



# Visvesvaraya Technological University

“Jnana Sangama”

Belagavi - 590 018, Karnataka State

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REGISTRAR

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Ref: VTU/BGM/ICC/2017-18/ 3118

Date : 21 JUL 2017

## NOTIFICATION

Sub: VTU Regulations on Anti Sexual Harassment – reg..

Ref: 1. VTU's Executive Council Resolution No. 8.2 of 22-3-2017

2. Hon'ble Vice-Chancellor's Approval dated: 20-07-2017

VTU's Executive Council by the power vested as per Section 32 of VTU Act framed the VTU Regulations on Anti Sexual Harassment vide its Resolution No. 8.2 of 22-3-2017.

Accordingly, VTU Regulations on Anti Sexual Harassment are hereby notified. This is applicable from the date of approval from VTU's Executive Council.

The VTU Regulations on Anti Sexual Harassment are uploaded on VTU website [www.vtu.ac.in](http://www.vtu.ac.in)

These Regulations are applicable to all Engineering/Architecture Colleges (affiliated/ autonomous/ constituent) under the jurisdiction of VTU.

Hence, the Principals of all Engineering Colleges are hereby informed to note the same and take immediate necessary measures to formulate the “College Internal Complaints Committee [CICC]”, if it is not already constituted.

Every college is required to send the annual report on the complaints received and action taken in this regard to the University and comply with any other notification/ circulars / rules issued by the University in this regard.

This is for immediate necessary compliance.

BY ORDER

Sd/-

REGISTRAR

To,

The Principals of All Engineering Colleges Affiliated to / Autonomous / Constituent under VTU, Belagavi

Copy to:

1. Hon'ble Vice-Chancellor through the Secretary to VC, VTU, Belagavi
2. The Special Officer of DPAR, VTU, Belagavi to circulate to all the section heads
3. The Circular file at Dispatch section
4. The Computer Network Centre, VTU, Belagavi to upload on VTU website

REGISTRAR

*Judy 21.07.17*

## Part II

### DEFINITION , JURISDICTION AND COMMITTEES

#### 2.1. Definition of Sexual Harassment

The following constitute sexual harassment:

- a. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any University activity
- b. When unwelcome sexual advances, and verbal, non-verbal and / or physical conduct such as loaded comments, remarks or jokes, letters, phone calls, messages or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of derogatory nature have the purpose and/ or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment
- c. When a person/s 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 that 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 workplace of the University is used to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation

#### 2.2. Jurisdiction

These regulations shall be applicable to all complaints of sexual harassment made:

- a. By a member (a to f of 1.2 )of the University against any other member of the University irrespective of whether harassment is alleged to have taken place within or outside the campus
- b. By a resident against a member (a to f of 1.2 ) of the University or made by a member against a resident irrespective of whether harassment is alleged to have taken place within or outside the campus
- c. By an outsider against a member of the University(a to f of 1.2 ) or by a member of University against an outsider if the sexual harassment is alleged to have taken place within the campus
- d. By a member of the University against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases, the Committee shall recommend that the University/College authorities initiate action by making a complaint with the appropriate authority. Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

In the above, the following definition will apply:

**'Members of the University (a to f of 1.2 )'** includes students, teachers, non-teaching staff of the University and any persons who is assigned/ carrying out the work of University

**'Students'** includes regular students, part time students, research scholars

**'Teachers'** includes a person/staff of the University or any of the colleges/institutions affiliated/autonomous to 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 include employees employed on a casual or project basis

**'Resident'** includes any person who is temporary or permanent resident of any of the accommodations or premises allotted to an employee by VTU or any of the colleges or institutions affiliated/autonomous to it

**'Outsider'** includes any person who is not a member of the University or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of VTU or any college or institutions affiliated/autonomous to it

**'Campus'** includes all places of work and residence in VTU or any college or institutions affiliated/autonomous to it. It includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, quattress, in housing facilities within campus, banks, public places (parks, streets, lanes) and canteens, etc on VTU campus or any college or institutions affiliated/autonomous to it

### **2.3. Committees:**

There shall be following committees and implementation of policy will be achieved through following :

#### **Part A:**

**a. College Internal Complaints Committee (CICC):**

Every affiliated college shall have a College Internal Complaints Committee (CICC). VTU PG Centres and constituent College shall also have College Internal Complaints Committee.

**b. VTU Internal Complaints Committee (VTU ICC)**

VTU ICC will address the Complaints w.r.t. Head office (including all sections at Belagavi), VTU Regional offices at Bengaluru, Belagavi, Mysuru, Kalaburgi. This shall be the central Pool Complaint committees and shall act as appellate authority for CICCs.

