

## CHAPTER I

### PRELIMINARY

1. Short title, extent and commencement - (1) These Regulations may be called the Gender Sensitization & Sexual Harassment of Women at Symbiosis International University (Prevention, Prohibition and Redressal) Regulations, 2014.

(2) They shall come into force on such date as the Registrar may, by notification appoint.

2. Definitions - In these Regulations, unless the context otherwise requires:—

- (a) "aggrieved woman" means, in relation to Symbiosis International University, any female, of any age, who claims to have been subjected to any act of sexual harassment by any person in the University or its constituent institutes
- (b) "appropriate Authority" means in relation to Symbiosis International University, the Vice Chancellor of the University;
- (c) "Chairperson" means the Chairperson of the Internal Complaints Committee (ICC);
- (d) "Vice Chancellor" in context of the present Regulations means the Vice Chancellor of Symbiosis International University;
- (e) "habitual Respondent" is a person against whom a previous Complaint of sexual harassment has been received by the ICC on earlier occasion, irrespective of whether the matter was resolved with or without an inquiry and except where the Respondent has been exonerated in the previous complaint;
- (f) "ICC" means the Internal Complaints Committee constituted under Notification Number SIU/28/505 dated 11<sup>th</sup> April, 2014 by Symbiosis International University;
- (g) "Member" means a Member of the ICC;
- (h) "Prescribed" means prescribed by the present Regulations;
- (i) "Respondent" means a person against whom the aggrieved woman has made a Complaint under the present Regulations;
- (j) "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—
  - (i) physical contact and advances;
  - (ii) a demand or request for sexual favours;
  - (iii) making sexually coloured remarks;
  - (iv) showing or exhibiting pornography and/or sexually explicit material by any means;
  - (v) sending undesirable sexually coloured oral or written messages, text messages, e-mail messages, or any such messages by electronic, manual or other means;
  - (vi) stalking or consistently following aggrieved woman in the University or its constituent units' precincts and outside;
  - (vii) voyeurism including overt or tacit observation by the Respondent by any means of the aggrieved woman in her private moments;
  - (viii) any conduct whereby the Respondent takes advantage of his position and subjects the aggrieved woman to any form of sexual harassment and seeks sexual favours specially while holding

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- out career advancements whether explicitly or implicitly, as an incentive or a natural result of submitting to the insinuations/ demands of the Respondent;
- (ix) any other unwelcome physical, verbal or nonverbal conduct of sexual nature;
  - (x) implied or explicit promise of preferential treatment in her career at the University;
  - (xi) implied or explicit threat of detrimental treatment in her career at the University;
  - (xii) implied or explicit threat about her present or future career at the University;
  - (xiii) interferes with her work or creating an intimidating or offensive or hostile work environment for her, or
  - (xiv) any treatment having a sexual colour or content likely to affect her emotional and/or physical health or safety.
- (k) "Symbiosis International University precincts" means the whole premises of Symbiosis International University and all its constituent institutes including open grounds, parking, mess, libraries, canteens, guest house, staff quarters, health centers and/or any other part of the premises under the control of the University;
- (l) "Volunteer" means members or other persons enlisted by the ICC without any remuneration basis for carrying out the objects and purpose of these Regulations.

3. Prevention of sexual harassment - No woman shall be subjected to sexual harassment at Symbiosis International University precincts.

## CHAPTER 11

### COMPOSITION & CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE of SYMBIOSIS INTERNATIONAL UNIVERSITY

4. Constitution of the Internal Complaints Committee - (1) The ICC of Symbiosis International University is constituted herein to fulfill a very important function of sensitizing the staff to gender issues and to address any complaint made with regard to sexual harassment at Symbiosis International University precincts.

