

## Chapter - 9

# <sup>1</sup>[ORDINANCE : RULES AGAINST SEXUAL HARASSMENT]

### 1. Short Title, Extent and objectives

These rules are based on the Policy against Sexual Harassment of women at work-place by University in accordance with Hon'ble Supreme Court's guidelines with Vishakha vs. State of Rajasthan case. The Supreme Court had held that sexual harassment of women at work-place is against the dignity of women and violates Articles 14, 15 (1), 19 (1) (g) and 21 of the Constitution of India. The rules seek to maintain and create an academic and work environment free of sexual harassment for students, academic and non-teaching staff of the University and its affiliated colleges. These rules will also apply to outsiders and residents, on the University/ College campus, to the extent specified herein.

### 2. Definitions

- i) "University" means Maharshi Dayanand University, Rohtak
- ii) "College" means Govt. and private college.
- iii) "Committee" means the committee to check the menace of sexual harassment & violence against women at their work-place.
- iv) "Students" include regular students as well as ex-students of University / College.
- v) "Teaching staff" includes any person on the staff of the University or any colleges affiliated to or maintained by it, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall also include employees employed on a casual or project basis.
- vi) "Non-Teaching staff" includes any person on the staff of the University or any college maintained or affiliated to it, who is

not included in teaching staff. It includes employees who are full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall also include employees employed on a casual or project basis.

- vii) "Member of the University" includes all those included in categories (iii) - (v) above.
- viii) "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by the University or by any of its affiliated/maintained colleges.
- ix) "Outsider" includes any person who is not a member or resident of the University/College. It also includes, but is not limited to, any private person offering residential, food and other facilities to students, teaching staff or non-teaching staff of the University or any college or affiliated to or maintained by the University.
- x) "Campus" includes all places of work and residence in the University or any college affiliated to or maintained by the University. It includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, staff quarters and public places (including shopping centres, eating places, parks, streets and lanes) on the University campus or the campus of any college affiliated to or maintained by the University.
- xi) "Sexual harassment" includes any unwelcome sexually determined behaviour, whether directly or by implication and includes physical contact and advances, a demand or request for sexual favours, sexually-coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**Explanation :** "Sexual Harassment" shall include, but will not be confined to the following :

- a) When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either implicitly or explicitly, a ground for

any decision relating to employment, academic performance, extracurricular activities, or entitlement to services or opportunities at the University / Colleges.

- b) When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or email, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating and intimidating, hostile, or offensive environment.
- c) When a person uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will, such conduct will amount to sexual assault.
- d) When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University/College is used to denigrate/discriminate against a person or create a hostile environment on the basis of a person's gender identity/sexual orientation.

**3. Scope :** These rules shall be applicable to all complaints of sexual harassment made :

- i) by a member of the University / College against any other member of the University / College irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- ii) by a resident against a member of the University/College or by a member against a resident irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- iii) by an outsider against a member of the University/College or by a member of the University/College or by a member of the University/College against an outsider if the sexual harassment is alleged to have taken place within the campus.

- iv) by a member of the University/College against an outsider if the sexual harassment is alleged to have taken place outside the campus.

#### **4. Establishment of Committee**

**At University level :** The Vice-Chancellor shall constitute a Committee to check the menace of sexual harassment & violence against women at their work place.

The qualifications, tenure, terms and conditions of the Chairperson and members of the committee shall be determined by the Vice-Chancellor. The chairperson of the committee shall be a woman appointed by the Vice-Chancellor from the Senior Professors of the University.

**At College level :** The Principal shall constitute a Committee to check the menace of sexual harassment & violence against Women at their work place.

#### **Composition of the Committee**

**At University level :** The composition of the committee shall be as under:

- i) Chairperson
- ii) Two teachers members (out of them one shall be a woman).
- iii) The topper student of concerned faculty.
- iv) The female representative of Non-Teaching Association of M.D.U., Rohtak
- v) Head of the Department to which the case relates. In case involving the non-teaching employees, the Registrar or his nominee shall be the member.

