

**Rules and Procedures
For the
Prevention, Prohibition and Redressal of
Sexual Harassment of Women at the
workplace, 2015.**



DELHI TECHNOLOGICAL UNIVERSITY

Established by Govt. Of Delhi vide Act 6 of 2009
Shahbad Daulatpur, Bawana Road, Delhi-110042

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1. SHORT TITLE

These Rules and Procedures will be called the Rules and Procedures for the Prevention, Prohibition and Redressal and Punishment of Sexual Harassment of Women at the Workplace, 2014.

2. BACKGROUND OF THE RULES AND PROCEDURES

These are the Rules and Procedures of the Gender Sensitization Committee against Sexual Harassment, which is the body constituted by Delhi Technological University, New Delhi, on the recommendations of the designated committee on making recommendations for framing guidelines on prevention of Sexual Harassment, headed by Prof. R. K. Sinha, appointed by the Vice-Chancellor on 13/02/2015.

This shall be implemented in the Delhi Technological University Policy against Sexual Harassment as also the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997, on the prevention and deterrence of sexual harassment at the workplace and the SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT 2013. The Hon'ble Supreme Court in a subsequent judgment titled Apparel Export Promotion Council vs A.K. Chopra, on 20th January, 1999 has reiterated that incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty. It may be pointed out that although these Rules and Procedures follow the spirit of the above mentioned judgments, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education.

3. DEFINITIONS

a. "Academic staff" includes any person on the staff of the University who is appointed to a teaching and / or research post, whether full-time, temporary, adhoc, part-time, visiting, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis. It shall not, however, include any such person on the staff of an autonomous institution to which Delhi Technological University is the authority awarding degrees.

b. "Appeals Committee" as defined in Section X (3) herein.

c. (i) "Aggrieved woman" and "complainant" means-in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to nay act of sexual harassment by the respondent.

(ii) In relation to a dwelling place or have, women or any age who is employed in such a dwelling place or home.

d. "Campus" includes all places of work and residence in the New Delhi campus of Delhi Technological University. It includes all places of instruction, research and administration, as well as hostels, guesthouses, public places, health center, sports grounds park, street, lanes, canteens, and places of residence allotted and

administered by Delhi Technological University, including the premises in the Delhi Technological University Centre.

(e). "Counselor" includes any woman, empanelled by DCC and / or appointed by the University authorities, who has proven expertise in social and personal counseling on matters arising out of incidents of sexual harassment.

(f). "DCC shall refer to the Gender Sensitisation Committee against Sexual Harassment of the Delhi Technological University.

(g). Dean of Students, Deans of Schools, Chairpersons of Centers, Proctors, Provosts, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar and the Finance Officer etc.

(h). "Eminent woman academician" includes a senior woman academician who is not a member of either the academic or the nonteaching staff of Delhi Technological University, and who has experience in working for gender equality.

(i). "Employee includes a person employed for any work on regular adhoc order – wage basic either directly, or through any agent agency (including a contract), 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 express or implied, and includes a co –worker any person employed as a temporary, casual, badly, Piece-rated or contract worker, probationer, trainee, apprentice or by any other name called.

(j). "Enquiry Committee" as defined in Section V1.4 herein.

(k). "Member means a member of the Departmental Complaints Committee.

(l). "NGO" includes any Non-Governmental Organisation registered under the Societies' Registration Act or as a public charitable trust recognized under law. Such a society / charitable trust may not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society of charitable trust shall be outsiders with respect to Delhi Technological University; i.e. at least two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of Delhi Technological University.

(m). "Non-teaching staff" includes any person on the staff of the University who is not appointed to a teaching and / or research post, whether full-time, temporary, ad-hoc, part time, daily wage, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor. It shall not include any such person on the staff of an autonomous institution to which Delhi Technological University is the authority awarding degrees.

(n). "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of Delhi Technological University. It shall also include

any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises / residences in the Delhi Technological University campus.

