

**Ordinance No. 26**  
governing

**Sensitization, Prevention and Redressal of Sexual Harassment**  
The Central Universities Act, 2009: Section 28(n)  
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**Prevention, Prohibition and Redressal of Sexual Harassment**

Gender equity, including protection from sexual harassment and right to work with dignity is universally recognized basic human right. Eradication of social evils has been the prime aim of Constitution of India. Article 15 of the Constitution of India prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 42 makes provision of securing just and humane conditions of work. Article 51-A(e) makes it incumbent on every citizen to promote harmony and spirit of the common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women. India is also a signatory to the convention on the "elimination of all forms of Discrimination against Women." Resultantly, the Central University of Jammu hereby introduces and enforces ordinance on **Prevention, Prohibition and Redressal of Sexual Harassment** based on University Grants Commission regulation, 2015 and 2016( Prevention, Prohibition and Redressal of Sexual Harassment)

**1. Short title, application and commencement-**These regulations may be called Prevention, prohibition and Redressal of Sexual Harassment

**2. Definitions-**In these regulations, unless the context otherwise requires

- (a) Aggrieved women/men/TG means in relation to workplace, a women/man/TG of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent
- (b) 'Act' means the sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act 2013 (14 of 2013);
- (c) 'campus' means the location or the land on which Central University of Jammu and its institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centers, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centre, canteens, bank counter, etc., are situated and also includes extended campus and covers within its scope places visited as a student of Central University of Jammu including transportation provided for the purpose of commuting to and from institution, the locations outside the institution on field trips, internships, study tour, excursions, short term placements, places under for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of Central University of Jammu

- (d) 'Commission' means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);
- (e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- (f) 'employee' means a person as defined in the act and also includes, for the purposes of these Regulations trainee apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short visits and camps;
- (g) 'Executive authority' means the Vice Chancellor of the CUJ, in which the general administration of the CUJ is vested;
- (h) 'Higher Education Institution' (HEI) means a University within the meaning of clause (J) of Section 2, a college within the meaning of clause (b) of sub-section (1) of section 12A of the University Grants Commission Act, 1956.
- (i) 'Internal Complaints Committee' (ICC) means Internal Complaints Committee to be constituted by CUJ under sub regulation (I) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH or SPARSH) stands reconstituted as the ICC. Provided that in the latter case CUJ shall ensure that the constitution of such a body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;
- (j) 'protected activity' includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation.
- (k) "sexual harassment" means-
  - I. "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behavior (whether directly or by implication), namely:-
    - a) Any unwelcome physical, verbal or non verbal conduct of sexual nature;
    - b) Demand or request for sexual favors;
    - c) Making sexually colored remarks;
    - d) Physical contact and advances; or
    - e) Showing pornography"
  - (ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behavior that has explicit or implicit sexual undertones.



- (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- (b) implied or explicit promise threat of detrimental treatment in the conduct of work;
- (c) implied or explicit threat about the present or future status of the person concerned;
- (d) creating an intimidating offensive or hostile learning environment;
- (e) humiliating treatment likely to affect the health , safety dignity or physical integrity of the person concerned;

(l) "student means a person duly admitted and perusing a programme of study either through regular mode or distance mode, including short-term training programmes in Central University of Jammu.

Provided that a student who is in the process of taking admission in Central University of Jammu campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that Central University of Jammu, where any incident of sexual harassment taken place against such student;

Provided that a student who is a participant of any of the activities in Central University of Jammu other than the Central University of Jammu where such student is enrolled shall be treated, for the purpose of these regulations, as a student of that Central University of Jammu where any incident of sexual harassment taken place against such student;

(m) " Third party harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider , who is not an employee or a student of the Central University of Jammu, but a visitor to the Central University of Jammu in some other capacity or for some other purpose or reason ;

(n) "Victimisation", means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour"

(o) "workplace" means the campus of a Central University of Jammu including-

- (a) Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by Central University of Jammu.
- (b) Any sport s institute, stadium, sport complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in Central University of Jammu.
- (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the concerned authorities for undertaking such journey for study in Central University of Jammu.

