

UNIVERSITY OF MUMBAI



WOMEN DEVELOPMENT CELL

**Vice-Chancellor's Directions under
Sec. 14 (8) of Maharashtra
Universities Act, 1994.**



First Floor, Dr. J. P. Naik Bhavan,
University of Mumbai,
Vidyanagari, Mumbai – 400 098.

WOMEN DEVELOPMENT CELL

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of Maharashtra Universities Act, 1994.**

(Procedure to deal with cases of sexual harassment)

PREFACE

Establishment of the **Women Development Cell (WDC)** of the University of Mumbai by the Vice-Chancellor, in the year 2001, is indeed a landmark achievement of the University of Mumbai in pursuance of the policies of women empowerment within the University ambit. The formation of the WDC has been in compliance with the guidelines laid down by the Honorable Supreme Court of India in the case of *Vishaka and others Vs. State of Rajasthan and others* and also subsequently reinforced by the Ministry of Human Resource Development. The prime role of the WDC is to deal with the cases of sexual harassment. Moreover, implementation of the Women's Policy in general to promote the well-being of the female students, teaching and non-teaching women staff of the University and affiliated colleges/institutions is an added feature of the WDC.

The Vice-Chancellor of the University of Mumbai, in exercise of the powers conferred on him under Section 14(8) of the Maharashtra Universities Act, 1994, had issued directives for creating rules of discipline and conduct prohibiting sexual harassment and to provide for appropriate penalties for violations on 15th October 2004 (vide Circular No. EAU/VCD/429 of 2004). Eventually, it was deemed essential to modify the existing directives to further streamline the content and details of the directives as well as to determine Women's Policy in general within the University realm.

This revised text on the Vice-Chancellor's Directives is an outcome of the insightful vision and the sincere efforts of the members of the committee appointed to prepare the draft and invaluable comments and suggestions received from the members of the Management Council, University of Mumbai. The revised directives will come into force from Friday, January 18, 2008 and will remain operative till such time as statutes are made in place.

Dr. (Smt.) Kranti Jejurkar
Chairperson
WOMEN DEVELOPMENT CELL

University of Mumbai



UNIVERSITY OF MUMBAI

No. WDC/VCD/ 240 of 2008

WHEREAS in the case of Vishaka and Others V/s. State of Rajasthan and Others, the Hon'ble Supreme Court has directed that rules/regulations of Government and public sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender,

AND WHEREAS in the Writ Petition No.385 of 2004, the Hon'ble High Court Judicature at Mumbai has passed an order dated 23rd February, 2004 recording therein the statement of the Counsel for the University that the rules relating to the discipline prohibiting sexual harassment shall be framed by the University,

AND WHEREAS in the Writ Petition (L) No.2192 of 2004, the Hon'ble High Court Judicature at Mumbai has passed an order dated 24th August, 2004, wherein the Hon'ble High Court has recorded the statement made by the University in its affidavit dated 24th August, 2004, that the University has prepared draft directions providing rules for prohibiting sexual harassment and providing for appropriate penalties in such rules against the offender which will be issued by the Vice-Chancellor in exercise of the powers conferred upon him under Section 14(8) of the Maharashtra Universities Act, 1994,

AND WHEREAS the Management Council at its meeting held on 31st August, 2004 (*vide* item No.1) has approved the draft directions making certain modifications therein.

AND WHEREAS the Hon'ble High Court has passed an Order on 14th September, 2004 recording therein the statement of the Counsel for the University that the University is contemplating to modify the directions, dated 31st August, 2004 and the modifications would be to the extent that powers of the Management Council will now vest with the Vice-Chancellor,

AND WHEREAS the Management Council at its meeting held on 17th September, 2004 has requested the Vice-Chancellor to modify the directions issued earlier by the Ag. Vice-Chancellor.