(o). "The Policy" shall refer to the Delhi Technological University Policy against Sexual Harassment,

(p). "Resident includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted by the University. These include any residential quarters/ hostels provided by the University or any other residences provided by the University to any of its employees/ students at the Headquarters or any of the extension campuses.

(q). "Respondent" and "defendant" means a person against whom the aggrieved woman has made a complaint under section 9.

(r). "Service provider" includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, person working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Delhi Vidyut Board, Department of Posts & Telegraph, State Bank of India, Kendriya Bhandar, Mahangar Telephone Nigam Ltd., DTC, DCC, NDPL, PWD, Kiosks, Mess and any other such similar services.

(s). "Staff includes academic, technical, and administrative staff of the University

(t). "Staff Member" includes staff employees, of DTU of whatever rank, student and residents of the University or anyone working in any capacity including persons on the Board of Governors, Finance Committee, Building and Works Committee, Senate and other committees or boards constituted by the University.

(u). "Student includes any person who is pursuing any sort of academic programme in the University. It shall also include part time and sponsored students

(v). "Supreme Court Judgment" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13 August 1997 in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan and the judgment titled Apparel Export Promotion Council vs. A.K. Chopra, on 20th January 1999.

(w). "Third Party" shall include the NGO representative or the eminent woman academic serving on, or empanelled by, DCC.

(x). "University means Delhi Technological University.

(y). "University authorities" shall refer to the Vice-Chancellor of Delhi Technological University, by virtue of her/his being the head of the BOM of Delhi Technological University, as well as any such person to whom such power may be delegated such as the Rector(s), and/ or any person who is entrusted with any powers and functions to act on behalf of the University under the Delhi Technological University Act 2009, or Statutes, Ordinances or Rules there under. For faculty members and group "A" officers, the appropriate University authority is the BOM, and for students and other employees, it is the Vice Chancellor.

(z). "University functionaries" includes any person appointed, designated or nominated by the University authorities to a position of service in Delhi Technological University, and includes all teaching & Non teaching staff but is not limited only to the following:

(aa). "Vacations" shall refer to the periods of vacations as and when notified as per Academic Calendar.

(bb). "Vacations Committee" as defined in Section V.1.1 herein.

(cc). "Vice Chancellor means the Vice Chancellor, DTU.

(dd). "Warden" shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by Delhi Technological University.

4. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment in this context, (as is described in the Supreme Court Judgment, and the DTU Policy), includes any unwelcome sexually determined behavior, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome physical, verbal or nonverbal conduct of a sexual nature. It shall include, but will not be confined to, the following:

a. When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, explicitly or implicitly, are made a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity.

b. When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail, 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 campus environment.

c. Unwelcome sexually determined behavior, such as sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, which are explicitly or implicitly made a term or condition of teaching / guidance, education, employment, participation or evaluation of a woman's engagement in any University activity.

Explanation

(a) It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.

- (b) "Hostile Environment" is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive employment, educational or living environment.

5. JURISDICTION

These Rules and Procedures shall be applicable to all complaints of sexual harassment made:-

- a. By a woman member of the University against any male member of the University irrespective of where the harassment is alleged to have taken place.
- b. By a woman resident against a male member of the University irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- c. By a woman member or resident against a male resident when sexual harassment is alleged to have taken place within the campus.
- d. By an outsider woman against a male member of the University when sexual harassment is alleged to have taken place within the campus.

6. GENERAL DUTIES AND RESPONSIBILITIES OF THE UNIVERSITY

The University shall:

- a. Ensure a safe environment free from sexual harassment for women including prevention and deterrence of Sexual Harassment.
- b. Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment.
- c. Maintain a proactive program to educate all members as to the definition of sexual harassment and procedure for redressal.
- d. Undertake workshops and training programmes at regular intervals for sensitizing the members.
- e. Prominently display notices in various places spreading awareness about the issue of "Sexual Harassment at the Workplace" and giving information about the redress mechanism that has been put in place and encouraging women to seek redressal of their grievances.

f. Facilitate initiation of proceedings under this policy through the institution of Committee against sexual harassment for redressal, of an act/ s of sexual harassment.

g. Ensure that filing of a complaint shall not adversely affect the complainant's status/job, salary/ promotion, grades etc. during the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this policy the University shall not alter the conditions of service/ study of the complainant/ witness concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this policy.

h. Provide a space for confidential counseling and other necessary facilities. The provision of this facility shall be well publicized. For this purpose the University shall also engage a professionally competent counselor.

