

R-12



AMITY UNIVERSITY
— UTTAR PRADESH —

R-12

**REGULATIONS FOR
PREVENTION OF SEXUAL
HARASSMENT**

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R-12: ¹REGULATIONS FOR PREVENTION OF SEXUAL HARASSMENT

1. DEFINITION

“Sexual Harassment” includes such unwelcome sexually determined behaviour (whether directly or by implication) as

- (a) Physical contact or advances;
- (b) A demand or request for sexual favours.
- (c) Sexually coloured remarks;
- (d) Showing Pornography; and
- (e) Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.

Where any of these acts is committed in circumstances, where under the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work, whether she is drawing salary, or honorarium or doing voluntary service, in the University/Institution/ Department, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment or work including recruitment or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto,

2. WHO CAN MAKE A COMPLAINT?

- (a) A person who is –
 - i) A student of the University
 - ii) An employee of the University / Institution / Department or holding a consultative position in the University

¹ Regulation 12 adopted vide 5th Executive Council Meeting held on 07.01.2008 (Item No. 5.10)

- iii) An applicant for admission into any course offered by the University /Institution / Department.

Subject to the condition that:

Where a complaint instituted before the Complaint Committee is found to be frivolous or vexatious, the Committee shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party a fine of minimum Rs.5000/- (Rupees five thousand).

3. THE COMPLAINT COMMITTEE

There shall be a separate 'University Complaint Committee' for Noida campus and Lucknow campus which shall be constituted by the Vice-Chancellor; comprising of 5 ordinary members. At least half of the members of the Committee shall be women. The Chairperson of the Complaint Committee will be nominated by the Vice-Chancellor and shall be a woman. Committee may have co-opted members in addition to above. Three members shall form the quorum.

4. ELIGIBILITY FOR MEMBERSHIP OF THE COMMITTEE

- (i) A person employed as Professor or as Reader or in an equivalent grade in the University shall be appointed as ordinary Member of the Committee.
- (ii) In appointing ordinary members, the Vice-Chancellor may take into account the seniority, ability and background of the members.
- (iii) The Committee may co-opt as many members as are necessary to make an informed, reasonable and expeditious decision. Students, Staff, NGO's or other relevant persons can be co-opted as members.

5. JURISDICTION

All members of staff; teaching or non-teaching and all students, whether studying in the Amity University Campus in Noida or Lucknow or in any Institution/Department, are subject to the jurisdiction of this ordinance.

The territorial jurisdiction of the University Complaints Committee shall extend to acts of sexual harassment committed in the Amity University Campus, both at Noida and Lucknow. The campus shall also include hostels, guesthouses, car parks and other properties owned, maintained or under the control of the University.

In the case of sexual harassment of a third person by a student or staff of the University or of any Institution/Department, the Complaint Committee may in its discretion provide information regarding the student or staff to facilitate a proper determination of the third person's complaint.

6. CONDUCT OF ENQUIRY BY THE COMPLAINT COMMITTEE

- i) Any person aggrieved shall prefer a complaint before the Complaint Committee at the earliest point of time and in any case within 15 days from the date of occurrence of the alleged incident.
- ii) The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the names of the contravener and the complaint shall be addressed to the Complaint Committee
- iii) If the complainant feels that she cannot disclose her identity for any particular reason the complainant shall address the complaint to the Vice Chancellor and hand over the same in person or in a sealed cover. Upon

receipt of such complaint the Vice Chancellor shall retain the original complaint with himself and send to the Complaint Committee a gist of the complaint containing all material and relevant details, other than the name of the complainant and other details, which might disclose the identity of the complainant.

- iv) The Complaint Committee shall take immediate necessary action to cause an enquiry to be made discreetly or hold an enquiry, if necessary.
- v) The Complaint Committee shall after examination of the complaint submit its recommendations to the Vice Chancellor recommending the penalty to be imposed.
- vi) Vice Chancellor upon receipt of the report from the Complaint Committee shall after giving an opportunity of being heard to the person(s) complained against, confirm with or without modification the penalty recommended after duly following the prescribed procedure

7. DISCIPLINARY ACTION

Where the conduct of an employee amounts to misconduct in employment as defined in the conduct rules, appropriate disciplinary action in accordance with the relevant rules shall be initiated.

Where the conduct of a student amounts to misconduct, appropriate disciplinary action in accordance with the relevant Regulations for Maintenance of Discipline of Students shall be initiated by the competent authority.

8. THIRD PARTY HARASSMENT

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and the persons incharge shall take all steps necessary and reasonable to assist the affected persons in terms of support and preventive action.

9. ANNUAL REPORT

The Complaint Committee shall prepare an Annual Report giving full account of its activities during the previous year and forward a copy thereof to the Vice Chancellor, who shall report to the Chancellor.

10. SAVING

Nothing contained in these Regulations shall prejudice any rights available to the employee or prevent any person from seeking any legal remedy under the National Commission for Women Act 1990, Protection of Human Rights Commission Act 1993 or under any other law for the time being in force.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the University shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.