University of Mumbai



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AND ACCORDINGLY the Vice-Chancellor, in exercise of the powers conferred upon him under Section 14(8) of the Maharashtra Universities Act, 1994 appointed a committee to draft the directions for making discipline and conduct rules prohibiting sexual harassment and to provide for appropriate penalties in such rules against the offender,

AND WHEREAS THE Management Council at its meeting held on 16th August, 2007 (*vide* item No.23) has approved the draft directions framed by the said Committee with making certain modifications therein,

NOW THEREFORE, I, Dr. Vijay Khole, Vice-Chancellor of the University of Mumbai, in exercise of the powers conferred on me under Section 14 (8) of the Maharashtra Universities Act, 1994, hereby issue the following modified directions, in supersession of the directions issued (*vide* Circular No. EAU/VCD/429 of 2004 dated 15th October, 2004) for making discipline and conduct rules prohibiting sexual harassment and to provide for appropriate penalties in such rules against the offender, which the directions shall come into force from the date of issue and shall remain operative till such time as Statutes are made in those respects -

Mumbai - 400 098.
18th January, 2008.

Vijay Khole
(Dr. Vijay Khole)
Vice-Chancellor

[Handwritten signature]

To,

- i) The Directors/Heads of University Departments/Recognized Institutions and autonomous Departments/autonomous Recognized Institutions.
- ii) The Principals of all the affiliated, conducted and autonomous Colleges.
- iii) The Secretaries of the Managements/Societies of the affiliated/autonomous Colleges.
- iv) The Heads/In-charge of all the Sections/Units.

1. SHORT TITLE AND COMMENCEMENT

- (i) These Directions shall be called University of Mumbai Women Development Cell (Prevention of Sexual Harassment) Directions, 2008.
- (ii) These Directions shall come into force from the date of issuance thereof.

2. EXTENT AND APPLICATIONS OF THE DIRECTIONS

- A. These Directions extend and apply to all the students and employees of all the Departments and Faculties of the University of Mumbai and all the colleges and institutions affiliated to the University of Mumbai whether such colleges/institutions are state-owned or privately owned, whether they are aided or unaided and whether they enjoy the minority status under Article 30 of the Constitution or not. These Directions also extend and apply to all the offices and authorities of the University of Mumbai and all the managements of the affiliated colleges/institutions.
- B. These Directions will apply to all cases and/or complaints or allegations of sexual harassment :
 - (i) By a student against a co-student, an employee or any member of the management;
 - (ii) By an employee against a student, another employee or member of the management;
 - (iii) By a member of the management against a student or an employee.

C. These Directions will also apply in respect of all cases and/or allegations of sexual harassment:

- (i) By a student, employee or member of the management against a third party or an outsider;
- (ii) By a third party or an outsider against a student, employee or member of the management.

Explanation : The applicability of these Directions will be irrespective of whether the alleged sexual harassment has taken place within or outside the University or college/institutional premises.

3. DEFINITIONS

In these Directions, unless the context otherwise requires, the definitions of the terms used are as follows:

- A. **“Cell”** means Women Development Cell constituted under the provisions of these Directions.
- B. **“College”** includes every college and institution affiliated to or recognized by the University of Mumbai.
- C. **“Employee”** means every person in the employment of the University and of colleges/institutions to which these Directions are applicable, including any teaching/non-teaching staff or officers, temporary, part-time, honorary and visiting persons engaged in any duties by whatever designation called and also employees employed on a leave vacancy, casual or project basis or also employed through a contractor.
- D. **“Expert”** means any person who has done or is engaged in research work in any University and/or college/institution of academic learning/ deemed universities and such others who are engaged in the country or outside in the field of Women’s Studies or Gender Justice.

E. “Management” means and includes the trustees or the managing or governing body, by whatever name they may be called, of any trust registered under the Bombay Public Trust Act, 1950 (Bom xxix of 1950), or any society registered under the Societies Registration Act, 1860 (21 of 1860), under whose management a college is functioning and any officer or member of the Authority of the University as defined in the Maharashtra Universities Act, 1994.

F. “NGO” includes any non-governmental organization operating on a secular non-profit basis and involved in the amelioration of the status of women and children, duly registered under the Bombay Public Trust Act, 1950 (Bom xxix of 1950), or any society registered under the Societies Registration Act, 1860 (21 of 1860).