7. THE COMPLAINTS MECHANISM AND THE SCOPE OF ITS FUNCTIONS GUIDING PRINCIPLES FOR CONSTITUTION OF COMMITTEES.

a. University shall constitute an Departmental Complaints Committee in terms of Section 4 of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act 2013.

b. If the member representing the category of the defendant in the Departmental complaints committee is junior in the hierarchy of University to the complainant, then for that particular inquiry that member shall be substituted on the Committee by another person, senior in rank to the defendant.

c. Departmental Complaints Committee shall be deemed to be the inquiry authority appointed by disciplinary authority. The Department Complaints Committee shall hold the inquiry. The Department Complaints Committee shall hold the inquiry as per the procedures prescribed herein under:-

8. COMPOSITION OF THE ENQUIRY COMMITTEE

The composition of the Enquiry Committee shall conform to the guidelines below:

a. The Enquiry Committee shall consist of not less the three persons and not more than five persons. It shall be headed by women.

b. It shall have at least 50% women.

c. It shall include at least one third-party, i.e., the NGO representative familiar with the issued sexual harassment of or an eminent woman academician.

d. In cases involving students/ academic staff/ non-teaching staff, it shall include a representative of the constituency of the complainant and the defendant (i.e., if the complaint is filed by a student against an academic staff member, then the Enquiry Committee shall include one student and one academic staff member).

e. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a DCC Enquiry Committee.

f. The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections V.5-8.

g. Members of DCC who are representatives of unions/ associations of which the complaint and/or the defendant are also members, shall not be eligible to serve on an Enquiry Committee.

h. The Presiding Officer and every Member of the Departmental Complaint Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

i. The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Departmental Complaint Committee.

9. PENALTIES

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below (in ascending order) are indicative, and shall not rules governing the conduct of employees and students in practice at the time.

(1) Penalties in Case of Academic Staff

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments for a period not exceeding one year.
- c. Removal from an administrative position at the Centre, School and/ or University levels.
- d. Disbarment from holding an administrative position at the Centre, School and / or University levels.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.

Further, the penalty awarded shall be recorded in his/ her Confidential Record.

(2) Penalties in Case of Non-Teaching Staff

- a. Warning, reprimand, or censure.
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service

Further, the penalty awarded shall be recorded in his/her Confidential Record.

(3) Penalties in Case of DTU Students

- a. Warning or reprimand.
- b. Transfer to another hostel.
- c. Withdrawal of hostel accommodation for a period up to one semester.
- d. Withdrawal of the right to an official character certificate from Delhi Technological University.
- e. Withdrawal of hostel accommodation for the entire period of study.
- f. Rustication from the University for a period up to two semester.
- g. Expulsion from the University, and / or a bar on appearing for the entrance examination/ interview to any programme of study offered by Delhi Technological University.
- h. Withholding of a degree awarded by Delhi Technological University. Further, the penalty awarded shall be recorded in his/her Personal File.

(4) Penalties in Case of Outsiders

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- c. Declaration of the campus as out of bounds for her/him, and / or a bar on appearing for the entrance examination/ interview to any programme of study offered by Delhi Technological University.
- d. Any other action as may be necessary.

(5) Penalties in Case of Service Providers

- a. Warning, reprimand, or censure.
- b. Declaration of the campus as out of bounds for her/him.
- c. Withdrawal of the right to run/ manage/ work in any commercial enterprise, or to provide services, on the campus.
- d. Any other action as may be necessary.

In addition to the penalties specified under (1)-(5) above, the person may be advised to undergo counseling and gender sensitization, and to give a written and / or public apology to the complainant.

