

## DAU Policy against Sexual Harassment

DAU is committed to ensuring an equitable and safe work environment, free of prejudice, harassment and hostility for all students and employees. This entails zero tolerance for sexual harassment, which humiliates, degrades, and dehumanizes a person.

The Internal Complaints Committee (ICC) at DAU functions as the body to

- 1) handle complaints about sexual harassment made by employees or students against members of the same or the opposite sex, in accordance with the rules framed by the UICC in compliance with the POSH Act.
- 2) promote gender sensitization among the campus community,
- 3) help the authorities to take measures to promote gender equality and justice on campus

### 1. Sexual Harassment

- a) The POSH Act [the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act] was enacted by the Government of India in 2013. This strengthened the guidelines provided in the Supreme Court of India's landmark 1997 judgment in *Vishaka vs. State of Rajasthan*, also known as the 'Vishaka judgment', which specified that

**“Sexual Harassment’ includes such unwelcome sexually determined behavior (whether directly or by implication) as:**

- **Physical contact and advances;**
  - **A demand or request for sexual favours;**
  - **Sexually coloured remarks;**
  - **Showing pornography;**
  - **Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”**
- b) A spectrum of action and conduct falls within the ambit of sexual harassment. This may include but is not limited to
    - i. Unwanted sexual advances or propositions;
    - ii. Pestering for dates or receiving unwelcome sexual suggestions or invitations;

- iii. Offering employment benefits in exchange for sexual favours;
  - iv. Leering;
  - v. Making sexual gestures;
  - vi. Displaying sexually suggestive videos, objects or pictures, cartoons, calendars or posters;
  - vii. Making or using derogatory comments, comments about a person's body or dress, slurs, epithets or sexually suggestive jokes;
  - viii. Written communications of a sexual nature distributed in hard copy or via a computer network, suggestive or obscene letters, notes or invitations;
  - ix. Physical conduct such as unwanted touching, assault, impeding or blocking movements;
  - x. Being forcibly kissed or hugged;
  - xi. Having someone expose their private parts to you or repeatedly staring at a woman's body parts that makes her uncomfortable;
  - xii. Making or threatening retaliation after a negative response to sexual advances or for reporting or threatening to report sexual harassment;
  - xiii. Sexually tinted remarks, whistling, staring, sexually slanted and obscene jokes, causing or likely to cause awkwardness or embarrassment;
  - xiv. Subtle innuendoes or open taunting regarding perfection, imperfection or characteristics of physical appearance of a person's body or shape;
  - xv. Gender-based insults and/or sexist remarks;
  - xvi. Unwelcome comments, gossip or innuendo about someone's sex life;
  - xvii. Forcible physical touch or physical assault or molestation;
  - xviii. Suggesting or implying that failure to accept a request for a date or sexual favours would affect the individual's performance evaluation or promotion negatively; explicitly or implicitly suggesting or demanding sexual favours in return for hiring, compensation, promotion, retention decision, relocation, or allocation of job/ responsibility/work;
  - xix. Physical confinement against one's will;
  - xx. Acts violating one's privacy, such as doxing, impersonating online, recording communication without consent and with malicious intent, sharing photos, emails, letters or other communication/objects intended for private circulation.
- c) Sexual harassment is often the result of a power differential between Complainant and Respondent. It can often be difficult to prove with the aid of conventional types of evidence. The subjective experience of harassment and intimidation is important: the reasonable assumption that the behaviour someone was subject to was offensive, unwelcome and unwanted, even if the perpetrator did not intend or perceive it to be so. The more power a Respondent has over the Complainant, the more serious and deserving of punishment is the complaint of harassment.
- d) Harassment can be part of a pattern and occur repeatedly over time, or it can happen one time. It may be perpetrated in person, online or over telephone calls and text messages. All behaviour that is deemed to create a hostile work environment for DAU students and employees on the basis of their gender will be deemed punishable in accordance with this policy.

## 2. Definitions

### a) Authority/Authorities

This refers to the Director General (henceforth 'DG') of DAU. In case of a complaint against the DG, the Board of Governors will function as the 'Authority.' In the absence of the DG, the administrative functionary nominated by them or by the Board, as the case may be, will be the 'authority' in question. In certain contexts, especially with regard to matters of security and infrastructure (see "Role of Authorities" below) it may also include the Registrar.

### b) Employee

This policy covers the academic, administrative and technical staff of the Institute, permanent, temporary or ad hoc, full-time or part-time, holding visiting, guest or honorary positions, on deputation or special duty, and any person employed for any work directly, or by or through any agency/contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are implied or clearly expressed. It further includes any person employed as a temporary, casual, daily wage or contract worker, teaching or research assistants, consultants, advisers and persons involved in projects, camps, field studies and short visits, probationers, and trainees.