G. “Sexual Harassment” includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- i. Physical contacts and advances;
- ii. A demand or request for sexual favours;
- iii. Sexually coloured remarks;
- iv. Showing pornography;
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation : “Sexual Harassment” shall include, but will not be confined to the following:

- (i) When submission to unwelcome sexual advances, request for sexual favours and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, as a term or condition for instruction, employment, participation or evaluation of a person’s engagement in any university or college activity,

- (ii) When unwelcome sexual advances and verbal, non-verbal or physical conduct such as loaded comments, remarks or jokes, letters, phone-calls or emails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or the effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive university or college environment,
- (iii) Where any form of sexual assault is committed where a person uses 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, and

When any such conduct as defined in (i) and (ii) above is committed by a third party or outsider in relation to a member of the University's or College's community or vice versa.

H. "Student" includes any person who is enrolled for any course, whether by attendance or by distance education, with the University or any of the colleges or institutions to which these Directions are applicable and includes-

- (i) an Under-graduate/Post-graduate student, a Research Scholar and a Repeater;
- (ii) a student of another University or another college/institution who has been placed or who has opted for placement with the University or any college to which these Directions apply;
- (iii) any person, student or ex-student who has been permitted the use of any of the facilities of the University/college/institution such as library, laboratory, reading room, gymkhana, etc. on the payment of a fee or otherwise.

4. AIMS AND OBJECTS OF THE UNIVERSITY WOMEN DEVELOPMENT CELL (UWDC)

The objects of the Cell shall be:

- (i) To prevent sexual harassment and to promote the general well-being of female students, teaching and non-teaching women staff of the University and affiliated colleges/institutions.
- (ii) To provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and that no women employee has reasonable grounds to believe that she is disadvantaged in connection with her employment.
- (iii) To provide guidelines for the redressal of grievances related to sexual harassment of female students, teaching and non-teaching women staff of the University and affiliated colleges/institutions.
- (iv) To create social awareness about the problems of women and in particular regarding gender discrimination.
- (v) To establish committees at the college level i.e. College Women Development Cell (CWDC) and seeking the participation of both male and female students taking part in the NCC, NSS and other activities, for the prevention of sexual harassment of women.
- (vi) To provide assistance to the College level Women Development Cell (CWDC) for taking preventive steps in the matter of gender discrimination and sexual harassment.
- (vii) To encourage participation of NGOs working in the area of women's development, in the activities of the Cell.

- (viii) To organize seminars and workshops at different centers in the University for the creation of general awareness and for the orientation of students, teachers and non-teaching staff for their active and sustained participation in the activities of the Cell.
- (ix) To organize various types of training programmes and self employment schemes for the encouragement of self-reliance among women.

5. DUTIES OF THE UNIVERSITY

- (i) In the event of an Enquiry Committee being appointed for investigation of sexual harassment, the University should provide the necessary infrastructural and administrative support to carry out the investigations effectively and speedily.
- (ii) In case of sexual harassment in any of the premises of the University, active assistance shall be provided to the complainant by the University to pursue the complaint and the safety of the complainant shall also be ensured.
- (iii) The University shall provide all the necessary assistance for the purpose of ensuring full, effective and speedy implementation of these Directions.

6. A COMPOSITION OF THE UNIVERSITY WOMEN DEVELOPMENT CELL (UWDC)

- (i) The Cell shall consist of at least fifteen members and not more than twenty – one members, and not less than half of its members should be women, and not less than five members should be from SC/ST/OBC reserved categories.

- (ii) The Vice-Chancellor shall nominate members for the Cell.
- (iii) While constituting the Cell, representation may be given to the representatives of teaching staff and non-teaching staff of the University and affiliated colleges/institutions.
- (iv) There shall be one member representing NGOs.
- (v) There shall be one member representing SC, one member representing OBC and one member representing from the category of ST/SBC/DT/NT.
- (vi) At least one of the members shall be person having legal qualification.
- (vii) Honorary Legal Advisor of the University of Mumbai shall be ex-officio Member.
- (viii) The Vice-Chancellor shall be the ex-officio President of the Cell and he/she shall appoint a Chairperson and a Secretary from amongst the members of the Cell. The Chairperson should be a woman.
- (ix) In absence of the President and Chairperson, Vice-Chancellor shall suggest acting chairperson of the particular meeting.