(6) Penalty in Case of a Second Offence

A second or repeated offence, may, on the recommendation of DCC attract a major penalty.

10. POWER AND DUTIES OF DEPARTMENT COMPLAINTS COMMITTEE

A. Preventive

Gender sensitization and Orientation

- a. To work towards creating an atmosphere promoting equality, nondiscrimination and gender justice.
- b. To promote and facilitate measures to create a work and study environment that is free from sexual harassment of women.
- c. To publicise widely the University policy against sexual harassment in Hindi, and English, especially through the prospectus, programme guide or other appropriate document and display the same on notice boards, website, offices and residential areas etc.
- d. The Committee shall publicise the phone numbers of the security office at the University and create a 24 hour helpline also to be publicized from where calls can be forwarded to persons designated by the Committee.
- e. Every recruitment/ admission announcement must state: University has a policy against sexual harassment and is committed to providing an environment free from sexual harassment of women at the workspace.
- f. To regularly organize and carry out programmes for gender sensitization of the University members through workspace, seminars, posters, film shows, debates etc. It may enlist the help of specialized NGOs to carry out these programmes.
- g. The committee may take suo moto notice of grave violations of the basic principles of gender sensitivity and gender justice on the University campus and act against the same in such manner as it deems appropriate.

B. REMEDIAL

Enquiry

- a. To receive and take cognizance of complaints made about sexual harassment of women at the workplace.
- b. To conduct enquiries into these complaints, place findings before the concerned disciplinary authority and **recommend penalties against** the harasser in accordance with the rules and procedures laid down.
- c. To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.

- d. To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who threatens or intimidates the complainant or members of the committee. This may include and be in the nature of issuing a restraining order against the defendant or any other person/ s or appropriate disciplinary action by the concerned authority.
- e. To seek medical, police and legal intervention with the consent of the complainant.
- f. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires.
- g. In the case of third party/ outsider harassment, with the consent of the aggrieved woman the University shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the University and the committee will actively assist and provide available resources to the aggrieved complainant woman in pursuing the complaint.

11. PROCEDURE FOR REGISTERING COMPLAINTS AND THE PROCESSES

- a. Complaints can be made by the complainant in person or through post or mail. Such complaints may be made within a period of 90 days from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The Department Complaints Committee may, for the reasons to be recorded in writing, extend the time limit if it is satisfied that the circumstances were such which prevented the complainant from filling a complaint within the said period.
- b. Where the complainant is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be authorized by the complainant, legal heir may make complaint.
- c. If the Complainant wishes she may be accompanied by a representative.
- d. Complaints may be lodged directly with any member of the Departmental Complaints Committee, or through existing channels for lodging grievances, such as the University authorities, academic and non-academic staff association etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the Chairperson of the committee within two working days of its receipt by her/him.
- e. A complaint can be directly referred by the Vice Chancellor to the Department Complaints Committee.
- f. The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Departmental Complaints Committee Chairperson or member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be.
- g. All complaints made to any Committee member must be received and recorded by the member, who shall then immediately inform the Chairperson about the complaint, who in turn shall hold a meeting of the Committee, **within three days**.
- h. All meetings of the Committee will be called by the chairperson and a notice of at least **two working days** must be given for the meeting.

i. Within ten days of the receipt of a complaint, the Department Complaints Committee must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and / or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee Considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him to this effect.

j. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Department Complaints Committee.

k. Any committee member charged with sexual harassment in a written complaint must step down as member of the Department Complaints Committee during the enquiry into that complaint.

l. If the Department Complaints Committee decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the committee meeting. The Committee shall make the same available to the complainant in writing.

12. FUNCTIONS OF THE DEPARTMENTAL COMPLAINTS COMMITTEE

a. Conciliation

b. The Department Complaints Committee may before initiating an inquiry and at the request of the complainant take steps to settle the matter between la-er and the respondent through conciliation. However, no monetary settlement shall be made a basis of conciliation.

a. Where a settlement has been arrived at under sub-section (l), the Departmental Complaint Committee the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

b. The Departmental Complaint Committee as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

c. Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Departmental Complaint Committee, as the case may be.

d. The internal complaints committee shall enquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity.