### c) Student

A 'Student' is someone duly admitted, pursuing or completed (and awaiting their degree); pursuing programs either through regular mode or through other modes, including a non-degree or short-term program at DAU. It also includes students of other universities, institutes or colleges who come on placement for short-term courses, internships or training at DAU. These rules also cover students who are awaiting the completion of the admissions process but have yet to be admitted, and those who are on campus to participate in any of the activities of DAU, should an incident of sexual harassment take place against such a student.

### d) Workplace

'Workplace' includes the DAU campus, and any place visited by an employee or student during or arising out of the course of employment or study, including transportation (whether provided by the employer or not) for undertaking such journeys, and including locations outside the university visited on field/industrial trips, seminars, conferences, workshops, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals and competitions, sports meets and other activities as well as outside accommodation, when used for official purposes. It also includes off-site and online platforms where any of professional activities in discharge of their duties at DAU are carried on.

*Note:* All reference to duration in terms of 'days' should be understood as 'working days' in this policy.

### **3. Composition of the Internal Complaints Committee**

- a) The ICC shall have at least 10 members, including the Convenor. The ICC will be constituted by the Director General. The Convenor should be a woman faculty member, preferably a Senior Faculty member with the requisite experience, training and sensitivity. The composition of the ICC shall be as follows:
  - i) One senior faculty member (Convenor, Female)
  - ii) 3 faculty members (1 Male & 2 Female)
  - iii) 2 non-teaching staff members (at least 1 Female)
  - iv) 2 BTech student representatives (Male & Female)
  - v) 1 PG student representative (Female; MTech/MDes/MSc/PhD)
  - vi) 1 External Member (from an NGO and/or someone with legal expertise, having a record of working on gender/women's issues; M/F)
- b) The term of all the members, except student members will be 3 years. The student members will serve for a minimum of 1 year and a maximum term of 2 years.
- c) All students will be selected through a 2-stage process of written responses to a questionnaire followed by an oral interview, to be conducted by the Convenor and one other Faculty member of the ICC.
- d) The names and contact details of all the members of the ICC should be available on the website and suitably publicized by the university administration.

### **4. Meetings and Deliberation**

- a) The Convenor will be responsible for calling a meeting of the ICC as and when required.
- b) A routine meeting of the ICC must include the Convenor and at least 4 out of the other 9 members. The presence of 5 out of 10 members (50%) will constitute a quorum for deliberations.

*Note 1:* Effort should be made to ensure the participation of representatives of the aggrieved group: for example, at least one student if the Complainant is a student; staff if the Complainant is a member of the staff and so on; the external member should participate in all cases. Reasons for their absence should be recorded in writing.

*Note 2:* Virtual/ hybrid meetings may be held and their minutes duly recorded and approved over email when required.

### **5. Complaints Process**

- a) A complaint of sexual harassment can be filed within 3 months of an incident, or

the last instance of a series of acts, occurring. The ICC may determine in certain cases that circumstances were not conducive to filing a complaint within the prescribed time period, and alter the time frame. The reasons for this must be recorded in writing.

- b) The complaint should be written in simple language and contain as much specific details as possible: dates and times, background, people present, names of witnesses etc. Details of the Respondent, and in what relation they stand to the Complainant professionally should be included. Evidence in the form of emails, photographs, and screenshots of calls, text, posts on social media, and recordings of calls or voice messages should also be included with the complaint where possible.
- c) The ICC may also take *suo motu* cognizance of a case of harassment and encourage survivors to come forward and lodge complaints. Complaints must be submitted to the Convenor of the ICC in person, or emailed to [icc@dau.ac.in](mailto:icc@dau.ac.in)
- d) Upon receiving a written complaint, the Convenor shall call an ICC meeting at the earliest possible date in order to determine if a case of sexual harassment is made out *prima facie*.

*Note:* During the period of summer/ winter vacation etc. this can be over email and online/hybrid meetings, as required.

- e) If the ICC determines that a case is not made out, the reasons for this should be clearly set down in writing and made available to the Complainant.
- f) If a case is made out, the ICC shall conduct a full inquiry, place its findings before the authority and recommend penalties against the Respondent in accordance with the rules and procedures laid down.
- g) A copy of the complaint should be made available to the Respondent in 7 days. The Respondent should supply their response, along with evidence and details of witnesses, within 10 days of receiving a copy of the complaint. Failing this, a reminder is to be sent to the Respondent, and in view of further non-compliance, the inquiry shall proceed regardless.
- h) No more than 15 days will be allowed for the response in any scenario, except a severe medical emergency or life-threatening crises, evidence for which must be presented by the Respondent.
- i) In the case of third party/outsider harassment, with the consent of the Complainant, the institute shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further, the Institute and the ICC will actively assist the Complainant in pursuing the complaint.
- j) A written undertaking of confidentiality should be signed by the Complainant and Respondent and submitted to the Convenor. All ICC members will also be required to sign an undertaking of confidentiality.
- k) **The ICC shall treat all the information received and the details of both the Complainant and the Respondent as confidential and maintain strict confidentiality throughout the process. Any breach of this by the Respondent/s and/or any member of the ICC will be subject to action.**

