



D Y PATIL INTERNATIONAL UNIVERSITY

AKURDI PUNE

(Established under Maharashtra Act No. LXIII of 2017)

Policy on Prevention of Sexual Harassment

Objective:

D Y Patil International University (DYPIU) is committed to treating every employee/student with dignity and respect. We seek to create a work environment that is free from sexual harassment of any kind, whether verbal, physical or visual. This policy provides guidelines for prompt redressal of complaints related to sexual harassment and is also in full compliance with "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal)" Act, 2013. All references/ complaints pertaining to any matter will be handled within the ambit of the said Act and the Rules framed thereunder.

Applicability and Scope:

All allegations of sexual harassment by employee/students working for DYPIU/studying in DYPIU are covered under this policy. The workplace for the purpose of this policy is defined as the campus, any official travel or transport provided by the University, team events, social events related to work, any venue whereby an employee/student finds them as a result of work or duties/study.

Definitions:

Definitions of terms under this Policy shall be the same as provided under the Act, unless stated otherwise herein. In case of any ambiguity, the definitions as provided under the Act shall take precedence over the ones provided herein.

1. Sexual Harassment: "Sexual Harassment" includes any unwelcome, sexually determined behavior, direct or by implication, and includes any physical contact and advances, a demand or request for sexual favors, making sexually colored and unsavory remarks, showing pornography, any other unwelcome physical (for example, touching or brushing against any part of the body and the like, etc.), verbal or nonverbal conduct having sexual overtones. For the purposes of this policy "Sexual Harassment" shall include, but will not be limited to the following:

- Unwelcome sexual advances, requests for sexual favours and /or verbal or physical conduct of a sexual nature made, either explicitly or implicitly, whether or not in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any University activity/academics.

- When unwelcome sexual advances and/ or verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or through mobile or e-mail, SMS, MMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment.
 - Forcible physical touch or molestation, eve teasing, innuendos and taunts, physical confinement against ones will and any other act likely to impringe upon ones privacy.
 - Any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of career development/studies or otherwise making the environment at the campus hostile or intimidating to a person belonging to the other/ same sex.
 - When any such conduct is committed by a third party or outsider in relation to an Employee/student of DYPIU, or vice versa during the course of employment
2. University: refers to the D Y Patil International University, Akurdi, Pune.
- 3 Complainant/ Aggrieved Woman: means in relation to a workplace, a woman of any age, whether employed or not/student, who alleges to have been subjected to any act of sexual harassment at the workplace/ campus by another person. The definition of Complainant/Aggrieved person for the purpose of this policy extends to all women employee/ students irrespective of status of employment. It includes full time employee/ students, part time employee/ students, contract workers, temporary staff, interns, trainees, vendors, consultants, and students etc.
- 4 Internal Committee/ Complaints Committee/ Committee: means an Internal Committee constituted under Section 4 of the Act.

Policy Guidelines:

- 1 Sexual Harassment Circumstances Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
- Implied or explicit promise of preferential treatment in employment / evaluation of academics; or
 - Implied or explicit threat of detrimental treatment in employment / evaluation of academics; or
 - Implied or explicit threat about present or future employment status / evaluation of academics; or Interference with work/studies or creating an intimidating or offensive or hostile work environment; or
 - Humiliating treatment likely to affect health or safety. The harasser's conduct must

be unwelcome. Harassment can occur in person, over the phone (including voice mail), over the internet or e-mail or any other form of communication. The harasser can be the complainant's supervisor, a supervisor in another area, a co-worker or a nonemployee/student or faculty / non-teaching.

2 Third-party Harassment. DYPIU also stands committed to take appropriate preventive and remedial action to prevent sexual harassment of its employee/students by nonemployee/students and vice-versa.

3 Harassment-Free Working Conditions. It is the responsibility of each employee/student to create an atmosphere free of harassment and respect the rights of fellow employee/students, thus, maintaining a positive and healthy work environment for all. University expects all faculty/staff/senior leaders to take appropriate steps to prevent or deter acts of sexual harassment.