13. PROCEDURE TO BE FOLLOWED BY THE DEPARTMENT COMPLAINTS COMMITTEE:

The procedure elucidated herein under is to be generally followed. However, keeping in view the nature of sexual complaints and inquiries, the Department Complaints Committee is empowered to devise its own procedure for conducting the inquiry provided complies with the principles of natural justice and fair play. No enquiry shall be held to be invalid on the ground that the procedure indicated in these rules was not strictly followed.

(1) Procedure

a. The aggrieved women complainant will be allowed to be accompanied by one representative during the enquiry.

b. The Department Complaints Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date on which the complaint is referred to it. The Department Complaints Committee shall be required to provide to the committee reasons in writing for any delay in concluding the enquiry beyond a period of 3 months.

c. Within one week of the institution of enquiry proceedings by the Complaints Committee, the Departmental Complaints Committee shall prepare a document containing a summary of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant and the defendant along with a copy of these Rules and Procedures. The Departmental Complaints Committee shall also make available to the defendant a true copy of the complainant(s) lodged by the complaint(s). The defendant shall be given a period of **seven days** to respond to this document, which shall be deemed to be "charge sheet" in the context of disciplinary proceedings.

d. The Department Complaints Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.

e. Within not more than **15 working days** on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit, to the Department Complaints Committee in writing, a list of witnesses, together with their contact details, and evidences that she/he desires the Department Complaints Committee to examine.

f. The complainant and the defendant shall be responsible for presenting their witnesses before the Department Complaint Committee. However, if the Department Complaints Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Department Complaints Committee shall adjourn that particular meeting of the Committee for a period not exceeding **five days**. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/ valid ground. It shall be the sole discretion of the Department Complaints Committee to decide what constitute a valid ground, keeping in view the circumstances of the case.

g. The Department Complaints Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

h. The Department Complaints Committee shall have the power to summon any official papers or documents from the concerned section, unit deptt, center, hostels etc. of the University pertaining to the complaint under enquiry.

i. The Department Complaints Committee may consider as relevant any earlier complaints against the defendant. However, the past similar complaints of the complainant shall not be probed into as such information shall be deemed irrelevant to a existing complaint of sexual harassment.

j. The Departmental Complaints Committee shall have the right to summon, as many- times as required, the defendant complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

k. The defendant, the complainant, and witnesses shall be intimated at least **three working days** in advance in writing of the date, time and venue of the enquiry proceedings.

1. The Departmental Complaints Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for two consecutive hearings convened by the Department Complaints Committee.

m. The venue of the enquiry should take into consideration the convenience and security of the complainant.

n. If the complainant, defendant, or witness desire to appear before the Department Complaints Committee accompanied by one person of their choice, they shall communicate to the convener of the Department Complaints Committee the name of that person along with the name of witnesses. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.

o. The identities of the Complainant and all witnesses shall, before, during and after inquiry be protected and kept confidential by the Department Complaints Committee.

p. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be only a member of University. No person who has been the defendant in a complaint of sexual harassment shall be accepted as a nominee. The complainant(s)/ defendant should inform the Department Complaints Committee specifically if they wish to exercise this right. The Department Complaints Committee may allow access to such documents on a specific date to be intimated at least **two days** in advance to each of the parties concerned. At no point of time, however, can the concerned parties take these documents outside the office of the Department Complaints Committee and no photocopies of such official documents shall be supplied to them.

q. The complainant and the defendant shall have the right of cross-examination of all witnesses; however such cross-examination shall be conducted in the form of written questions and responses via the Department Complaints Committee only. The defendant shall have no right to directly cross examine the complainant or her witnesses.

r. The defendant/ complainant may submit to the Department Complaints Committee, a written list of questions that he/she desires to pose to the complainant/ witness. The Departmental Complaints Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive. Any behavior, verbal or otherwise, during or after the inquiry on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witnesses to mental and/or physical trauma, can lead the Committee to recommend disciplinary action against the defendant.

s. All proceedings of the Departmental Complaints Committee shall be recorded in writing in English, the record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

t. All persons heard by the Departmental Complaints Committee, as well as observes/ nominee, shall take and observe an oath of secrecy about the proceedings to

protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.