*Note:* The Inquiry must consider the facts presented by both parties and witnesses in the spirit of this Policy as well as the POSH Act, and exercise their judgement with care and sensitivity in each case.

### **5.1 Interim Measures**

- a) Based on the nature of the complaint, the ICC may recommend to the authorities, interim measures to ensure the safety and well-being of the Complainant while the inquiry proceeds. These may consist of the following:
  - i) If the Respondent is part of the faculty and the Complainant a student, said faculty should not be allowed to act as an examiner or teacher for the duration of the inquiry.
  - ii) If the Respondent is the Complainant's supervisor, the supervisor should be changed.
  - iii) If both Complainant and Respondent are students and a history of stalking and/or intimidation or use of force is involved, the Respondent may be asked to vacate the hostel and other restrictions may be placed on their movements on campus.
  - iv) If the complaint involves employees, suitable measures may be proposed to shift the Respondent to another place or to change their duties, pending the result of the inquiry.
  - v) A temporary, fixed-period suspension from work and other activities of Respondents, if they are students or employees. This shall not impact the payment of salaries or stipends at this stage.
  - vi) If the complaint is made against outsiders, barring their entry into campus for a fixed period. Exception to be made only to attend the proceedings instituted by the ICC.

*Other such measures can be proposed as required.*

- b) In the case of a complaint from a temporary or contract employee/service provider, the conditions of their employment or contract shall not be adversely affected because of their complaint.
- c) Interim measures should be approved by the ICC. Exceptions can be made in emergencies, and during times when the institution's regular calendar is not in operation (Summer/Winter break; when a quarantine is in force etc.) In such times, email approval of interim measures by 4 out of 6 non-student Committee members shall be deemed sufficient.
- d) Violation of the injunctions of the ICC will invite suitable penalties and adversely affect the case of the Respondent. Threats or attempts to influence or intimidate the Complainant, their family, friends or members of the ICC will invite serious punishment.
- e) The authorities should take measures to ensure the safety, security and well-being of the Complainant during the inquiry. This may also require measures like

temporary leave for a fixed duration or other measures on the direct request of the Complainant.

## **6. Inquiry**

### **6.1 Informal Process (Conciliation)**

- a) The informal process may proceed only on the written request of the Complainant, and provided that the ICC has good reason to believe that the request is not a result of overt or covert pressure or coercion of any kind.
- b) The Convenor may proceed with conciliation between the parties by consulting with the Complainant and other members of the ICC. No inquiry will be conducted in this case. Written statements signed by both parties, undertaking to hold to the conditions of conciliation, will be submitted to the ICC. The Committee may initiate an inquiry if these conditions are violated by the Respondent.
- c) Monetary compensation or exchange should not be the basis of conciliation.

### **6.2 Formal Process**

- a) Once the Complainant has demanded or consented to formal proceedings, the Complainant and Respondent will both have a chance to meet with the ICC to present their case verbally.
- b) The ICC will examine the evidence presented by both sides, summon the witnesses and any other persons they find relevant to the inquiry, and collate the results of these proceedings.
- c) Both the Complainant and Respondent will have the opportunity to look at the evidence and suitably anonymized witness statements. They may pose questions to the opposite party after examining the statements and evidence.
- d) These questions will be submitted to the ICC and posed to the other party by the ICC. All these meetings will be video-recorded where possible.
- e) If either party fails to appear for three consecutive meetings without communicating sufficient cause, the ICC will record this, send a 'Show Cause' notice to them, and failing to get a response within 7 days, proceed without them. All these matters are to be placed on the record.
- f) The Internal Complaints Committee will consider the results of the entire process and document their findings.
- g) The final report recommending action—or no further action, as the case may be— will be submitted to the requisite authority after all members of the ICC have weighed in on the report and its findings.
- h) The Findings will record the majority opinion. Dissent notes, if any, shall be separately included in the Report.
- i) In certain cases, the ICC may find that no further action is required in the case. Bearing in mind the highly complex nature of sexual harassment, the

- inability to prove an allegation satisfactorily will not go against the Complainant. However, the ICC may determine that the complaint was deliberately false and malicious, and in such cases, recommend action against the Complainant. The reasons for each recommendation should be recorded in the final Report.
- j) The investigation should be completed within 90 days of receiving the written complaint. The Report should be submitted no longer than 10 days after the completion of the inquiry. A copy of the findings and recommendations should be made available to the Complainant and Respondent.

