

REGULATION

In pursuance of the provisions under Section 34 of the Haryana Private Universities Act, 2006, the Board of Management of the Manav Rachna University hereby makes the following Regulations relating to Sexual Harassment of women (Prevention, Prohibition and Redressal) working in the University.

1. Definition

1. SHORT TITLE AND APPLICATION

1.1. This Regulation may be called Manav Rachna University (Second) Regulation, 2016

1.2. This shall come in force from the date of approval of the Board of Management.

1.3. This shall apply to all the female employees and students employed/studying in the University

1.4. **“Sexual Harassment”** includes any one or more of the following act(s) or behavior (whether directly or by implication)namely:

- (a) physical contact or advances; or
- (b) demand or request for sexual favours; or
- (c) sexually coloured remarks; or
- (d) showing any pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. Whether any of these acts is committed in circumstances, where the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work, whether she is drawing salary or honorarium or doing voluntary service, in the University, or its constituents, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in the question or raise any objection thereto.
- (f) Sexual harassment shall also include unwelcome sexual behavior (whether directly or by implication) as:

- (i) Loaded comments having sexually offensive connotations.
- (ii) Remarks or jokes having sexually offensive connotations.
- (iii) Obscene, e-mails or phone calls having sexually offensive connotations.
- (iv) Sexual physical gesture, lewd stares;
- (v) Physical contact having sexually offensive connotations and stalking;
- (vi) Exhibition / displaying / showing pornography;
- (vii) Making of sounds having sexually offensive connotations.
- (viii) Relating sexually explicit anecdotes;
- (ix) Threat to take vindictive action for denial of sexual favours;
- (x) Singing lewd songs;
- (xi) Any act or behavior that is sexual, based on sex or on sexual orientation, towards person, that has the aim or affect of compromising that person's right to dignity, equality in employment, and to working condition that are respectful of that person dignity, their moral or physical integrity, their right to receive ordinary services offered to the public in full equality.
- (xii) The act or behavior that can notably take the form of pressure, insults, remarks, jokes based on sex, touching assault, all sexual exhibitionism, all unwelcome implicit or explicit sexual solicitations, all threats or all sexual blackmail.
- (xiii) Any pressure, constraint of sexual nature carried out through words, gesture, threats, promises, writing drawings, sending of objects, all sexually discriminatory remarks, targeting a person during a hire or while conducting her professional activity.
- (xiv) Any behavior is unacceptable if :
Such conduct is unwanted, unreasonable and offensive to the recipient
a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decision; and/or Such conduct creates an intimidating, hostile or humiliating work environment for the recipient; and other such

conduct may, in certain circumstances, be contrary for the principles of equality before the law within the meaning of Articles 14,15,16 and 21 of the Constitution of India.

- (xv) Act or conduct creating sexually hostile and intimidating environment.

2. Who Can Make a Complaint?

A person who is:

- (i) a student of Manav Rachna University (MRU)
- (ii) an employee of MRU
- (iii) any other member of the University Academic Bodies / Committees / person or persons holding administrative and consultative position in the University etc.
- (iv) an applicant seeking admission in any course offered by MRU. Subject to the condition that:

Where a complaint instituted before the Complaint Committee is found to be frivolous or vexatious, the Committee shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complaint shall pay to the opposite party a fine to be imposed at the discretion of the Vice Chancellor.

3. Complaints Committee:

It shall be constituted by the Vice Chancellor, comprising five members. At least 50% of the members of the Committee shall be women. The Chairperson of the Complaints Committee will be senior lady professor nominated by the Vice-Chancellor. The Committee may co-opt any member(s) as per the requirement.

4. Complaint Committee to be Inquiry Authority

Complaint Committee set up in the University for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Competent Authority for the purpose of these regulations. Complaint Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Regulation.

5. Jurisdiction

All members of staff; teaching or non-teaching and all students whether studying in Manav Rachna University Campus or in any other constituent Unit are subject

to the jurisdiction of this Regulation. The territorial jurisdiction of the Complaints Committee shall extend to act of sexual harassment committed in the Manav Rachna University Campus. The campus shall include hostels, guest houses, car-parks and other properties owned, maintained or under the control of the MRU. In the case of the sexual harassment of the third person by a student or staff of MRU or of any constituent Unit, the Complaint Committees may in its discretion provide information regarding the student or staff.

6. Procedure of Enquiry:

- (a)** Any person aggrieved shall prefer complaint before the complaint committees at the earliest point of time and in any case within 15 days from the date of occurrence of the alleged incident.
- (b)** The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the names of contravener and the complaint shall be addressed to the complaint committees.
- (c)** If the complainant feels that she cannot disclose her identity for any particular reason, the complainant shall address the complaint to the Vice Chancellor and hand over the same in person or in a sealed cover. Upon receipt of such complaint the Vice Chancellor shall retain the original complaint with himself / herself and send to the Complaint Committee a gist of complaint containing all material and relevant details, other than the name of the complainant and other details, which might disclose the identity of the complainant.
- (d)** The Complaint Committee shall take immediate necessary action to cause an enquiry to be made discreetly or hold an enquiry, if necessary.
- (e)** The Complaints Committee shall thereafter submit its report to the Vice Chancellor recommending the penalty to be imposed.
- (f)** Vice Chancellor on receipt of the report from the Complaint Committee shall after giving an opportunity of being heard to the persons complaint against, confirm with or without modifications the penalty recommended after duly following the prescribed procedure.
- (g)** In cases, pertaining to the officer holding the posts of Assistant Registrar / Assistant Professors and above, the case shall be submitted to the Board of Management of the University, which shall with or without modification confirm the penalty recommended.

7. Disciplinary Action:

Where the conduct of an employee amounts to misconduct in employment as defined in the rules, appropriate disciplinary action in accordance with the relevant rules shall be initiated.

Where the conduct of a student amounts to misconduct, appropriate disciplinary action in accordance with the relevant ordinance on 'Maintenance of discipline amongst students' shall be initiated by the competent authority.

8. Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and the person In-charge shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Nothing contained in this Ordinance shall prejudice any rights available to the student / employee or shall prevent from seeking any legal remedy under the National Commission for Woman Act 1990, Protection of Human Rights Commission Act 1993 or any other law in force.

Where such conduct amounts to specific offence under the Indian Penal Code or under any other law in force, the University shall initiate appropriate action in accordance with the law in force.

9. Annual Report

The Complaints Committee shall prepare an annual report giving a full account of its activities during the previous year and submit the same to the Vice-Chancellor.

Registrar
Manav Rachna University