**c. Composition of above committees:**

The committee shall have five members. The chairperson shall be women. Of the five members three shall be woman. One member from NGO. There shall be representation from both teaching and non-teaching staff. Further, if the complaint involves students, senior student (female), nominated, may be co-opted for the particular matter under consideration.

**Part B :**

These committees shall play roles in both preventive and remedial ways.

**Preventive:**

- a. To create and ensure a safe environment that is free of sexual harassment
- b. To create an atmosphere promoting equality and gender justice
- c. To publicise the policy in Kannada and English widely, especially through prospectus, notice boards etc
- d. To publicise in Kannada and English widely the names and phone numbers of members of the committees
- e. To plan and carry out programmes for gender sensitisation

**Remedial:**

- a. The mechanism for registering complaints should be safe, accessible and sensitive
- b. To take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- c. To recommend to the concerned authorities for follow up action and monitor the same
- d. To advise the disciplinary authority concerned, to issue warning or take the help of law to stop the harasser, if the complainants request
- e. To seek medical, police and legal intervention with the consent of the complainant
- f. To make appropriate psychological, emotional and physical supports (in the form of counselling, security and other assistance) to the victim if she desires.

### Part III

#### COMPLAINT MECHANISM AND PROCEDURE TO ADDRESS THE COMPLAINTS

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and Rules framed there under, Visvesvaraya Technological University, Belagavi hereby adopts the following procedure for determining complaints filed to the **VTU Internal Complaints Committee (VTU ICC)** constituted under the Act. The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, but VTU ICC reserves the right to make exceptions to the procedure stated hereunder:

1. Any aggrieved woman may make in writing, a complaint of Sexual harassment at workplace to VTU ICC (herein after referred as Committee). Six copies of a written complaint should be submitted to the Committee or any of its members along with the list of witness and supporting documents. Additional documents and list of witness can be submitted to Committee at a later stage during the proceedings.  
Provided that where such complaint cannot be made in writing, the Chairperson/Presiding Officer or any other members of the Committee shall render all reasonable assistance to the woman for making the complaint in writing.
2. Any complaint received by the members should be immediately forwarded to the Presiding Officer, and this must be notified to other members of Committee at the earliest and not later than three (3) days and a meeting should be called for discussing the matter.
3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the Institution that no action is required to be taken in the matter. In case of complaint received w.r.t. affiliated College, autonomous college, Constituent College, PG Centres, the matter shall be referred to the Internal Complaint Committee of the respective Institution / college / Centre and call for the records, action taken and punishments imposed, if any. And decide the matter as per the procedures framed under this Regulation.
4. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witness and documents).
5. The committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.
6. The Committee may before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.
7. No monetary settlement shall be made as the basis of conciliation, if any settlement is arrived, the Committee shall record the settlement so arrived and forward the same to the employer for necessary compliance.
8. The Committee shall provide the copies of the settlement as recorded under (7) to the aggrieved woman and to the respondent. No further inquiry shall be conducted by the Committee once the conciliation is done.
9. If conciliation is found to be not feasible, notice should be issued to both the parties for hearing.
10. The Committee may direct the Registrar/ Principal/Head of the Institution/ PG coordinator to ensure the safety and protection of the aggrieved woman if and when required.

11. As an interim measure, the Committee may recommend
  - a) The transfer of the aggrieved woman, if she desires, or the respondent to another section or department as deemed fit by the Committee
  - b) Grant leave to the aggrieved woman upto a period of three months or ;
  - c) Restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved woman
12. The Committee shall proceed to make inquiry into the complaint in accordance with the provision of the service rules applicable to the respondent considering the sexual harassment as misconduct.
13. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved woman, and the witnesses shall be intimated at least 7 working days in advance in mentioning the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day to day basis, to be decided by the Committee.
14. The Committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting the defense.
15. The Committee may at any time during the enquiry proceedings, preclude the face-to-face examination of the respondent and the aggrieved woman and /or their witness keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and/or safety problems.
16. The Committee may call any person to appear as a witness in the interest of justice. The aggrieved woman/respondent has to submit the written reply before the committee within the specified time given.
17. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and/or any witness for the purpose of supplementary testimony and /or clarification.
18. The Committee shall have the right to summon any official papers or documents pertaining to the aggrieved woman as well as the respondent.
19. The past history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
20. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-parte decision on the complaint, if the respondent fail to be present for three consecutive hearings convened by the Presiding Officer without prior permission from the presiding officer with the valid reasons.
21. The aggrieved woman and the respondent or any person on her /his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witness names and identities. Any person nominated by the aggrieved woman and /or the respondent on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved woman/respondent should inform the Presiding Officer specifically if they wish exercise this right. The Presiding Officer shall allow access to such document/s on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point of time, the concerned parties can take these documents outside the office.
22. The aggrieved woman and the respondent shall be responsible for presenting their witness before the Committee. In the case of failure in presenting witnesses and the committee is