**3. Responsibilities of Central University of Jammu:**

- (a) Wherever required, approximately subsume the spirit of the above definition in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students and modify its ordinance and rules in consonance with the requirements of the Regulations;
  - (b) Publicly notify the provisions against sexual harassment and ensure their wide dissemination;
  - (c) shall organize training programmes or as the case maybe, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enriched in the Act and under these regulations;
  - (d) shall act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students and some male students and students of third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;
  - (e) shall publicly commit itself to a zero tolerance policy towards sexual harassment;
  - (f) shall reinforce it's commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
  - (g) shall create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro harassment.
  - (h) shall include in it's prospectus and display prominently in suspicious places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complains pertaining to sexual harassment, contact details of the members of Internal Complaints Committee, complaints procedures on.
- Provided that in the latter case Central University of Jammu shall ensure that constitution of such a Body is as required for ICC under those regulations. Provided further that such a Body that be bound by the provisions of these regulations;
- (i) inform employees and students of the recourse available to them if they are victims of sexual harassment;



- (ii) organize regular orientation or training programmes for the members of the ICC to deals with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- (iii) proactively move to curb all forms of harassment of employees and students and students whether is from those in a dominant power of hierarchical relationship within Central University of Jammu or owing to intimate partner violence or from peers or from elements outside of the geographical limits of Central University of Jammu.
- (iv) Be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings are required by law and also put in place mechanisms and redressal systems like ICC to curb and prevent sexual harassment on its campus;
- (v) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employees;
- (vi) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (vii) ensure compliance within the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (viii) monitor the timely submission of reports by the ICC;
- (ix) prepare an annual status report with details on the number of cases filed and their disposals and submit the same to the Commission.

**Supportive Measures-(1)** The rules, regulations or any such other instrument by which ICC shall function have to be updated or revised from time-to-time, as court judgment and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

- (2) The Vice Chancellor of Central University of Jammu shall extend full support to see that the recommendations of the ICC are implemented in timely manner. As possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio video equipments, etc.), staff (typists, counseling and legal services) as well a sufficient of financial resources.
- (3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees shall be sensitive to such vulnerabilities and special needs.
- (4) Since research students and doctoral candidates are particularly vulnerable Central University of Jammu shall ensure that the guidelines for ethics for Research Supervision are put in place.
- (5) Central University of Jammu shall conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy

- (6) The Academic Staff College ( as and when established) or FIDC (now known as Human Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) shall incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.
- (7) Orientation courses for administrators conducted in CUJ shall have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the CUJ community.
- (8) Counseling services shall be institutionalized in CUJ and shall have well trained full-time counselors.
- (9) CUJ shall have adequate lighting as a necessary aspect of infrastructure and maintenance.
- (10) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.
- (11) CUJ shall ensure reliable public transport, especially with in large campuses between different sections of the CUJ hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport shall be considered by CUJ to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.
- (12) CUJ shall accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.
- (13) Concern for the safety of women students, male/TG must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students including all gender.
- (14) Adequate health facilities are equally mandatory for CUJ. In the case of women, men and TGs medical facility shall be given.
- (15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitization and remain autonomous of the functioning of antisexual harassment committees and ICCs. At the same time they shall extend their activities to include gender sensitization programmes in consultation with ICCs and help to disseminate anti sexual harassment policies on campuses on a regular basis. The 'cultural'



space and the 'formal academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.

(16) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries are within the domain of accountability through amendments in the rules or Ordinances where necessary.

#### 4. Grievance redressal mechanism-

(1) The Internal Complaints Committee (ICC) shall address to all complaints related to gender sensitization against sexual harassment. The ICC shall have the following composition:-

- (a) A presiding officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university, nominated by the Vice Chancellor

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(o):

Provided that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding officer shall be nominated from any other workplace of the same employer or other department or organization,"

- (b) Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Vice Chancellor.
- (c) 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.
- (d) One member from amongst non- government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Vice Chancellor.

(2) At least one-half of the total members of the ICC shall be women.

(3) Persons in senior administrative positions in the CUJ such as Vice-Chancellors, Pro Vice-Chancellors, Rector, Registrar, Deans, Heads of Department, etc., shall not be members of ICC in order to ensure autonomy of their functioning.

(4) The term of office of the members of the ICC shall be for a period of three years. CUJ shall also employ a system whereby one-third of the members of the ICC may change every year.

(5) The member appointed from amongst the non-governmental organizations or association shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Council may be prescribed.

(6) Where the presiding officer or any member of the Internal Committee:

- (a) Contravenes the provisions of section 16 of the act or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him: or
- (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him: or
- (d) has so abused his position as to render the continuance in office prejudicial to the public

Such presiding officer or member, as the case may be, shall be removed from the committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with provisions of this section."