4 Awareness about the policy. The University would take all requisite steps to ensure effective dissemination of this policy through workshops, awareness programs and printed communications in accordance with the Act.

Detailed Procedure:

1 Internal Committee. An "Internal Committee" shall be constituted as per the Act. The Committee will be headed by a senior woman faculty/staff member; more than half its members will be women and will include an independent third party representative from an NGO/Lawyer. The Committee will be responsible for ensuring that a fair process is duly followed for every complaint raised. Annexure 1.

2 Committee Responsibilities: All complaints of sexual discrimination or harassment will be treated in a serious manner and as per the Act and the Committee will ensure that:

- An appropriate investigation of complaints is conducted. The report of the investigation, findings and recommendations which the IC will prepare should be shared with the Management and both the parties.
- No reprisal or retaliatory action is taken or tolerated against the complainant.
- Sensitive nature of the complaint and the respective position in the University of the parties are kept in mind during investigation.
- Fair process and principles of natural justice are followed.

3 Complaint Mechanism: Employee/students who believe they are experiencing sexual harassment may follow the steps below:

- If the employee/student feels comfortable he/she may first directly talk to the harasser that he/she considers the behavior inappropriate and that the conduct is unwelcome and wants it to stop. It is important that this is said very firmly and clearly.

- If the harassment still persists, the employee/student may report the situation to his/her supervisor/ Deans/ Director's respectively.
- Employee/student can also report the situation to any level of management, at any time, who shall escalate the same to Vice Chancellor immediately.
- The employee/student may use the complaint mechanism and file a written complaint to the Internal Committee
- The employee/student may also e-mail the complaint addressed to the chairperson of the committee.
- Gender Sensitization which shall involves creating awareness about issues of gender and sexuality and working towards and creating an enabling environment of gender Justice where all can work together with a sense of personal security and dignity. Sensitization and Awareness will be a basic function of the Committee formed. IC may follow the guidelines on awareness and sensitization as given in Annexure 2

Initiating Action:

Any aggrieved employee/student may approach the Complaints Committee with a complaint of sexual harassment under this Policy. The following steps will be followed in this regard:

- A complaint of sexual harassment can be filed within a time limit of one (1) month from the date of the last incident. This may be extended to another one (1) month upon satisfactory reason provided for the delay in reporting.
- An employee/student making a complaint ("Complainant") has to give the complaint to the Complaints Committee in writing along with supporting documents, names and addresses of witnesses and the said complaint will be afforded confidentiality as prescribed by law.
- No person against whom a complaint is made shall be part of the Complaints Committee.

5 Investigation Process: On receipt of the complaint, the process as described under the Act shall be followed During the pendency of the investigation process depending upon the facts and circumstances of the complaint, the committee may recommend to the University to take certain pre-emptive steps in support of the complainant, like, grant of leave etc. to support a free & fair investigation.

6 Protection against False Accusations

Where the Internal Committee arrives at a conclusion that the allegations against the harasser/ respondent is malicious or the complainant/ aggrieved woman/student making

the complaint has made the complaint knowing it to be false or the complainant/ aggrieved woman/student making the complaint has produced any forged or misleading document, or the employee/student appearing as a witness deposes falsely, the Internal Committee may recommended to the University to take action against the complainant/ aggrieved woman/student who has made the complaint or the witness who has deposed falsely in accordance with the provisions of Service Terms & Conditions/standing orders applicable to him/ her, which may even include dismissal from service/rustication from the University.

7 Records and Reports: Records shall be maintained for all complaints received and actioned.

8 The Internal Committee will make an annual report detailing number of complaints received, number of complaints disposed, pending complaints and action taken by the University. Normally such details are needed by the UGC.

9 Non – Retaliation: No retaliation or intimidation directed at anyone who makes/assists in filing a complaint or is a witness to the investigation will be tolerated.

10 Corrective Action: Upon receipt of the findings of the Committee, the Management will pronounce its verdict with regard to the charges against the harasser, which shall thereafter be promulgated.