Exception:

A complainant has the right to go public about the complaint of sexual harassment if she so desires. If the complainant goes public before filling the complaint with the Committee, the same shall not prejudice the Committee members. Once a complaint has been given to the committee, the complainant should preferably not go public till the enquiry is completed, unless there are compelling reasons for her to do the same.

u. The members of the Department Complaints Committee shall maintain confidentiality about the proceedings conducted by them.

v. If the complainant desires to tender any documents by way of evidence, the Department Complaints Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Department Complaints Committee shall supply true copies of such documents to the complainant. All evidences including documents etc., list of documents, list of witnesses etc. shall be supplied by complainant/ defendant at the beginning of the enquiry preferably along with the complaint by the complainant and along with the statement of defense by the defendant.

w. In the event that the Department Complaints Committee thinks that supplementary testimony is required, it may forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony. in person or in writing, to the Department Complaints Committee.

x. Nothing precludes the complaints committee from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings by any person other than complainant/ s or defendant/ st If a new fact or evidence is brought to the notice of the Department Complaints Committee after submission of the Enquiry Report to the appropriate disciplinary authority, then in the event of the constitution of the reconvened Department Complaints' Committee, at least half of the members of the Department Complaints Committee shall be those who originally enquired into the said complaint, the scope of inquiry of such reconvened committee need not be restricted only to new material. It shall be open to the Department Complaints Committee to reconsider the entire material on record, in light of such new material, if it is deemed appropriate. It is clarified that the Department Complaints Committee shall have the power to review its own decision(s).

y. The Department Complaints Committee shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that often the aggrieved woman may not be able to submit/ present direct or corroborative evidence.

z. The Department Complaints Committee shall not permit any evidence or examination based on the aggrieved woman's character, personal life, , conduct, personal and sexual history.

aa. The Department Complaints Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organization / workplace, the employer-employee equations and other power differences while appreciating the evidence.

bb. The Department Complaints Committee shall, inform the complainant/ s, that she may give her evidence in writing provided that she makes herself available for examination by the defendant on the same, unless the alleged victim of Sexual Harassment opts to give her evidence orally.

cc. The Departmental Complaints Committee shall inform the complainant/ s that she may give her answers to questions of a sensitive nature in writing at the enquiry proceedings during cross examination.

dd. All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned Department Complaints Committee and the same shall not be made available pursuant to an application under the Right To Information Act, 2005, as the same is held by the Department Complaints Committee in a fiduciary relationship and the non-disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005.

ee. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Departmental Complaint Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.

ff. Provided that information may be disseminated regarding the justice secured to nay victim of sexual harassment under the Act disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

gg. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

hh. Enquiry to be completed within 03 months:-The enquiry shall be completed and the Enquiry Report submitted to the Departmental Complaint Committee within a period of 03 months from the date on which the enquiry is commenced. In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing. However, the delay, if any, would not invalidate the enquiry.

14. REPORT OF THE DEPARTMENTAL COMPLAINTS COMMITTEE:-

a. On the completion of the enquiry a Department Complaints Committee shall provide a report of its findings to the Vice Chancellor, DTU Delhi within a period of ten days from the date of completion of the inquiry along with a copy to the parties. Where the Vice Chancellor is not the disciplinary authority, the Vice Chancellor shall place the report before the Chairman, Board of Management, for appropriate action.

b. Where the Department Complaints Committee arrives at a conclusion that the allegation has not been proved, it shall recommend to the Vice Chancellor, DTU Delhi that **no action is required** to be taken in the matter.

c. Where the Department Complaints Committee arrives at a conclusion that the allegation against the respondent has been proved, it shall **recommend to the Vice Chancellor**, DTU Delhi to take action for sexual harassment as a misconduct.

d. The Department Complaints Committee may also recommend to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant or her legal heirs in accordance with the Section 15 of the Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act 2013.

e. Subject to consideration of a representation, if any, against a prospected penalty the disciplinary authority shall take disciplinary action within **two months** of receipt of the Report from the Department Complaints Committee. It is clarified that the report of the Department Complaints Committee shall be treated as the inquiry report, on the basis of which penalty can be proposed/ imposed against the defendant.

