(जी) यदि वह एक मानित विश्वविद्यालय संस्थान है तो केन्द्र सरकार को उस मानित विश्वविद्यालय के आहरण की अनुशंसा करना;

(एच) यदि वह किसी राज्य अधिनियम के अन्तर्गत स्थापित अथवा नियमित विश्वविद्यालय है तो उसके इस स्तर को आहरित करने के लिए उपयुक्त राज्य सरकार को सिफारिश करना;

(आई) जैसे कि विश्वविद्यालय अनुदान आयोग अधिनियम 1956 के अन्तर्गत प्रावधान किया जाना हो तदनुसार अपने अधिकारों के अनुसार यथोचित रूप से ऐसी समयावधि के लिए दण्ड प्रदान कर सकता है जिस समय तक वह संस्थान इन विनियमों में निर्धारित प्रावधानों का अनुपालन नहीं करता है;

(जे) इन विनियमों के अन्तर्गत आयोग द्वारा उस समय तक कार्रवाई नहीं की जाएगी जब तक कि संस्थान को अपना पक्ष प्रस्तुत करने के लिए प्रदत्त सुअवसर के आधार पर उनकी सुनवाई कर ली गई हो;

[विज्ञापन–III/4/असा./53]

जसपाल एस. संधु, सचिव, यूजीसी

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(University Grants Commission)

NOTIFICATION

New Delhi, the 2nd May, 2016

University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015

No. F. 91-1/2013(TFGS).—In exercise of the powers conferred by clause (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), read with sub-section (1) of Section 20 of the said Act, the University Grants Commission hereby makes the following regulations, namely:-

1. **Short title, application and commencement.**—(1) These regulations may be called the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.

(2) They shall apply to all higher educational institutions in India.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—In these regulations, unless the context otherwise requires,-

(a) "aggrieved woman" means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(b) 'Act' means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);

(c) "campus" means the location or the land on which a Higher Educational Institution and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the HEI including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short- term placements, places used for camps , cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the HEI;

(d) Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);

(e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;

(f) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

(g) "Executive Authority" means the chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;

(h) "Higher Educational Institution" (HEI) means a university within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);

(i) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by an HEI under sub regulation (1) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;

Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;

(j) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;

(k) "sexual harassment" means-

(i) "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely;-

(a) any unwelcome physical, verbal or non verbal conduct of sexual nature;
(b) demand or request for sexual favours;
(c) making sexually coloured remarks
(d) physical contact and advances; or
(e) showing pornography"

(ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-
(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
(b) implied or explicit threat of detrimental treatment in the conduct of work;
(c) implied or explicit threat about the present or future status of the person concerned;
(d) creating an intimidating offensive or hostile learning environment;
(e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

(l) "student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI;
Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;
Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

(m) "third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the HEI, but a visitor to the HEI in some other capacity or for some other purpose orreason;

(n) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

(o) "workplace" means the campus of a HEI including-
(a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs;
(b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;
(c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.'

3. **Responsibilities of the Higher Educational Institution- (1)** Every HEI shall,-

(a) Wherever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;

(b) publicly notify the provisions against sexual harassment and ensuretheir wide dissemination;

(c) organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations;

(d) act decisively against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;

(e) publicly commit itself to a zero tolerance policy towards sexual harassment;

(f) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;

(g) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;

(h) include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual

harassment, contact details of members of Internal Complaints Committee , complaints procedure and so on. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;
Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;

(i) inform employees and students of the recourse available to them if they are victims of sexual harassment;

(j) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;

(k) proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;

(l) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;

(m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;

(n) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;

(o) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;

(p) monitor the timely submission of reports by the ICC;

(q) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

3.2 **Supportive measures.**—(1) The rules, regulations or any such other instrument by which ICC shall function have to be updated and revised from time-to-time, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

(2) The Executive Authority of the HEIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as, well as a sufficient allocation of financial resources.

(3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.