B. THE TERM OF THE OFFICE OF THE CELL

- (i) The term of office of the Cell shall be for 3 years. In case of any vacancy occurring in the Cell it shall be filled in for the remainder of the term of office of the Cell by the Vice-Chancellor.
- (ii) The names of the members of the Cell, along with their contact places and telephone numbers shall be displayed at all times in a conspicuous place of the main notice board of each of the University premises.

C. QUALIFICATIONS OF THE MEMBERS OF THE CELL

- (i) A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Cell if there is any complaint or serious criminal charges involving moral turpitude pending against him/her or if he is found guilty of sexual harassment.
- (ii) If a member of the Cell remains absent without permission of the Chairperson for three consecutive meetings, his/her office shall thereupon become vacant and it shall be filled up by the Vice-Chancellor.

A member of the Cell, not being a member ex-officio, may resign at any time by tendering her/his resignation in writing to the Chairperson and such person shall be deemed to have vacated her/his office and as soon as the Chairperson accepts the resignation, the same shall be filled in accordance with the composition as mentioned in 6.A.

7. POWERS AND DUTIES OF THE UWDC

- (i) To ensure implementation of these Directions as may be laid down in the University and other constituents to which it is applicable.
- (ii) To ensure and supervise the proper constitution and functioning of the Women Development Cells set up in various colleges and institutions.
- (iii) To organize regular workshops and training programs for members of the College Women Development Cell.
- (iv) To process individual grievances concerning sexual harassment in the University Departments/Administration/Authorities and in respect of Principals and members of the

Managements of the colleges and to take suitable action in the manner and mode particularly provided hereafter.

- (v) To formulate programs for the spread of awareness of these Directions amongst the students, employees and administration (management) in the University (colleges/ institutions affiliated to the University).
- (vi) To bring out publications in regional languages and English concerning sexual harassment and also concerning the implementation of these Directions.
- (vii) To hold annual programs, seminars, workshops and meetings on the issue of sexual harassment, to propagate against sexual harassment amongst the students, employees and administration (management) in the University (colleges/ institutions affiliated to the University) and for that purpose, to invite experts or resource persons.
- (viii) To exercise such other powers and perform such other duties as may be conferred or imposed on it by or under these Directions.
- (ix) To do all such acts and things as may be necessary to carry out the objects of these Directions.

8. MEETINGS OF THE CELL

- (i) The Cell shall meet at least twice every academic year and the intervening period between two meetings shall not exceed six months.
- (ii) The Chairperson of the Cell can call a Special Meeting at any time upon the written request of not less than one third of the total number of members of the Cell, on a date not later than fifteen days after the receipt of such requisition by the Chairperson.

- (iii) The quorum for any meeting of the Cell shall be one third of its members. If the quorum is not present at any meeting it shall be adjourned for half an hour and proceed with those who are present and the proceedings of such a meeting shall not be challenged on the ground of absence of quorum.

9. COMPOSITION OF THE COMPLAINTS COMMITTEE FOR INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT

At its first meeting the UWDC shall constitute a five member Complaints Committee for investigations into the complaint of sexual harassment received by the Cell. The Chairperson of UWDC shall be the Convener of the Complaints Committee.

Not less than half of the members of the Complaints Committee shall be women; one of the members shall be from the NGO and one from the reserved category [(SC/ST/DT/NT/OBC by rotation).

10. PROCEDURE FOR INVESTIGATION OF COMPLAINTS

- (i) Any woman employee/female student of the University Departments/Administration/Authority or of affiliated College /Institution, in case of complaint against the Principal/Member of Management, shall have the right to lodge a complaint in the prescribed format with any of the members of the Cell.
- (ii) Such complaints may be oral or in writing.
- (iii) Any complaint in writing shall be signed by the person making the complaint. If the complaint is oral the same shall be documented in writing in detail by the Cell member to whom the complaint is made and shall not be acted upon till signed by the complainant. A Complaint Register shall be maintained by the Complaints Committee. It should be a confidential document.