**5 Responsibilities of internal complaints committee ICC- The Internal Complaint Committee shall-**

- a) Provide assistance if an employer or a student chooses to file a complaint with the police;
- b) Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimise the need for purely punitive approaches that lead to further resentment, alienation and violence.
- c) protect the safety of the complainant by not divulging the person's identity and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of offender.
- d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment and
- e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protective activity

**6. The process for making complaint and conducting enquiry-** The ICC shall comply with the procedure prescribed in these regulations and the Act for making a complaint and inquiring into the complaint in a time bound manner. The CUJ shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.



**7. Process of making complaint of sexual harassment-** An aggrieved person is required to submit a written complaint to the ICC within three months from the date of incident and in case of a series of incidents within a period of three months from the date of last incident.

Provided that where such complaint cannot be made in writing, Presiding Officer or any member of the ICC shall render all reasonable assistance to the person for making the complaint in writing.

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months. If it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

Friends, Relatives, Colleagues, Co-students, Psychologists, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make complaint on account of physical or mental incapacity or death.

**8. Process of conducting Enquiry-** (1) The ICC shall, upon receipt of the complaint send one copy of the complaint to the respondent within a period of seven days of such receipt.

(2) Upon receipt of the copy of the complaint, the respondent shall file his or her / TG reply to the complaint along with the list of documents and names and addresses of witnesses within a period of ten days.

(3) The inquiry has to be completed within a period of 90 days from the receipt of the complaint. The inquiry report with recommendations if any has to be submitted within ten days from the completion of the inquiry to the Vice Chancellor, CUJ. Copy of the findings for recommendations shall also be served on both parties to the complaint.

(4) The Vice Chancellor, CUJ shall act on the recommendations of the committee within a period of 30 days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.

(5) An appeal against the findings or recommendations of the ICC may be filed by either party before the Vice Chancellor, CUJ, within a period of 30 days from the date of recommendations

(6) If the Vice Chancellor, CUJ decides not to act as per the recommendations of the ICC then it shall record written reasons for the same to be conveyed to the ICC and both the parties to the proceedings. If on the other hand it is decided to act as per recommendations of the ICC then a show cause notice answerable within ten days shall be served on the party against whom action is decided to be taken. The apex body of the CUJ shall proceed only after considering the reply or hearing the aggrieved person.

(7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The CUJ shall facilitate a conciliation process through ICC as the Case may be, once it is sought. The resolution of the conflict to full

satisfaction of the aggrieved party wherever possible is preferred to purely punitive intervention.

8. Confidentiality- The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

**9. Interim redressal** – The CUJ shall

- a. Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC.
- b. Grant leave to the complainant with full protection of status and benefits for a period up to three months.
- c. Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- d. Ensure the offenders are warned to keep a distance from the aggrieved and wherever necessary if there is a definite threat; restrain their entry in to the campus.
- e. Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

**10. Punishment and compensation** – (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the CUJ, if the offender is an employee.

2) Where the respondent is a student depending upon the severity of the offence the CUJ may –

- a. withhold privileges of the student such as access to the library, auditorium, halls of residence, transpiration, scholarships , allowances , with holding results and identity card.
- b. suspend or restrict entry into the campus for a specific period.
- c. expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants.
- d. award reformatory punishments like mandatory counselling and or performance of community services, warning and take a bond of good behavior.



The aggrieved person is entitled to the payment of compensation. The CUJ shall issue direction for payment of the compensation recommended by the ICC and accepted by the Vice Chancellor, which shall be recovered from the offender. The compensation payable shall be determined on the basis of –

- a. mental trauma, pain , suffering and distress caused to the aggrieved person.
- b. the loss of career opportunity due to the incident of sexual harassment.
- c. The medical expenses incurred by the victim for physical, psychiatric treatment.
- d. The income and status of the alleged perpetrator and victim and
- e. The feasibility of such payment in lump sum or in instalments.

**11. Action against frivolous complaint** – To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicized within all the CUJ. If the ICC includes that the allegations made were false malicious or the complaint was made knowing it to be untrue or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub – regulations (1) of regulations 10, if the complainant happens to be an employee and as per sub – regulation (2)

Of that regulation, if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an enquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

In case of harassment by an outsider, that is, a person unconnected with the University, the University authorities shall initiate action by making a complaint with appropriate authority.

Any person aggrieved from the recommendations made by ICC or non implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed. The appeal shall be preferred within a period of ninety days of the recommendations.