

Sexual Harassment Redressal Committee

With regard to the guidelines and norms as laid down by the Hon'ble Supreme Court of India to ensure the prevention of sexual harassment at the work place (Vishaka guidelines against Sexual Harassment at Workplace) and as per the circulars issued by the UGC for establishing a permanent cell and the committee for preventing sexual harassment, violence against women and ragging in the Universities and Institutions, the committee for Sexual Harassment Redressal has been formulated in Uttarakhand Open University. Further, the committee will work as per the regulations issued vide the Gazette of India under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Government Orders of the State Government of Uttarakhand, issued from time to time for the said purpose.

Composition of the Committee:

The Committee consists of the two levels: Internal Committee and External Committee.

The Internal Committee consists of the Complaint Receiving Cell and the Extended Committee includes members of the faculty and administrative staff. The members of the Internal Committee (Complaint Receiving Cell) for the current academic session are:

S. No.	Name	Members Designation	Status	Mobile No.	Email Id
1.	Mrs. Abha Garkhal	Finance Controller	Chairperson	9997441646	gabha@uou.ac.in
2.	Dr. Rashmi Pant	Regional Director	External Expert	9411162527	rdhaldwani@uou.ac.in
3.	Dr. Manjari Agarwal	Assistant Professor	Member Secretary	9897033596	magarwal@uou.ac.in

The Complaint Receiving Cell (CC) will receive the complaints and examine these at the initial level. If the CC is convinced that the matter is genuine and it must be discussed in the Extended Committee, it will issue a notice for the purpose. If the Extended Committee finds substantial proof and it gets convinced that the issue must be taken-up at the level of External Committee, a meeting of the External Committee shall be called.

Ordinarily, the Extended Committee should be able to arrive at the decision. If the aggrieved is satisfied with the decision of the Extended Committee, and submits a statement to this effect in writing, the Extended Committee will submit its report to the Vice Chancellor, who will issue the relevant order.

Members of the CC will automatically remain the Members of Internal Committee Extended (EC-I). The Extended Committee shall be chaired by the Chairperson of CC and the Member Secretary of CC shall also be the Member Secretary of EC-I. The other members shall have the status of being the Members only.

If the EC-I is also convinced that the issue is grave, and its legal dimensions are to be examined, before the recommendation is finalized, the matter shall be referred to the External Committee to ensure the basic human right of gender equality and protection against sexual harassment and abuse. The External Committee (EC-II) (to be nominated by Chairperson and approved by the Vice Chancellor) shall comprise the following;

1. Chairperson of the Internal Committee
2. Member- A male member from Internal Committee (Extended) representing the teaching/ administrative cadre of Uttarakhand Open University.
3. Member- A female/male member from Internal Committee (Extended) representing the Class III-IV employees/ whether regular or contract basis.
4. Member- A Senior female member from M.B. (P.G) College / Mahila College of Haldwani
5. Member- Legal Expert – A Senior Lawyer from the High Court.
6. Member- Medical Practitioner- A Professor/ Associate Professor from the Govt. Medical College or a Medical Practitioner from Government Hospital.
7. Member- Counselor- A MSW with 5 years experience.
8. Member- Social Worker- A renowned social activist having at least 5 years experience.
9. Member- Police Department- An individual who is associated in dealing such cases.
10. Members- Student's Representatives- One former student of the University and one currently enrolled student from Post Graduate Programme.
11. Member Secretary of the Internal Committee.


EC-II shall be constituted by means of an administrative order to be approved by the Vice Chancellor.

All these Committees i.e., CC, EC-I and EC-II shall be displayed on the Website of the University and a circular to this effect shall be issued.

Objectives of the Committees (CC, EC-I and EC-II):

The following are the main objectives of the Committees;

- Prevent or deter the commission of acts of sexual harassment or assault and to promote gender amity among the employees and learners.



- Recommend for appropriate penalties or punitive action against the offender to the Vice Chancellor.
- Resolve the cases of discrimination and sexual harassment against women in a time bound manner.
- Notify, publish and circulate the policy, rules and regulations prohibiting sexual harassment in appropriate ways.

Scope:

For this purpose, sexual harassment includes “Unwelcome” sexually determined behavior (direct or implied) as:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography; and
- Other un-welcome physical, verbal or non-verbal conduct of a sexual nature.

Further, the following are also included in the Scope of the Committee:

- Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any activity.
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, SMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offend the individual’s sensibilities and affect the performance.
- Eve teasing, innuendos and taunts, physical confinement against one’s will and likely to intrude upon one’s privacy.
- Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex.
- Conduct of such an act at work place or outside in relation to an employee of the University, or vice versa during the course of employment; and
- Any unwelcome gesture by an employee having sexual overtones.



The committee may look into the matters pertaining to the above at the Headquarters, Campuses, Regional Centres and Study Centres.