- (iv) The complainant shall be afforded full confidentiality at this stage.
- (v) In the event of the complaint being made to any member of the Cell, immediately upon receipt of the complaint, and within not more than ten working days, the member of the Cell to whom the complaint is made, shall communicate the same to the Chairperson of the Cell. However, if the complainant so desires, her name shall be kept confidential and shall not be divulged except to the Cell.
- (vi) Within a period of three weeks from the date of such communication, the Chairperson shall convene a meeting of the Complaints Committee.
- (vii) At the first meeting, which shall be held within three weeks of the receipt of the complaint, the complainant or at her request her representative, shall be heard. If a woman complainant specifically expresses a desire that she be allowed to depose in the presence of only women members of the Cell, the Cell shall hear the said complainant after the male members have withdrawn from the hearing. However, the complaint shall not be finally disposed off until after the male members of the Cell attend and participate in the decision-making process. The Complaints Committee shall then decide whether the complaint deserves to be proceeded with. The complaint shall stand dropped, if according to the Complaints Committee, the complainant has not been able to disclose prima facie, an offence of sexual harassment.
- (viii) In case, the Complaints Committee decides to proceed with the complaint, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice, then the alleged offender shall be called to

the meeting of the Complaints Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded with a recording, to that effect, made in the Complaint Register. Necessary note be made into the Service Book of the employee /Record of the student including the Migration Certificate. The Complaints Committee should verify compliance of the action taken.

- (ix) However, before proceeding with the enquiry, the Complaints Committee shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind the nature and gravity of the misdemeanour complained of. In case the Complaints Committee comes to the conclusion that such an action is necessary, it shall direct the concerned authorities accordingly and these directions shall be followed by the concerned authorities.
- (x) The Complaints Committee shall afford fair and reasonable opportunity to the delinquent to defend himself and shall ensure observance of the principles of natural justice.
- (xi) If the complainant wishes to proceed with the complaint beyond a mere warning to the delinquent, the delinquent shall be given in writing by the Complaints Committee an opportunity to explain within two weeks; why he should not for good and sufficient reasons be punished for the act complained of. If the written explanation of the delinquent is not found to be satisfactory or if he does not provide any written explanation, the Complaints Committee shall decide at the outset whether the offence deserves a minor or a major penalty.

- (xii) In the event of the Complaints Committee coming to a decision that the delinquent be imposed a minor penalty, a specific minor penalty shall be recommended by the Complaints Committee to the Vice-Chancellor who shall then expeditiously act on such recommendation.
- (xiii) If the Complaints Committee decides that the complaint merits further investigation, it will recommend to the Vice Chancellor that he/she appoint an **Inquiry Committee** to conduct a detailed inquiry. The Vice-Chancellor shall appoint a three member Inquiry Committee from among members of the Women Development Cell. The Chairperson of the Women Development Cell shall be the convener of the Inquiry Committee. At least two members of the Inquiry Committee shall be women, and one of the members shall be from the NGO.
- (xiv) The Inquiry Committee shall complete the enquiry into a complaint of sexual harassment within three months from the date of the appointment of the committee. The Inquiry Committee shall recommend specific penalties/punishment to the Vice-Chancellor who shall then expeditiously act on such recommendation.

11. PROTECTION AGAINST VICTIMIZATION

- (i) In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry if the teacher is found guilty, the accused shall not act as an examiner for any examination for which the student appears.
- (ii) In the event of the complainant and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if he is otherwise so authorized.

- (xii) In the event of the Complaints Committee coming to a decision that the delinquent be imposed a minor penalty, a specific minor penalty shall be recommended by the Complaints Committee to the Vice-Chancellor who shall then expeditiously act on such recommendation.
- (xiii) If the Complaints Committee decides that the complaint merits further investigation, it will recommend to the Vice Chancellor that he/she appoint an **Inquiry Committee** to conduct a detailed inquiry. The Vice-Chancellor shall appoint a three member Inquiry Committee from among members of the Women Development Cell. The Chairperson of the Women Development Cell shall be the convener of the Inquiry Committee. At least two members of the Inquiry Committee shall be women, and one of the members shall be from the NGO.
- (xiv) The Inquiry Committee shall complete the enquiry into a complaint of sexual harassment within three months from the date of the appointment of the committee. The Inquiry Committee shall recommend specific penalties/punishment to the Vice-Chancellor who shall then expeditiously act on such recommendation.