(2) The Vice Chancellor of Symbiosis International University shall, by an order in writing, constitute a Committee to be known as the "Symbiosis International University Internal Complaints Committee" (ICC) which shall consist of not less than 4 members and not more than 8 members and shall meet/do the following as far as practicable :—

**Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees**

**Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge**

**One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment**

- (a) one or two Professors of Symbiosis International University one of whom shall be the Chairperson of the Committee, to be nominated by the Vice Chancellor of Symbiosis International University;
- (b) one or two Associate Professors of Symbiosis International University, with at least 10 years of employment at the University or the University Faculty-on-Record to be nominated by the Hon'ble Vice Chancellor of Symbiosis International University, one of whom being a woman;
- (c) one or two Assistant Professors of Symbiosis International University, with at least 10 years of employment at the University or the University Faculty-on-Record to be nominated by the Hon'ble Vice Chancellor of Symbiosis International University, one of whom being a woman;

- (d) at least one and at the most two outside members to be nominated by the Vice Chancellor of Symbiosis International University,

persons who are associated with the Social Welfare Department or non-government organization having experience in the field of social justice, women empowerment, and/or gender justice, out of whom at least one member shall be a woman;

- (e) any other member that the Vice Chancellor of Symbiosis International University may deem fit to nominate.

Provided that it shall be ensured that the majority of the members of ICC shall be woman members.

- (4) The outside Member appointed under Clause 4(2)(d) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the ICC as may be prescribed by the University

- (5) Where the Chairperson or any Member of the ICC:

- (a) 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/her;
- (b) fails to constitute an Internal Sub-Committee to inquire into a particular Complaint;
- (c) fails to take action under Regulation 11;
- (d) contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder, or
- (e) in the opinion of the Vice Chancellor of Symbiosis International University has so abused his/her position as to render his/her continuance in office prejudicial to the exercise of functions of the ICC;

such Chairperson or Member, as the case may be, shall stand removed forthwith from the ICC by a written order of the Vice Chancellor of Symbiosis International University and the vacancy so created shall be filled by fresh nomination/ election in accordance with the provisions of these Regulations.

#### 5. Term of Internal Complaints Committee members—

The term of each member of the ICC shall be for two years, subject to the member being elected/nominated for a maximum period of two terms, and a member who has been removed under Regulation 4(5) shall not be eligible for re-nomination or re-election.

6. Meetings of The Internal Complaints Committee - (1) The ICC shall meet at least once in four SIX months in a calendar year

(2) Members shall be intimated of meetings and agenda in writing and/or by electronic communication by the Chairperson.

(3) Minutes of all meetings shall be recorded, confirmed and adopted. The Chairperson shall circulate the minutes of a meeting and the Resolutions so passed to all Members of the ICC within 7 days of the holding of the meeting or the passing of the Resolution.

(4) The Ordinary Meeting shall be called by the Chairperson with minimum seven days notice to all members.

Any member of the ICC may at any time request the Chairperson to call an Emergency Meeting with a notice of Forty-Eight hours. However, this will not prevent the Chairperson from convening an emergency meeting without 48 hours notice.

(6) The quorum for all Meetings shall be one-third of the members of the ICC. In the event the quorum is not completed for any meeting, an adjourned meeting shall be held within the next 10 days following, for which no quorum shall be required.

(7) All motions shall be carried by a simple majority of those present and voting at all meetings, except where it is specifically provided for.

Whenever a Complaint is received or a Report of the Internal Sub-Committee is submitted, within a period of 7 days, the Chairperson may call either an Ordinary or Emergency Meeting to take action on the same, and the Chairperson shall call a

meeting for this purpose not later than 15 days from the date of the Complaint or the Report.

If a Member does not attend 3 consecutive meetings he/she shall be liable to removal forthwith by the Vice Chancellor of Symbiosis International University and the vacancy so created shall be filled in accordance with Regulation.

7. Functions of The Internal Complaints Committee - (1) ICC shall be responsible for framing a Policy from time to time and its implementation with regard to gender sensitization and prevention and redressal of Sexual Harassment at Symbiosis International University.