15. OTHER FUNCTIONS

(1) False Complaint/ Deposition

a. If the Complaints Screening Committee or the Enquiry Committee finds no merit in any complaint / deposition, it shall write to the Chairperson of DCC giving reasons for its conclusions.

b. Within four working days of the receipt of the complaint, the Chairperson of DCC shall call a **Special Meeting** to discuss the Complaints, and to decide whether a show-cause notice shall be issued to the complaint/ witness(es)/ defendant.

c. Upon the decision to issue a show-cause notice, the Chairperson of DCC shall issue it to the complaint/ witness(es). The showcause notice shall cite the bases of the Committee's conclusions and require the complaint/ witness(es) to explain, within seven days (in writing and/ or in person), as to why disciplinary action shall not be taken against here/ him.

d. Within four working days of receipt of any explanation from the complaint/ witness(es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of DCC shall convene a Special Meeting to consider the explanation or any lack thereof.

e. In event of no, insufficient, or unconvincing explanation, DCC shall forward its findings to the appropriate University Authority for further action.

f. Where the Departmental Complaint Committee as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced nay forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed.

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g. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complaint under this section.

h. Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

i. Where the Departmental Complaint Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

(2) Protection against Victimization

a. If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry, if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

b. If a witness names by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, reexamination, and supervision of research.

c. If both the complainant and the defendant(s) are members of the academic and/or nonteaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

d. If witnesses names by the complainant and the defendant(s) are members of the academic and / or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant if found guilty, the defendant shall not write the Confidential Reports of the complaints, if she/he is otherwise so authorized.

e. If the defendant(s) is an outsider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.

f. If the defendant(s) is a resident/ service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the order of restraint issued in accordance with the procedures in Section VI.3(C) shall be in force at all times.

16. APPEAL:

- a. The complainant and the defendant shall have the right to appeal if they are dissatisfied with the decision of the disciplinary authority as per the provisions contained in CCS(CCA) Rules or any other rules of the University.

17. REDRESSAL

- a. The committee can ask, for the suspension/ transfer of the alleged defendant from his official position, during the pendency of the enquiry if his presence is likely to interfere with the enquiry.
- b. The victim of sexual harassment will have the option to seek transfer of the perpetrator or her own transfer.

18. WHERE SEXUAL HARASSMENT AMOUNTS TO CRIMINAL OFFENCE:-

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1880) or under any other law, it shall be the duty of the Department Complaints Committee to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

Any such action or proceedings initiated shall be in addition to proceedings initiated and / or any action taken under this Rules.

- a. In case of any doubts, ambiguity or difficulty in interpreting and/or implementing the provisions of these Rules, the decision of the Vice Chancellor in this regard shall be sought and shall be final.

19. AMENDMENT TO THE RULES & PROCEDURES OF DCC

- a. Amendments to the Rules and Procedures of DCC shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgment, the Report of the Working Group on Sexual Harassment headed by Prof. R. K. Sinha, the Policy, and the Rules and Procedures and as per proviso of Acts, Statutes and Ordinances of DTU required for amendments of rules.
- b. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.

20. MISCELLANEOUS

- a. The provisions of these Rules and Procedures of GSCASH shall be duly incorporated within any other Statute, Circular or Ordinance of the University as may be relevant, in keeping with the Supreme Court Judgment and relevant Act.

- b. The proceedings under these Rules and Procedures of DCC shall not, in any way, be affected by any other proceedings against the defendant preferred by extent specifically ordered by a court of law.

c. The provisions of these Rules and Procedures of DCC shall not restrict the powers of the University or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.