#### **At College level :**

- i) Chairperson / Principal
- ii) One Teacher Incharge Women Cell.
- iii) One female student who is topper of B.A. (II). In case of P.G. Colleges the topper of M.A. (Previous) may be taken.

- iv) The Chairperson can co-opt a non-teaching female employee, if the complaint concerns with non-teaching section.

At least half of the number of members of Committee shall be the Quorum for holding a meeting of committee.

## **6. Jurisdiction**

The committee at University and college shall have the jurisdiction to entertain the complaints of Sexual Harassment on the campus.

## **7. Limitation**

The complaints may be entertained by the committee within a period of ten days from the day of alleged event of Sexual Harassment.

## **8. Manner in which complaints shall be made**

The complaint may be made by any member against any other member in writing before the committee. The complaint shall contain the facts and specific allegations supported by evidence.

At college level, the complaint is made to the Principal/Chairperson of the Committee. A copy of the complaint is also to be submitted with Chairperson of this Committee at University level.

## **9. Procedure**

After receiving the complaint the meeting of the committee shall be convened by the Chairperson at the earliest at college/University level. The complaint shall be placed before the committee. After considering the complaint the committee shall follow the procedure as considered just and appropriate to meet the ends of justice. The burden of proving the allegation shall lie on the complainant(s). No decision shall be taken by the committee against any one without giving the opportunity of hearing. In case of the colleges, if the matter is not resolved in the College Complaint Committee, the complaint may be referred to Complaint Committee at University level.

## **10. Findings**

The committee shall decide the complaints at the earliest and recommend the punishment / action to the Vice-Chancellor for

approval / decision/ consideration. The punishment / action shall be commensurate with the nature or gravity of incidents.

- A. In case of University / college employees : disciplinary action may be in the form of :
- i) Warning
  - ii) Written apology
  - iii) Bond of good behaviour
  - iv) Adverse remarks in the Confidential Report
  - v) Debarring from supervisory duties
  - vi) Denial of membership of statutory bodies
  - vii) Denial of re-employment
  - viii) Stopping of increments / promotion
  - ix) Reverting, demotion
  - x) Suspension
  - xi) Dismissal
  - xii) Any other punishment as may be warranted by the case.
- B. In case of students : disciplinary action may be in the form of :
- i) Warning
  - ii) Written apology
  - iii) Bond of good behaviour
  - iv) Debarring entry into a hostel / campus
  - v) Suspension for a specified period of time
  - vi) Withholding results
  - vii) Debarring from exams.
  - viii) Debarring from holding posts
  - ix) Expulsion
  - x) Denial of admission

- xi) Declaring the harasser as "person non gratia" for a stipulated period of time.
- xii) Any other punishment as may be warranted by the case.

C. In case of third party harassment, the University / college authorities shall initiate action by making a complaint with the appropriate authority as per law.

The recommendation of the committee on punishment / action shall be forwarded to the Vice-Chancellor, whose decision shall be final. Orders of the Vice-Chancellor shall be executed by the respective Head of the Department/Principal of College.

**11. Appeal**

Any person / member, dissatisfied / aggrieved by the decision of the committee (University / College) may make an appeal to the Vice-Chancellor within 15 days from the date of notification or communication of decision to him. The Vice-Chancellor may give opportunity to the concerned persons/ members and decide the matter accordingly. The decision of Vice-Chancellor shall be final.

**12. Enforcement of orders**

The enforcement of orders / decisions passed above shall be the responsibility of concerned Head of the Department / Principal of College. In case of non-teaching employees the orders shall be implemented / enforced by the Registrar.

**13. Administrative control**

The Vice-Chancellor shall have the supervisory and administrative control over the committee.

**14. Removal of difficulties**

If any difficulty arises in giving effect to the provision of these rules the chairperson may remove the difficulties.

**15. Savings**

No officer / member shall be liable for any legal proceedings for anything done in good faith in discharge of duties under these rules.