11 Punishment for Sexual harassment

- **Penalties:** If an employee/student is found to have violated this Policy, the Management shall take such action as may be appropriate action for misconduct by the employee/student under the University policy and service rules/standing orders. Such actions may include any of the following:
 - i) Written apology
 - ii) Warning
 - iii) Reprimand or censure or warning:
 - iv) Withholding of promotion/ Withholding of pay rise or increments.
 - v) Termination of employment
 - vi) Counselling session
 - vii) Carrying out community service
 - viii) Suspension from university up to specified duration
 - ix) Rustication from the university.
- **Compensation:** If the Complaints Committee concludes that a serious instance of sexual harassment is proved against the Counter Party, the Committee can also recommend monetary compensation in favour of the

Complainant by way of deduction from the salary or wages of the Counter Party, in an amount that it may consider appropriate to be paid to the Complainant and in accordance with applicable law.

- The Complainant upon request is entitled to leave as per statutory guidelines during pendency of the proceedings.

Implementation:

The provisions of this Policy are in addition to and not in derogation of the provisions of the Act, as amended from time to time, or any law in force from time to time. The provisions of the Act shall always be held sacrosanct and shall be followed by the Committee and the University.

Interpretation:

Any matter not specifically covered under the above guidelines shall be referred to Executive Council for necessary advice. The interpretation of this policy rests exclusively with the University. The decision of the University shall be final and binding

ANNEXURE- 1

INTERNAL COMMITTEE (IC) AS PER MHRD/ UGC GUIDELINES

Constitution

1. A presiding officer who shall be a woman faculty member employed at senior level (not below a Professor in case of a University, nominated by the Executive Authority

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(0).

2. Two faculty members and two non-teaching employees, preferably women and those committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by Executive Council;

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;

4. One member from amongst non-government organizations (NGO) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by Executive Authority.

5. Wardens of Hostels

6. One professional Counsellor

Notes

- (i) At least one-half of the total members of the IC shall be women.
- (ii) Persons in senior administrative positions in the HEI, such as Vice chancellor, Pro-Vice Chancellors, Rectors, Registrar, Deans, Head of Departments etc., shall not be members of ICs in order to ensure autonomy of their functioning.
- (iii) The members appointed from amongst the non-government organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.

ANNEXURE- 2

GUIDELINES ON GENDER SENSITIZATION

General

1. UGC had in a letter on January 27, 2015 and again in June 2017 re-iterated, on the requirement for Universities and Higher Educational Institutes to have a separate cell to deal with issues of gender-based violence and to conduct gender sensitization programs. The cells are required to evaluate, assist and support educational institutes to implement a policy of zero tolerance on campuses for gender-based violence and harassment with the view of eliminating cultures of impunity (and also cultures of silence and complicity).

Role of IC in gender sensitization

- 2. As per UGC advice, the cell should provide the management advice, supervision and oversight, as well as information material from time to time. Senior officials, faculty members and college principals should keep a close watch to ensure that such incidents do not occur at all.
- 3. The cell should also be able to handle gender sensitization programmes in order to evaluate, assist and support Higher Educational Institutes which will make it mandatory on the part of universities to give effect to a policy of zero tolerance on campuses for gender based violence and harassment with a view to eliminating cultures of impunity (and also cultures of silence and complicity).
- 4. UGC has also asked Universities to sensitize the management and the teachers of the institutions and to work out a road map of action which may include the items like holding of conferences, seminars, conducting of workshops and classes for self-defence of girls, research and studies. Awareness and counselling programs are to be taken up regularly by the cell including inviting eminent lawyers /NGOs who are expert in the field

of Gender issues & Human Rights are invited as speakers to enlighten the students, teachers and non-teaching staff members.

5. Among students, orientation workshops must be conducted in their first year. All students should have participated in some programme, workshop or course on gender to be eligible for the award of a degree.

6. The cell will arrange to prominent publicity of the Policy in all Centres, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.

7. The cell will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programmes. It will conduct at least one major activity per semester involving large sections of the University community.


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