

THE IIS UNIVERSITY, JAIPUR

COMMITTEE TO ADDRESS THE COMPLAINTS OF AND VIOLENCE AGAINST WOMEN SEXUAL HARASSMENT

I Purpose

1. To prevent acts of Sexual Harassment within the university campus and to set forth procedures for resolving such matters which may happen at the university campus or outside.
2. To effectively implement the guidelines issued by the Hon'ble Supreme Court of India in Vishaka Vs. State of Rajasthan .W.P.[Crl.] No. 66670 of 1992, decided on 13.8.1997 and reported in [1997] 6 SCC 241 ["Guidelines"].
3. To create awareness about sexual harassment so as to empower women faculty, employees and students to raise their voice against it, when ever required.

II Constitution of the Committee to address the complaints of Sexual Harassment and violence against women

The IIS University has constituted a Committee to address the complaints of Sexual Harassment and violence against women to address the complaints of sexual harassment and violence against women for redressal of victims of such harassment if any, when a complaint of sexual harassment at The IIS University campus or outside is received.

1. "Employee" for the purpose of this policy and the procedure for dealing with the matters of sexual harassment means any person on the roll of The IIS University, including on contract, temporary, part-time, visiting or working as consultants, even though they may not be employees for any other purpose.
2. In keeping with the guidelines, the Committee is formed as per constitution of the committee given in **Annexure 1**.
3. The committee will address complaints of sexual harassment complaints by students, employees and faculty of the University.

III Role of the Committee

1. The Committee shall decide whether the facts contained in the complaint amount to a case of "sexual harassment" in light of the definition (**Annexure II**), contained in the Vishakha Guidelines.
2. The Committee shall look into the truth of the allegations contained in the complaint.
3. The Committee shall look into the truth of any allegation of retaliation against / victimization of the complainant or any other person assisting him/her as a result of such complaint having been made or such assistance having been offered.

4. The committee shall take statements of complaint and person(s) against whom complain is made of any other person witnessing the event for knowing truth and gravity of the complaint.
5. The Committee shall recommend the penalties / action to be taken against any person found guilty of having sexually harassed the complainant, which may include fine and/or suspension /rustication in case of students, termination from service in case of employees/faculty or registering a police case if the person found guilty is an outsider.
6. The Committee shall recommend the penalties / action to be taken against any person found guilty of having retaliated against / victimized the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.
7. The Committee shall recommend appropriate psychological, emotional and physical support (counseling, security and other assistance) for the victim.
8. In case the complaint is found to be false, The Committee shall recommend the penalties / action to be taken against any person found guilty of having made false claims of having been sexually harassed, up to and including termination.
9. The Committee shall also monitor the follow-up action.

IV Powers of the Committee

1. The Committee shall have the power to summon witnesses and the persons(s) call for documents or any other information from any employee, complaints or against whom complaints made or person(s) witnessing or related to the event.
2. If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information , it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling him and within such time as may be specified in the written notice.
3. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
4. Upon production of documents / information called for by it, the Committee shall have the power to:
 - (i) make copies of such documents/ information or extracts there from; and/or
 - (ii) retain such documents / information for such period as may be deemed necessary for the purpose of the proceedings before it.
5. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
6. The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person supporting the complaint ; and (c) making false charges of sexual harassment against the accused person.

V Procedure followed by the Committee

1. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
2. The Committee shall allow the party against whom the document / witness is produced to see or take a copy of the same, and/or to challenge / cross-examine the same.
3. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
4. As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
5. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
6. The Committee shall make all endeavours to complete its proceedings within a period of fifteen (15) days from receiving a complaint.
7. The Committee shall record its findings in writing, supported with reasons within a period of five (5) days from the completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
8. If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee(s)/persons(s) and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented.
9. If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting her as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing with reasons and recommendations of the action to be taken against such person(s).
10. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing, with reasons and recommendations of the action to be taken against such person.

VI Miscellaneous

1. All proceedings, including the statements and other material adduced as evidence before the Committee shall be strictly confidential.
2. The Committee shall take all steps to ensure that the parties before it and their representatives shall maintain strict confidentiality in all respects.
3. The Committee shall recommend appropriate action against the guilty person in accordance with the Guidelines, Policy, and gravity of the behavior disclosed in the Committee's report.

4. On receiving the recommendations of the committee the Registrar shall take formal approval of the Vice-Chancellor for the action to be taken and issue relevant orders.
5. The decision of the Committee on any matter within its competence shall be considered final however, an appeal against the action could be made to the Vice Chancellor within 15 days of receiving the Registrar's letter. The Vice Chancellor shall decide the appeal within 15 days based on the merits of the case. The procedure of the committee will not be repeated, but if the Vice Chancellor so feels, may call the appellant and/or complaint to enquire about new facts in the case, if any, The decisions of the Vice Chancellor shall be final and no further appeal / challenge to the same shall be entertained by any person / body at The IIS University, Jaipur.