Powers of the Committee:

- The Committee shall have the powers to summon witness/witnesses and call for documents or any information from any employee.
- The Committee can also record the evidences, enquiry process and the statements of the accused, witnesses and victim in audio, video and written format.
- The Committee can also direct any employee or any person to produce relevant information or documents by serving notice in writing summoning the person, or calling for such documents or information at the specified place and time as may be directed in the notice.
- The Committee shall have the powers to issue interim instruction to any person participating in the proceedings before it.
- The Committee shall have the powers to recommend the action against the person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

Functions of the Committee:

- Deal with the cases of discrimination and sexual harassment against women in a time bound manner and recommending appropriate punitive/disciplinary action against the offender/accused to the Vice Chancellor. If required, committee may also organise counseling sessions for the Victim or to the accused.
- Preparation of Annual report (As per the Gazette Notification for Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal Rules, 2013)- The complaint committee shall prepare annual report under Section 21 which shall have the following details:
 - (a) Number of complaints of sexual harassment received in the year.
 - (b) Number of complaints disposed off during the year
 - (c) Number of cases pending for more than ninety days



(d) Number of workshops or awareness programme conducted against sexual harassment.

(e) Nature of action taken by the employer.

- Organize workshops , awareness programmes etc.- As per provisions of Sec 19 of the Gazette Notification for Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal Rules, 2013, the committee shall carry out the following activities for developing a conducive and healthy atmosphere where the women can work with dignity and respect;

(a) Orientation programmes and seminars for the members of the Internal Committee.

(b) Employees awareness programmes and create forum for dialogues.

(c) Capacity building and skill building programmes for the members of the internal committee.

(d) Use modules developed by the State Government to conduct workshop and awareness programmes for sensitizing the employees with the provisions of the Act.

Duties of the Committees (CC, EC-I and EC-II)

- All the Committees shall maintain utmost confidentiality about;
 - (i) The identities of the Complainant and the accused, during the process of investigation at each level.
 - (ii) The identity of the Complainant even after the administrative order of the Vice Chancellor has been issued.
 - (iii) The discussions and decisions which take place in the meetings.
- All the Committees, at no stage, shall issue any press release or give an interview to media about the issue/ issues under investigation. Press briefing/ release/ interview shall be given by the official spokesperson of the University.

Procedure to be followed before the Committee:

- Complaints of sexual harassment or assault shall be filed in writing to the Internal Committee (Complaint) within a period of one month from the date of incident



Procedure to be followed before the Committee:

- Complaints of sexual harassment or assault shall be filed in writing to the Internal Committee (Complaint) within a period of one month from the date of incident and in case of series of incidents, within a period of one month from the date of the last incident. If the complainant is unable to make a complaint then a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- The complainant may withdraw the complaint at any stage of enquiry, provided that the committee has the sufficient grounds to believe that the withdrawal is made independently and under free will.
- The complainant shall submit the complaint to the complaint committee in the six copies along with the support documents, name and address of witnesses, evidences, recording etc.
- On receipt of the complaint, the Complaint Committee shall send one of the copies received from the complainant to the alleged within a period of seven working days.
- The alleged shall submit reply to the complaint along with list of documents and name of addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents.
- The complaint committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- The complaint committee is empowered to conduct preliminary level of enquiry. Committee may record the statements of complainant and alleged either in audio, video or written format. If required committee may also call the meeting of internal committee at the time of preliminary investigation or after the conduct of such investigation.
- In conducting the inquiry, a minimum of three members of the complaint committee including the Chair person shall be present. If required the Chairperson may also invite any member from internal committee for making investigations. Further, in case members of Internal Committee (Extended) or External Committee are also called for conducting such investigations then the



quorum for a such meetings shall be a minimum of two-third of the total number of members.

- The enquiry committee shall complete the enquiry in the shortest possible time, and not exceeding three months from the date on which the complaint is referred to it, except for some special reasons.
- Numbers of hearings convened by the Chairperson would depend upon the seriousness of the case and its consequences, legal and otherwise.
- If required the committee may seek the advice of legal advisor at any stage of investigations. The complaint committee may also refer the matter to the external committee or may also request any member of the external committee to participate in the hearings. If required, the complaint committee may also investigate the matter in the presence of external committee.
- The complaint committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or alleged fails, without sufficient cause, to present herself or himself for three consecutive hearings. Further, the committee shall ensure that such order may not be passed without giving a notice in writing, fifteen days in advance, to the complainant or alleged.
- After arriving at the conclusion, where the allegations has been proved, the internal committee shall give the recommendations to the Vice Chancellor to take any action including a written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service.

Where the allegations is found false or malicious and the complaint has produced any forged or misleading document, the committee may recommend to the Vice chancellor to take any action against the complainant including a written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service.

