be deducted from the respondent's remuneration.
26. **What action is taken against students found guilty?**
Disciplinary measures may include warning, suspension, expulsion, withholding of results, or denial of re-admission.
27. **Are third-party offenders liable under this policy?**
Yes. They may be censured, banned from campus, have their contracts terminated, or be reported to their employer.
28. **Can the decision of the ICC be appealed?**
Yes. Either party may appeal within 90 days of the decision to the Appellate Authority – The President of the University.
29. **On what grounds can an appeal be filed?**

For Vivekananda Global University, Jaipur

Registrar

Appeals may be based on dissatisfaction with the inquiry outcome, inadequacy of punishment, or delay in implementing ICC recommendations.

30. **What is the time frame for the Appellate Authority to decide on the appeal?**
The appeal must be disposed of within 30 days of receipt by the Registrar.
31. **Is the identity of the complainant and respondent protected under this policy?**
Yes. Disclosure of identity is strictly prohibited, except when legally mandated.
32. **Can inquiry details be shared with the media?**
No. Sharing of inquiry details or identities with unauthorized individuals or the media violates Section 16 of the POSH Act and attracts disciplinary action.
33. **Is the University obligated to publish an annual POSH report?**
Yes. The University must submit an annual compliance report to the UGC and display policy awareness activities, complaints received, and action taken.
34. **What action is taken if a complaint is found to be malicious?**
A separate inquiry will be initiated to establish mala fide intent. If proven, the complainant or any false witness may face disciplinary action.
35. **Is lack of evidence enough to treat a complaint as false?**
No. Mere inability to prove a complaint does not constitute malicious intent unless bad faith is established through a separate due process.

For Vivekananda Global University, Jaipur

Registrar