



दून विश्वविद्यालय
मोथरोवाला रोड, केदारपुर, पो०ओ० डिफेन्स कालोनी,
देहरादून-248001 (उत्तराखण्ड) भारत

DOON UNIVERSITY

Mothrowala Road Kedarpur, P.O. Defence Colony,
Dehradun-248001 (Uttarakhand) INDIA.



DOON UNIVERSITY, DEHRADUN

Policy for
Anti-Sexual Harassment Committee
&
Gender Sensitization
(ASHC&GS)

REGISTRAR
DOON UNIVERSITY
DEHRADUN (INDIA)



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Anti- Sexual Harassment Committee & Gender Sensitization Committee

PART ONE

1.1 Preamble

An elementary pre-requisite of the culture in an educational institution is equality in general and gender equality and sensitivity in particular. To ensure this, **Doon University** has set up an **Anti-Sexual Harassment Committee** which also ensures fostering gender sensitivity amongst the university community comprising students, teachers, administration and other staff members.

The term 'Gender' chiefly refers to the social construction which is manifested in the ideas of gender roles, gender socialization and the like. The age old and stereotypical indices that are less sensitive in defining genders need a revival, more so in the centres of Higher Education.

1.2 Sexual Harassment – Meaning

Sexual harassment takes many forms. The most important principle is that it is against the consent of the person and is experienced by the person concerned as violence. Acts of sexual harassment can be by an employer or teacher who is in relationship of authority. Situations of the abuse of trust also happen among friends. Thus, women also experience sexual aggression amounting to rape from a friend or intimate partner. Violence among intimate partners is also prevalent where one partner harasses the other in ways that make the other person feel victimised. All of these constitute sexual harassment and should be opposed. (https://www.ugc.ac.in/pdfnews/5873997_SAKSHAM-BOOK.pdf, 2013)

In view of the above excerpt from the Saksham Report Draft of UGC, and the status quo regarding the recognition of gender minorities after the NALSA vs. UoI¹, it becomes pertinent to look at gender and consequently sexual harassment with a broader perspective.

Doon University Anti Sexual Harassment committee identifies sexual harassment as one or any combination of the below mentioned:

1. Unwelcoming sexually determined behaviour such as physical contact and advances, demand or request for sexual favours;
2. Sexually coloured remarks, showing pornography, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature;
3. Eve teasing;
4. Body shaming;
5. Verbal, Non-verbal or/and physical harassment of sexual minorities.

¹ AIR 2014 SC 1863



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1.2.1 Who can be the victims of Sexual Harassment?

Sexual harassment is not limited to a certain sex (and/or gender). It can impact all genders namely (i) females, (ii) males and (iii) sexual minorities (lesbian, gay, bisexual, or non-heterosexual individuals, it can also refer to transgender, non-binary (including third gender) or intersex individuals).

1.2.2 Scope of applicability

In formulating the policy against sexual harassment (both prevention and redressal), the fact that Doon University is an autonomous body and has a single campus, has been considered. The University community consists of _____ students, _____ faculty members, and around _____ administrators and _____ staff members. Some members of the University community, commute to their "work place" (i.e., place of work/study) from different parts of the city.

The interpretation of the term, "work place," for the purpose of the policy for Doon University, will extend to the University premise and the jurisdiction shall also include fieldtrips, sports tournaments, conferences, college festivals and all other activities related to and incidental with the work or study undertaken by any member, faculty or student of Doon University.

1.3 Objectives and Responsibility of the Anti-Sexual Harassment Committee & Gender Sensitization Committee (ASHC&GS)

- To set up a complaints committee for redressal of sexual harassment complaints in the University campus;
- To provide safe learning and working environment free from sexual biases and gender insensitivity;
- To ensure safe accommodation for girls and women studying and working away from their place of residence;
- To ensure a conspicuous display of penal consequences of indulging in acts that may constitute sexual harassment;
- To organize workshops, seminars and awareness programs at regular intervals for sensitizing students, employees and other staff members on issues regarding sexual harassment and its consequences;
- To ensure timely submission of reports by the committee; to mandatorily submit an annual report by the Anti-sexual harassment committee;
- To facilitate an environment where the complaints regarding sexual misconduct can be reported to the ASHC&GS.


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PART TWO

2.1 Definition of Sexual Harassment

The following constitute sexual harassment:

- I. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any University activity.
- II. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/ or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.
- III. When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
- IV. When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University is used to denigrate/ discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.

2.2 Jurisdiction

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

- I. By a member of the university against any other member of the university for any harassment which is alleged to have taken place within the territorial limits of the workplace.
For the purpose of above, the interpretation of the term, "work place," for the purpose of the policy for Doon University, will extend to the University premise and the jurisdiction shall also include fieldtrips, sports tournaments, conferences, college festivals and all other activities related to and incidental with the work or study undertaken by any member, faculty or student of Doon University.
- II. By a member of the university against an outsider if the sexual harassment is alleged to have taken place within the territorial limits of the work place as elucidated above. In such cases the Committee shall recommend that the university authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint.
- III. By an outsider against the member of the University within the territorial limits of the work place as elucidated above.

In the above the following definitions will apply:

'Members of the University' includes students, teachers and non-teaching staff of the University.



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‘Students’ includes regular students of Doon University.

‘Teachers’ includes any person on the staff of the university, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.

‘Non-Teaching Staff’ includes any person on the staff of the university, who is not included in the category of teacher. It shall also include contract workers and daily wagers.