11. PROTECTION AGAINST VICTIMIZATION

- (i) In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry if the teacher is found guilty, the accused shall not act as an examiner for any examination for which the student appears.
- (ii) In the event of the complainant and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if he is otherwise so authorized.

12. PENALTIES AND PUNISHMENT FOR SEXUAL HARASSMENT

The Committee may impose the following penalties on a person found guilty of sexual harassment:

A. An **employee** found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties

- (i) Warning, Reprimand or Censure
- (ii) Fine
- (iii) Withholding of increments or promotion
- (iv) Reduction to a post in the lower pay-scale or to a lower stage of increment in his own pay-scale.

Major Penalties

- (i) Compulsory retirement
- (ii) Termination of service
- (iii) Removal/dismissal from service.

B. A student found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties

- (i) Warning
- (ii) Written apology
- (iii) Bond of good behaviour
- (iv) Debarring entry into a hostel/campus
- (v) Suspension for a specified period of time
- (vi) Withholding results.

Major Penalties

- (i) Debarring from examinations
- (ii) Expulsion from university.

C. A member of the **Management** found guilty of sexual harassment shall be liable to receive the following penalties:

- (i) Warning, Reprimand or Censure
- (ii) Suspension from the Management of the college/institution as the case may be.
- (iii) Removal from the management of the college/institution as the case may be.

Any direction issued by the Committee for placing any person under suspension and/or for prohibiting him from entering the premises or for imposing a penalty shall be communicated to the University, affiliated or autonomous college/s, autonomous institution/s or department/s or recognized institution/s and the concerned Management; it shall also be communicated to the person making the complaint and the person against whom the complaint is made; the direction shall be complied with by the University or the Management concerned, as the case may be, within two weeks from the date of communication.

The Committee shall decide whether the person against whom a complaint of sexual harassment is made should be placed under suspension. An employee placed under suspension shall be entitled to subsistence allowance at the rates as applicable under the rules of discipline.

The Committee may direct that the person against whom a complaint of sexual harassment is made, be prohibited from entering the premises of the University/college/institution during the pendency of the matter before the committee.

13. COLLEGE WOMEN DEVELOPMENT CELL (CWDC)

A. Establishment of the CWDC

Every college/institution affiliated to the University of Mumbai shall establish/set up CWDC at college level to implement these Directions in general and to deal with complaints/cases of sexual harassment in particular in relation to the college/institution provided that if any such complaint is in relation to the Management/Principal/Member of the CWDC, the same shall be dealt with by the WDC of the University. The office of the CWDC shall be located in the college/institution and the Principal/Director of the college/institution shall be the custodian of all the records of the Cell.

B. Composition of the CWDC

The CWDC shall consist of:

- (i) The Principal of the college shall be ex-officio President of the Cell.
- (ii) Two members from the teaching staff of the college/institution and shall be nominated by the Principal, of whom at least one member shall be a woman. One of the women teaching staff members shall be the Convener of the CWDC and shall be nominated by the Principal.
- (iii) One woman member of the non-teaching staff in the college /institution and shall be nominated by the Principal.
- (iv) One woman representative from an NGO and one member from the reserved category nominated by the Principal.
- (v) At least one of the members shall be a person representing from SC/ST/DT/NT/SBC/OBC and shall be nominated by the Principal.

- (vi) One representative from the Students' Council who is the women's representative on the Council for that year and shall be nominated by the Principal.

Explanation: In case the member of the non-teaching staff is a male, the teaching staff representatives will be necessarily be women. In respect of (ii) and (iii), in case there is no woman academic/ non-teaching staff, the condition that a woman member should be nominated shall stand waived.

- (vii) Not less than half of the members of CWDC shall be women.

- (viii) The term of the office of the CWDC shall be for three years, except for the student member. A student member shall be appointed for one academic year. **PROVIDED**, however, that a person shall cease to hold office as a member of the CWDC if he/she ceases to be member of the academic staff, non-teaching staff or students, as the case may be. In the case of any vacancy caused due to death, termination, and resignation or for any other reason whatsoever, the same shall be filled immediately in accordance with the procedure prescribed for the composition of the CWDC as mentioned in 13.B.

- (ix) The names of persons who are on the CWDC, along with their contact places and telephone numbers shall be displayed at all times in a conspicuous place of the main Notice Board of the College/Institution.

