

Procedure at Anti-Sexual Harassment Cell

The anti sexual harassment committee is constituted to consider complaints regarding sexual harassment. It will conduct enquiries suggesting suitable action. The definitions and policies of Anti-Sexual Harassment Cell are as mentioned below:

a. Sexual Harassment

Any unwelcome sexually motivated behavior, whether directly or by implication involving physical contacts or advances, demand for sexual favors, sexually-tainted remarks, and other unwelcome physical, verbal or non-verbal expressions of a sexual nature which affects women's right to work in a congenial environment at the workplace.

b. Scope

The provision of these rules and procedures shall apply to all students and academic and non-academic staff of Bhupal Nobles' University. These rules and regulations shall be applicable to all complaints of sexual harassment made by:

- 1) A student against member/members of academic or non-academic staff or co-students or a member of the academic or non-academic community against a student/students or another member of the academic or non-academic community within and outside the campus.
- 2) A service provider against a student/students or a member/ members of the academic or non-academic staff or a student or a member of academic or non-academic staff against an outsider or service provider, if the alleged sexual harassment is reported to have taken place within the campus.

c. Functions

Mediation of crises arising out of incidence of sexual assault or sexual harassment occurring in the campus, overview of campus security services to ensure prompt intimation to the Committee of all incidents of alleged sexual harassment, organizing of training programmes for the staff and the students to equip them well for handling sexual harassment cases and assistance to aggrieved parties in the campus to make complaints to suitable authority in deserving cases. Meetings of the committee with the students and staff members shall be organized to create awareness and to ensure a healthy environment on the campus.

d. Filing of complaints

- Complaints of sexual harassment shall be lodged with the Committee. Such complaints should be taken up by the Committee for resolution through mediation, conciliation, as promptly as possible, but by not later than two days after the complaint on the alleged incident is received.

- The complaint may be made in writing or by means of tele-communication or by any other electronic mode.
- Normally, a complaint should be lodged within a week after the incident. In special circumstances, the time limit for the submission of complaints may be extended to a month. The special circumstances that led to the granting of such extension should be recorded by the committee.
- The complainant is at liberty to withdraw the complaint at any stage of enquiry, provided such withdrawal is made independently and under free will. The enquiry may be terminated on receipt of the request for such withdrawal.
- A restraint order may be served on the accused, giving him/her a summary of the complaint and warning him/her against making any attempt to exert pressure on the complainant or any other person involved in dealing with the complaint.
- The complainant may bring to the notice of the Committee, attempts if any made by the accused to violate the order. g. The Committee is empowered to terminate the enquiry proceeding and to give ex-parte decision on the complaint, on valid grounds.
- The Committee may appoint an enquiry committee to make investigations into the complaint if deemed necessary.
- It shall submit a detailed report communicating its findings based on its investigations. The Committee shall pronounce its verdict, whether the accused is/are guilty or not guilty. The committee in cases in which the accused is/are found guilty, should indicate the gravity of the offence, whether it is major, serious or minor.
- The enquiry committee shall complete the enquiry in the shortest possible time, not exceeding a month from the date on which the complaint is referred to it, except for special reasons.
- The complainant/s and the accused shall be given reasonable opportunity to present and defend their cases. Witnesses may be called if deemed necessary. In case the accused fail/s to attend consecutively for three hearings despite call notices for the same, the enquiry may be terminated and the decision taken on the complaint on ex-prate basis.
- Counseling services may be made available to the victims and the accused, on request.
- If the complainant, the accused and the witnesses desire to be accompanied by a companion of their choice, they may be permitted to do so, provided the person so chosen will have only observer status and shall leave the meeting after making his/her testimony.

- The complainant and the accused shall have the right of cross examination of all witnesses.
- The enquiry committee shall have the right to disallow questions from the victim or the accused, if the questions are deemed irrelevant and unnecessary.
- All persons heard by the enquiry committee, as well as observers, shall take and observe an oath of secrecy about the proceedings.

e. Redressive Disciplinary Action:

Committee would pass on the findings of the enquiry committee to the Hon'ble President of Bhupal Nobles University for taking appropriate redressive action. If the President finds that there is requirement for further investigation and, he may order for a review of the Report by the enquiry committee and may even refer the case to competent legal authority, if it is of a grave nature.

f. False/Baseless Complaint:

1. If the enquiry committee finds no merit in a complaint, the Chairperson of Committee may issue a show-cause notice to the complainant requiring him/her to explain within three days as to why disciplinary action should not be taken against him/her. In the event of a negative insufficient or unconvincing explanation, Committee shall pass on the papers to the President for imposing appropriate penalty in order to exclude the possibility of recurrence of such motivated complaints.
2. In complaints involving faculty and students, the faculty shall not teach or supervise the work of the student concerned during the period of enquiry and till the decision on the case. Members of the academic and /or non-academic staff involved in such complaints either as the victim or the accused shall not write the confidential reports of the complainant or the victim during the enquiry and decision of the case.