## **7. Role of Authorities**

### **a) General**

- i) Provide a safe working environment for all.
- ii) Display at obvious places and in a booklet the consequences of sexual harassment and penalties. It should also include details of the redressal mechanism, the names and contact information of members of the ICC.
- iii) Organize workshops and training sessions regularly to sensitize students and employees about sexual harassment issues.
- iv) Provide the ICC with required infrastructure like a computer, AV equipment/ setup, photocopier, printer, and an adequate budget.
- v) Ensure that the institute has well-trained and sufficient security staff (including adequate female staff). They must undergo regular training sessions on gender sensitivity.
- vi) The institute should provide the ICC with the current contact numbers and names of the security officers (Men and Women).

### **b) Inquiry and Action**

- i. List sexual harassment as a grave misconduct under service rules and initiate appropriate action for it.
- ii. Provide all necessary facilities to the ICC for dealing with complaints and conducting inquiries; make available any information to the Committee as and when required with regard to any complaint under inquiry.
- iii. Help in securing the attendance of the Respondent and witnesses before the ICC.
- iv. Ensure that filing a complaint must not adversely affect the Complainant's status, reputation, grades, education, job, increment, and promotion (as applicable).
- v. Help the Complainant to file a police case if they want to file a formal case.
- vi. Facilitate the ICC's use of the services available at the institutional level, like counselling, legal advice, medical doctor, should the need arise.

## **8. Penalties**

The prevention of sexual harassment through redressal of complaints to ensure an equitable and safe workplace for all, needs a range of punitive measures to be specified and put into place by the institution. The ICC shall deliberate on the circumstances of each case and recommend a suitable set of actions to be taken in their Report to the Director, DAU. This range shall include, but not be limited to, the following:

### **a) When the Respondent is a student:**

- Warning
- Counselling and Community service
- Written apology to Complainant and/or a public apology
- Debarring from exams
- Payment of Fine
- Debarring from the membership or holding any positions in clubs or in the SBG
- Fixed time suspension from non-academic activities/academic program/access to the DAU campus, ranging from a minimum of one semester to four semesters
- Withholding award of degree for a fixed period
- Expulsion
- Expulsion with lifetime ban on access to/affiliation with DAU

### **b) When the Respondent is an Employee:**

- Warning
- Written Apology to Complainant and/or Public Apology
- Salary cut in a fixed proportion over a fixed period of time, not exceeding 12 months
- Fixed-time suspension without pay, ranging from 2-6 months
- Adverse entry in employment record
- Payment of fine
- Termination of service

*Note:* A Respondent who is a student or an employee may be placed on 'ICC Probation' as part of the penalty. Under this penalty, the Respondent will receive a written warning that one more offence on their part, if proved, will result in expulsion from the institution.

### **c) When the Respondent is a Service Provider/Outsider**

- Warning
- Permanent debarring of entry on campus
- Complaint to ICC or equivalent in their organization
- Termination of contract or any other arrangement with DAU

- d) Any combination of the above or other appropriate punishment in keeping with the gravity of the matter may be deliberated on by the ICC and recommended. As noted, the conduct of Respondents will be deemed more serious in proportion to the power they hold over Complainant/s: a senior faculty member or senior member of staff is in a position to do more damage to junior faculty, students and other employees than, for instance, a student to a senior worker.
- e) In extreme cases, the ICC may recommend that the Institution assist the Complainant in filing a criminal complaint.

### **8.1 Appeals Process**

- a) All appeals should be directed to the authorities, and **not to the ICC**.
- b) The Complainant will have 30 days from the date of receiving a copy, to appeal the recommendations of the ICC contained in the Report.
- c) The Authority will issue a show-cause notice to the Respondent/s, no more than 10 days after the submission of the Report.
- d) The Respondent shall have 30 days to reply to the notice and appeal the recommendations of the Report.
- e) The authorities should make a decision on the recommendations and appeals, if any, no more than 30 days after the deadline for the Respondent's reply to the show-cause notice. If appeal leads to the change in the decision (i.e. deviates from recommendation by ICC) then the reasoning must be recorded in writing in the final decision. The Authority will communicate their final decision in writing to the Complainant and the Respondent with a copy to the ICC.
- f) The decision of the Authority in these cases will be final.

## **9. Amendments to Policy**

Future amendments to this policy may be deliberated and decided upon by the ICC, recorded in writing and sent to the Authority for approval as and when required.