(4) Since research students and doctoral candidates are particularly vulnerable the HEIs must ensure that the guidelines for ethics for Research Supervision are put in place.

(5) All HEIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.

(6) All Academic Staff Colleges (now known asHuman Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) must incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.

(7) Orientation courses for administrators conducted in HEIs must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the HEI community.

(8) Counselling services must be institutionalised in all HEIs and must have well trained full-time counsellors.

(9) Many HEIs having large campuses have a deficit in lighting and are experienced as unsafe places by the institutional community. Adequate lighting is a necessary aspect of infrastructure and maintenance.

(10) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.

(11) HEIs must ensure reliable public transport, especially within large campuses between different sections of the HEI, hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport may be considered by HEIs to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.

(12) Residential HEIs should accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.

(13) Concern for the safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.

(14) Adequate health facilities are equally mandatory for all HEIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.

(15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitizationand remain autonomous of the functioning of anti sexual harassment committees and ICCs. At the same time they shall extend their activities to include gender sensitization programmes in consultation with ICCs and help to disseminate anti-sexual harassment policies on campuses on a regular basis. The 'cultural' space and the 'formal academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.

(16) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendmentsin the rules or Ordinances where necessary.

4. **Grievance redressal mechanism.**—(1) Every Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:-

(a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o);

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;"

(b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;

(c) Three students, **if the matter involves students**, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;

(d) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

(2) At least one-half of the total members of the ICC shall be women.

(3) Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.

(4) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.

(5) The Member appointed form amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.

(6) Where the Presiding Officer or any member of the Internal Committee:

(a) contravenes the provisions of section 16 of the Act; or
(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section."

5. **Responsibilities of Internal Complaints Committee (ICC) -** The Internal Complaints Committee shall:

(a) provide assistance if an employee or a student chooses to file a complaint with the police;

(b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;

(c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;

(d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and

(e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

6. **The process for making complaint and conducting Inquiry** – The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The HEI shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy

7. **Process of making complaint of sexual harassment -** An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing;

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period."

Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental in capacity or death.

8. **Process of conducting Inquiry**- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.

(2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.

(3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority of the HEI. Copy of the findings or recommendations shall also be served on both parties to the complaint.

(4) The Executive Authority of the HEI shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.

(5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the HEI within a period of thirty days from the date of the recommendations.

(6) If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.

(7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The HEI shall facilitate a conciliation process through ICC, as the

case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.

(8) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

9. Interim redressal-The HEI may,

(a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;

(b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;

(c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;

(d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;

(e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.

(2) Where the respondent is a student, depending upon the severity of the offence, the HEI may,-

(a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;

(b) suspend or restrict entry into the campus for a specific period;

(c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;

(d) award reformative punishments like mandatory counselling and, or, performance of community services.

(3) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

(a) mental trauma, pain, suffering and distress caused to the aggrieved person;

(b) the loss of career opportunity due to the incident of sexual harassment;

(c) the medical expenses incurred by the victim for physical, psychiatric treatment;

(d) the income and status of the alleged perpetrator and victim; and

(e) the feasibility of such payment in lump sum or in instalments.

11. Action against frivolous complaint.—To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all HEIs. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (1) of regulations 10, if the complainant happens to be an employee and as per sub-regulation (2)

of that regulation, if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

12. **Consequences of non-compliance.**—(1) The Commission shall, in respect of any institution that will fully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice: -

(a) withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.

(b) removing the name of the university or college from the list maintained by the Commission under clause (f) of section 2 of said Act, 1956;

(c) withholding any grant allocated to the institution;

(d) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the Commission;

(e) informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment;

(f) recommending the affiliating university for withdrawal of affiliation, in case of a college;

(g) recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university;

(h) recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.

(i) taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the provisions of these regulations.

(2) No action shall be taken by the Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

[Advt.-III/4/Exty./53]

JASPAL S. SANDHU, Secy. UGC

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.