(2) Gender Sensitization and Orientation: The ICC shall take the following steps with regard to gender sensitization and orientation:

(I) The ICC will ensure the prominent publicity of the Policy on gender sensitization and prevention and redressal of Sexual Harassment at Symbiosis International University in all places at Symbiosis International University precincts such as open grounds, parking, mess, libraries, canteens, guest house, staff quarters, health centers and/or any other part of the premises under the control of the University.

(ii) The ICC will organize programmes for the gender sensitization of the Symbiosis International University community through workshops, seminars, posters, film shows, debates, displays, etc.

The ICC shall submit an Annual Report by 30<sup>th</sup> December every year to the Vice Chancellor of Symbiosis International University which shall be shared with the University community outlining the activities undertaken by it and charting out a blueprint for the activities/steps to be taken up in the following year along with necessary budget allowances required by it. The ICC shall include in its Annual Report the number of cases filed, if any, and their disposal under these Regulations in the annual report.

(iv) The ICC may enlist the help of NGO's, associations, volunteers, lawyers, lawyer's bodies, of the concerned legal services authorities to carry out these programmes.

(v) The ICC will enlist and activate an adequately representative team of volunteers and shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers. The services of such volunteers shall be available at all times to any aggrieved woman or any person in need of consultation or guidance. Volunteers will also assist in the gender sensitization, crisis mediation and crises management duties of the ICC, but shall not participate in the task of formal redressal of complaints under these Regulations and Procedures.

(vi) The ICC will organize and train members and volunteers to equip them to handle sexual harassment cases including legal and medical aspects of aid.

(3) Crisis Management and Mediation – The ICC shall ensure that there is quick and responsive crises management, counselling and mediation available to all aggrieved women expeditiously which shall include the following activities:-

(i) The ICC will assist in the mediation of crises arising out of incidents of sexual harassment at Symbiosis International University precincts.

(ii) No mediation shall conclude without approval of the ICC, and the mediated settlement shall be effected and be enforceable only upon it being duly approved by the ICC which shall satisfy itself that the said mediation settlement is voluntary, fair, unbiased, and free from any extraneous consideration or influence.

The ICC will coordinate with Symbiosis International University security services to devise ways and means by which a system of prevention of and crisis management that is both gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact through the Chairperson with the University's security services to ensure that in crises arising out of incidents of sexual harassment, ICC members, and/or the volunteers identified by it, shall be intimated of such incidents without delay.

(4) Complaint Redressal - The ICC shall ensure that every complaint of an aggrieved woman is adequately dealt with in accordance with the established procedure and with complete sensitivity. The ICC shall have the power to inquire into and pass orders against the Respondent/deviant/delinquent in a complaint made in relation to any form of sexual harassment in the entire precincts of Symbiosis International University.

## CHAPTER III

### COMPLAINT & INQUIRY INTO COMPLAINT

8. Complaint of Sexual Harassment - (1) Any aggrieved woman may make a complaint in writing of sexual harassment at Symbiosis International University precincts to the ICC through the Chairperson in accordance with the form and procedure so notified by it.

Provided that where the aggrieved woman is unable to make such a complaint in writing due to any reason, the Member of the ICC or volunteer, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

(2) Where (the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or for any other reason, her legal heir or such other person directly concerned with her interests may make a complaint under this Regulation.

9. Inquiry into complaint - (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the Complaint, the ICC shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise of three members of the ICC itself or such other persons as to be so nominated by the ICC in its meeting, with majority members being women, and at least one person being an outside member.

(2) The Internal Sub-Committee shall conduct an inquiry and shall hear and duly record the statements of the aggrieved woman, the Respondent, and any other person the said- parties wish to examine, subject to the provisions of Regulation 13(2), and thereafter it shall prepare a Report and enclose therein the complete proceedings of the Inquiry.

(3) The fact finding inquiry into a Complaint shall be conducted and completed within 90 days of the Constitution of the Internal Sub-Committee.

Provided that the validity of any inquiry shall not be called into question upon the inquiry not being completed with the stipulated period due to reasons beyond the control of the Internal Sub-Committee.