‘Outsider’ includes any person who is not a member of the university.

2.3 Constitution of the committee

- I. The committee shall comprise of 6 members, including the Chairperson, nominated by the Vice- Chancellor. There shall be two Student Representatives (SRs) in addition to the 6 members of the committee. These representatives shall be nominated by the Chairperson. In cases where either of the parties or both parties in a complaint is/are student(s), the student representatives shall also be a part of the enquiry committee and procedure. However, in cases where neither the complainant nor the defendant is a student the SRs shall not be part of the enquiry committee.
- II. The Chairperson of the committee shall be a woman faculty member employed in the university in the regular capacity.
- III. Out of the 5 members of the committee, at least two members should be women faculty members of the university and shall comprise the internal members.
Two external members shall be nominated by the Vice Chancellor, out of which one shall be a woman championing the cause of women issues (empowerment, equality, and the like) and other shall be a practicing advocate having experience in gender related issues.
- IV. Persons in senior administrative positions, such as Vice- Chancellor, Registrar, Dean(s), Heads of Departments, etc., shall not be members of committee in order to ensure autonomy.
- V. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a ASHC & GS.
- VI. The term of each member shall be three years. The previous Committee will continue till the new Committee is constituted. If any member of the committee retires or resigns, the Vice Chancellor may nominate the new member. No external member previously associated with Anti- Sexual Harassment Committee shall be reinstated for a consecutive term after the expiry of her/his previous term.
- VII. Any matter, the gravity of which is beyond the scope of the aforesaid committee, shall be dealt in accordance with any law for the time being in force in the state or country.

2.4 Procedure for registering complaints

- I. All complaints must be brought by the complainant in person.
- II. If the complainant wishes s/he can be accompanied by a representative.
- III. In addition to I and II under Section 2.4, the Vice-Chancellor can refer any complaint to the ASHC&GS.

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2.5 Enquiry Procedures

- I. All complaints made to any committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the committee. The same shall be complied if the complaint is made directly to the chairperson.
- II. All meetings of the committee will be called either by the member (of the committee) in consultation with the Chairperson or by the Chairperson and a notice of at least 3 to 5 working days must be given to all the other members.
- III. The committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).
- IV. During the enquiry procedure, the complainant and the accused will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry.
- V. During an enquiry all committee members including the Chairperson are required to be present mandatorily.
- VI. The ASHC&GS will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
- VII. The ASHC&GS must inform the accused in writing about the charges made against him/her/they and s/he/they/ should be given a period of 5 working days from the date of receipt of the notification to respond to the charges. No extension with regard to the receipt of response from the defendant shall be given and in the absence of any response from the defendant it shall be construed that he/she/they have waived their right/opportunity of fair hearing; in which case the matter will be decided on the basis of facts presented by the complainant.
- VIII. The Chairperson of ASHC&GS must submit its report to the Vice Chancellor not later than 30 working days from the establishment of case of sexual harassment (as mentioned in point VI of Section 2.5). Also, based on the report the committee shall make recommendations regarding the punitive actions, if required.
- IX. The entire process of enquiry should be completed within 40 days (10 working days from the receipt of the complaint up to the establishment of Sexual Harassment case + 30 working days taken by the committee for conducting the hearing and documenting the report).
- X. The complainant or the accused may re-appeal to ASHC&GS if they are dissatisfied with the decision. In this case, the Vice Chancellor shall constitute a new 3-member committee specific to this enquiry. The constitution of this committee shall be a prerogative of the Vice Chancellor.
- XI. The appellate committee (as mentioned above in point no. X of Section 2.5) shall be bound to submit its report (with recommendations regarding punitive actions) post investigation in not more than 30-working days. Also, second appeal shall not be entertained.
- XII. The appellate committee shall stand dissolved, after the submission of the report of the specific case for which it was constituted in the first place.


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2.6 Procedure of redressal

- I. ASHC&GS shall submit its report, maintaining the timelines (as mentioned in point no IX of Section 2.5) to the Vice Chancellor.
- II. The Vice Chancellor upon receipt of the enquiry report, shall initiate disciplinary action on the basis of the recommendations of the ASHC&GS with 7 working days from the submission of the enquiry report.

2.7 Punitive Actions

- I. On the basis of the findings and recommendations of the ASHC&GS following punitive actions can be initiated:
 - a. Warning
 - b. Written apology
 - c. Bond of good behaviour
 - d. Debarring entry into a hostel/ campus
 - e. Debarring from exams
 - f. Withholding results
 - g. Debarring from contesting elections in the Students' Council
 - h. Suspension for a specific period of time
 - i. Expulsion (in case of students)
 - j. Denial of admission
 - k. Debarring from supervisory duties
 - l. Denial of membership of statutory bodies
 - m. Debarring from holding posts such as member of different University committees
 - n. Adverse remarks in the Confidential Report
 - o. Denial of re-employment
 - p. Stopping of increments/promotion
 - q. Reverting, demotion
 - r. Suspension
 - s. Dismissal (in case of administrative staff members/faculty/ support staff)
 - t. Any other relevant mechanism.
- II. Degree of punitive action as recommended by the ASHC&GS shall depend upon the extent of injury caused to the complainant and findings of the committee.
- III. Any matter, the gravity of which is beyond the scope of the aforesaid committee, shall be dealt in accordance with any law for the time being in force in the state or country.


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