- (x) A person shall be disqualified for being nominated, elected or designated, or for being continued as a member of the CWDC, if there is any complaint concerning moral turpitude against him/her or against whom any criminal proceedings are pending in any court of law or if he is found guilty of sexual harassment.

- (xi) If a member of the CWDC remains absent for three consecutive meetings of the Cell, without permission of the President, his/her office shall thereupon fall vacant.
- (xii) A member of the CWDC may resign his/her office at any time by tendering his/her resignation in writing to the President of the said Cell directly or through the Registrar of the College or in the absence of the Registrar, to the Office Superintendent. Such persons shall be deemed to have vacated his/her offices as soon as the President accepts the resignation.
- (xiii) The CWDC shall meet at least twice every academic year and the intervening period between two meetings shall not exceed six months.
- (xiv) The President of the CWDC can call a Special Meeting at any time, upon the written requisition of not less than one-third of the total number of the members of the CWDC, on a day not later than fifteen days after the receipt of the requisition by the President.
- (xv) The quorum for any meeting of the CWDC will be fifty percent of its members. If the quorum is not present at any meeting it shall be adjourned for half an hour and shall proceed with those who are present and the proceedings of such meetings will not be challenged on ground of absence of quorum.

C. POWERS AND DUTIES OF CWDC

- (i) To ensure implementation of these Directions in the college/ institution.
- (ii) To process all the individual complaints concerning sexual harassment that may be received from any person and take suitable action thereon in the manner and mode more particularly set out hereinafter. In case of the complaint against the Principal/member of the Management the CWDC shall direct the complainant to approach the UWDC for redressal of grievances.

- (iii) To depute members of the CWDC to attend and participate in the workshops and training programs that may be arranged by the University Cell for members of CWDC of colleges/ institutions in connection with these Directions.
- (iv) To implement the programs for the spread of awareness of these Directions as may be formulated by the University Women Development Cell.
- (v) To arrange to distribute all the publications of the University Cell concerning these Directions amongst the teachers, non-teaching employees and students.
- (vi) To exercise such powers and perform such other functions as may be conferred or imposed on it by/under these Directions.
- (vii) To do all such acts and things as may become necessary to carry out the purpose of these Directions.

D. PROCEDURE FOR INVESTIGATION OF COMPLAINTS

- (i) CWDC shall act as Complaint Committee, excluding the student member of the Cell.
- (ii) Any woman employee/female student of the college/institution shall have the right to lodge a complaint with any of the members of the CWDC concerning sexual harassment against male student/employee/any other person connected with the administration/authorities of the college/institution.
- (iii) Such a complaint may be oral or in writing.
- (iv) Any complaint in writing shall be signed by the person making the complaint. If the complaint is oral the same shall be reduced in writing in detail by the CWDC member to whom the complaint is made and shall not be acted upon till signed

by the complainant. A Complaint Register shall be maintained by the Complaints Committee. It should be confidential document.

(v) The complainant shall be afforded full confidentiality at this stage.

(vi) In the event of the complaint being made to the member of the CWDC, immediately upon receipt of the complaint, and within not more than ten working days, the member to whom the complaint is made shall communicate the same to the Convenor of the CWDC. However, if the complainant so desires, her name shall be kept confidential and shall not be divulged even to the CWDC.

(vii) Within a period of two weeks from the date of such communication, the Convenor shall convene a meeting of the CWDC to deal with the complaints.

(viii) At the first meeting, which shall be held within two weeks of the receipt of the complaint, the complainant or at her request her representative, shall be heard. If a woman complainant specifically expresses a desire that she be allowed to depose in the presence of only women members of the Cell, the Cell shall hear the said complainant after the male members have withdrawn from the hearing. However, the complaint shall not be finally disposed off until after the male members of the Cell attend and participate in the decision-making process.

(ix) The CWDC shall then decide whether the complaint deserves to be proceeded with. The complaint shall stand dropped if according to the CWDC the complainant has not been able to disclose prima facie an offence of sexual harassment.