10. Inquiry Report - (I) On the completion of an inquiry under these Regulations, the Internal Sub-Committee shall provide the Inquiry Report of its findings alongwith the complete record of the inquiry proceedings including the leadings and all the material on record to the ICC within a period of ten days from the date of completion of the inquiry and such Report shall also be made available to the concerned parties.

(2) Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the ICC that no action is required to be taken in the matter.

(3) Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the ICC to take appropriate action for gender discrimination and/or sexual harassment.

(4) Upon consideration of the material on record and the Inquiry Report of the Internal Sub-Committee, if more than two-thirds of the members of the ICC differ from the conclusion of the Internal Sub-Committee, the ICC shall after hearing the aggrieved woman and Respondent in person, record its reasons to so differ and take consequent action accordingly.

(5) The ICC shall pass orders either accepting or rejecting the Inquiry Report of the Internal Sub-Committee and thereafter pass consequent orders that may be appropriate and necessary for putting an end to the sexual harassment and take all steps to secure justice to the victim of sexual harassment within 45 working days of submission of the Inquiry Report of the Internal Sub-Committee, excluding the period of holidays, and/or vacation of Symbiosis International University.

Provided that the validity of the orders of the ICC shall not be called into question upon the same not being passed within the stipulated time.

11. Orders on Inquiry Report - (1) Subject to Regulation 9(1) above, the ICC shall have the power to pass the following orders to secure justice to the victim of sexual harassment:

- (a) admonition;
- (b) admonition with publication of such admonition in the University precincts including cause lists and the University's official Website;
- (c) prohibition from harassing the victim in any manner including, but not limited to, prohibition from communicating with her in any manner such as phones, messages, electronic means, physical or other means for a specified period; and
- (d) subject to Regulation 11(2), pass all orders, directions, and/or direct taking steps necessary for putting an end to the sexual harassment of the aggrieved woman.

(2) The ICC will also have the power to recommend to the Vice Chancellor of Symbiosis International University to pass orders against the Respondent including, but not limited, to the following:

- (a) debarment of entry into the University precincts for a specified period extending upto a maximum period of one year; and
- (b) in appropriate cases, to recommend filing of a criminal complaint and/or a disciplinary complaint before the concerned disciplinary authority for taking appropriate action, and the Vice Chancellor of Symbiosis International University may pass orders thereon subject to Regulation 12.

(3) The ICC shall pass orders on the Enquiry Report and/ or shall make recommendations to the Vice Chancellor of Symbiosis International University within 45 working days of the submission of the inquiry Report, excluding the period of vacation of Symbiosis International University and communicate the same to the parties forthwith.

(4) The ICC and the internal Sub-Committee shall have the jurisdiction to inquire into a complaint and take any action thereon may have been filed with respect to the same complaint/ actions.

(5) The orders of the Vice Chancellor of Symbiosis International University and the ICC shall be final and binding on the parties.

12. Representation - (1) Any person aggrieved by the order passed (or not passed) by the ICC under Regulation 11(1), or recommendation made by the ICC to the Vice Chancellor of Symbiosis International University under Regulation 11(2), or non-implementation of such orders or action may make a representation to the Vice Chancellor of Symbiosis International University who shall have the power to set aside or modify the orders passed or the recommendation made as the Vice Chancellor may deem fit. and also have the power to issue such orders or directions that may be necessary to secure complete justice to the victim of sexual harassment.

The representation under Regulation 12(1) shall be preferred within a period of ninety days of communication of the order or recommendation.

13. Restraint Order - (I) On the receipt of a Complaint and during the pendency of an Inquiry, on a written request made by the aggrieved woman, the ICC if it considers it fit and proper may recommend specific interim measures to be taken in a signed decision to the Vice Chancellor of Symbiosis International University, who on receipt thereof may pass such interim orders that **may be required for the personal** safety and for safeguarding the dignity of the aggrieved woman, and both the aggrieved woman and the Respondent shall be bound by the same.