- convinced with the reasons provided by the aggrieved women/respondent then the Committee shall adjourn that particular meeting for a period not exceeding five days. The adjourned meeting shall be conducted even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
23. All the proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement/s of witness shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof.
  24. If the aggrieved woman desires to tender any documents as evidence, the Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the aggrieved woman.
  25. In any event the Committee thinks that the supplementary testimony is required, the Presiding Officer shall forward the summary of the proceedings to the concerned with a time period of seven days to submit, in person or in writing, to the Committee.
  26. The aggrieved woman and the respondent shall have the right of cross-examination of all witness. However, such cross –examination shall be conducted in the form of written questions and responses via the Committee only. The respondent shall have no right to directly cross-examine the aggrieved woman and/or her witness.
  27. The respondent / aggrieved woman may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved woman/witness. The Committee shall retain the right to disallow any question, which it feels to be irrelevant, mischievous, slanderous, derogatory or gender insensitive.
  28. Amicus Curies can be called for helping the Committee if and when required
  29. After concluding its investigation, the Committee shall submit a detailed reasons report to the University/ Institution
  30. If the Committee finds no merit in the allegations, the same shall be report to the Institution
  31. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the University/ Institution  
The following actions may be recommended.

**Part A: in the case of University/ College employees :**

- a) A written apology
- b) Warning
- c) Bond on Good behaviour
- d) Suspension for specific period of time
- e) Reprimand or censure
- f) Withholding of promotions and / or increments
- g) Withholding of pay rise or increments
- h) Adverse remarks in Service books/ confidential service register
- i) Recommending for demotion/suspension/dismissal
- j) Debarring from Nomination on the committees/statutory bodies of the University
- k) Blacklisting from examination works
- l) Any other punishment according to the service rules applicable to the respondent
- m) To file a police complaint in relation to an offence under Indian Penal Code, if aggrieved woman chooses so.

**Part B : In case of students :**

- a) Warning
  - b) Written apology
  - c) Bond on Good behaviour
  - d) Suspension for specific period of time
  - e) Withholding results
  - f) Debarring from exams
  - g) Debarring from holding posts such as member of committee
  - h) Expulsion
  - i) Denial of admission /readmission/change of College/Change of Branch
  - j) Declaring the harasser as " persona non grata" for stipulated period of time
  - k) Any other relevant action
32. When the Committee arrives at the conclusion that allegations against the respondent is not been proved, the committee shall recommend to the employer that no action is required to be taken in the matter.
33. Nothing precludes the University / Institution authorities from taking cognizance of any new fact or evidence which may arise or to be brought before it during the pendency of the inquiry proceedings or even after communication of the findings to employer.
34. If the allegation (s) is /are proved against the respondent, the Committee may direct the University/ Institution/College to ensure the payment of compensation to the aggrieved woman by the respondent. The determination of compensation to the aggrieved woman shall be decided based on the following facts:
- a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman
  - b) The loss of career opportunity due to the incident of sexual harassment
  - c) Medical expenses incurred by the victim for physical or psychiatric treatment
  - d) The income and financial status of the respondent
  - e) Feasibility of such payment in lumpsum or in instalments
35. The University / Institution authorities will file a compliance report to the Committee within 30 days from the issue of recommendation
36. The Committee shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the University/Institution campus and act against the same in such manner as it deems appropriate
37. The identity of the aggrieved woman, respondent, witness and proceedings of the Committee and its recommendations and the action taken by the University/ Institution/College shall not be published, communicated or made know to the public, press or media in any manner and outside purview of Right to Information Act 2005.
38. No legal practitioner will be allowed to present by either the aggrieved woman or the respondent in proceedings before the Committee
39. The Committee has the powers of Civil Court in the following cases
- a) Summoning and enforcing the attendance of any person related to the incident
  - b) Requirement of any document/production of any document
  - c) Any other matter relating to the incident and decided by the Committee from time to time



**Part IV**

**AMENDMENTS TO THE REGULATIONS**

On the basis of experience of the working with Regulations/any amendments, ant amendments by MHRD/UGC or any governing bodies to the university, the VTU ICC will have the power to amend the policy. The CICC may also recommend for changes/amendments.

**Part V**

**FINANCIAL ASSISTANCE**

The University will raise a fund for function of the committee by collecting a fixed annual charge of Rs. 10/- ( out of which Rs. 5/- to be sent to the University) each year from students.

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