(2) Upon disobedience, defiance or violation of the order passed under clause (1) above by the Respondent, the ICC shall close and/or strike off the defence of the Respondent and pass final orders under Regulation 10(5) and Regulation 11.

#### CHAPTER IV POWERS & DUTIES

14. Powers of ICC & Internal Sub-Committee - (I) The ICC shall have the power to issue circulars/notifications prescribing its procedure and for the purpose of carrying out and implementing the provisions of the present Regulations in their spirit and intent.

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(2) The ICC shall have the power to pass any orders to be able to carry out the objectives and mandate of the present Regulations including directing any party or person to take any suitable action.

(3) For the purpose of making an inquiry, the ICC and the Internal Sub-Committee shall have the powers, namely:

- (a) summoning and enforcing the attendance of any person and examining him/her;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

(4) The ICC by Resolution to be passed by two-thirds majority may remove any member of the Internal Sub-Committee and appoint a new member in his/her place, only if it is of the view that such a member has acted prejudicially to the principles of natural-justice, fair play and has acted with bias in the conduct of the Inquiry.

(5) The ICC shall at all times have supervisory powers over the Internal Sub-Committee and it may issue directions to the Internal sub-Committee from time to time in accordance with the provisions of the present Regulations.

15. Duties - The ICC in coordination with and with the assistance of the office of the Vice Chancellor shall-

- (a) take measures to provide a safe working environment at the Symbiosis International University precincts;
- (b) display at any conspicuous place in the Symbiosis International University precincts and on its web-site, the penal consequences of sexual harassments and the order constituting the Internal Committee under the present Regulations;
- (c) display at any conspicuous place in the Symbiosis International University precincts and on its web-site, the status and outcome of complaints of sexual harassment;
- (d) organize workshops and awareness programmes at regular intervals for sensitizing the persons carrying out work at the Symbiosis International University premises with the provisions of the present Regulations and orientation programmes for the members of the Internal Committee in the manner *as* may be prescribed;
- (e) provide necessary *facilities* to the Internal Sub-Committee for dealing with the complaint and conducting an inquiry;
- (f) assist in securing the attendance of respondent and witnesses before the Internal Sub-Committee;
- (g) obtain such information for the Internal sub-Committee as it may require having regard to the complaint;
- (h) cause to initiate action against the Respondent and/or the perpetrator;
- (i) monitor the timely submission of reports by the Internal Sub-Committee; and
- (j) take any other action and/or measures to ensure an effective and meaningful implementation of the present Regulations.

## CHAPTER V MISCELLANEOUS

16. Confidentiality - (I) The contents of the complaint made under the- present Regulations, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the ICC and the action taken by the ICC shall be confidential and shall not be published, communicated or made known to the public, press and media in any manner except upon the aggrieved woman submitting a specific request to do so in writing and upon the ICC acceding to the said request.

(2) Upon the Respondent being found guilty, information may be disseminated regarding the justice secured to any victim of sexual harassment under these Regulations without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

17. Protection of action taken in good faith- No suit, prosecution or other legal proceedings shall lie against the ICC and the Internal Sub-Committee or its members in respect of anything which is done or intended to be done in good faith in pursuance of these Regulations, and the circulars/orders/notifications issued thereunder.

18. Allocation of funds - The Vice Chancellor of Symbiosis International University may, subject to the

availability of financial and other resources allocate and provide suitable funds as may be prescribed

- (a) for the effective implementation of the present Regulations;
- (b) for development of relevant information, education, communication and training materials, for organization of awareness programmes, and for advancement of the understanding of the public of the provisions of these Regulations; or
- (c) for organizing orientation and training programmes for the members of the ICC, Internal Sub-Committees, volunteers, counselors etc.

19. Regulations not in derogation of any other law - (1) The provisions of these Regulations shall be in addition to and not *in* derogation of the provisions of any other law for the time being in force.

(2) The provisions of the present Regulations shall not bar any constituent institute from taking cognizance of any offence punishable under any other enactment or law.

Dr. S. C. Nerkar  
Registrar