- (x) In case, the CWDC decides to proceed with the complaint, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the CWDC, heard and if so satisfied that a warning is just and proper he may be warned about his behaviour. The matter shall then be treated as concluded with a recording to that effect made in the Complaint Register.
- (xi) If the complainant wishes to proceed with the complaint beyond a mere warning to the delinquent, the delinquent shall be given in writing by the CWDC an opportunity to explain within two weeks why he should not for good and sufficient reasons be punished for the act complained of. If the written explanation of the delinquent is not found to be satisfactory or if he does not provide any written explanation, the CWDC shall decide at the outset whether the offence deserves penalty.
- (xii) However, before proceeding with the enquiry, the CWDC shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind the nature and gravity of the misdemeanor complained of. In case the CWDC comes to the conclusion that such an action is necessary, it shall make suitable recommendation to the Principal/Management for further implementation.
- (xiii) In the event of the CWDC coming to a decision that the delinquent be imposed a penalty, a specific penalty shall be recommended by the CWDC to the management of the college/institution who shall expeditiously act on such recommendation of action.

(xiv) The CWDC shall afford fair and reasonable opportunity to the delinquent to defend and shall ensure observance of the principles of natural justice. In the event of the complainant feeling that there is a delay on the part of the college/institution authorities to process the case, the complainant can approach the WDC of University directly after six weeks of registering the complaint.

(xv) After the preliminary inquiry, if the CWDC concludes that the case merits further enquiry it shall then refer the case to the UWDC and hand over all the requisite documents along with its findings to the UWDC within a month of the receipt of the complaint. The UWDC shall then proceed with the case in accordance with the provisions laid out in clause (10) of these Directions.

E. PENALTIES AND PUNISHMENT FOR SEXUAL HARASSMENT

The CWDC may impose the following penalties on a person found guilty of sexual harassment:

(a) An **employee** found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties

- (i) Warning, Reprimand or Censure
- (ii) Fine
- (iii) Withholding of increments or promotion
- (iv) Reduction to a post in the lower pay-scale or to a lower stage of increment in his own pay-scale.

Major Penalties

- (i) Compulsory retirement
- (ii) Termination of service
- (iii) Removal/dismissal from service.

- (b) A student found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties

- (i) Warning
- (ii) Written apology
- (iii) Bond of good behaviour
- (iv) Debarring entry into a hostel/campus
- (v) Suspension for a specified period of time
- (vi) Withholding results.

Major Penalties

- (i) Debarring from examinations
- (ii) Expulsion from college.

F. PROTECTION AGAINST VICTIMIZATION

- (i) In the event of the complainant being a student and the accused being a teacher, during the pendency of the investigation and inquiry and even after such an enquiry if the teacher is found guilty, the accused shall not act as an examiner for any examination for which the student appears.
- (ii) In the event of the complainant and the accused both being employees, during the pendency of the investigation and inquiry even after such an inquiry, if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if he is otherwise so authorized.

G. DUTIES OF THE MANAGEMENT OF THE COLLEGE/ INSTITUTIONS

- (i) The Management of the college/institution affiliated to the University shall provide all the necessary assistance for the purpose of ensuring full, effective and speedy implementation of these Directions. It shall be bound by the decisions of the various committees as set out in this scheme and shall implement such decisions.

- (ii) In case of sexual harassment in the college/institution premises, active assistance shall be provided to the complainant by the college/ institution to pursue the complaint. Thus the safety of the complainant shall also be ensured.

14. PUNISHMENT FOR NON-COMPLIANCE OF UWDC DIRECTIVES

In case of failure to comply with the Directives issued to the Management on the recommendation of the UWDC, the Vice-Chancellor shall have the power to recommend to the Government of Maharashtra for a suitable cut in the grant-in-aid, if the college is covered by the grant-in-aid. If the college is not covered by the grant-in-aid, the Vice-Chancellor may de-affiliate/ de-recognize the college/institution in the appropriate manner, provided such action shall not be taken unless the college/institution has been issued a show cause notice seeking explanation as to why a penalty should not be levied.

15. SAVINGS

Not with standing the super-session of the Directions issued (vide Circular No.EAU/VCD/429 of 2004, dated 15th October 2004), any action taken, order passed, any proceeding pending under those Vice-Chancellor's Directions shall be saved and continued as if the same have been passed or initiated under these Directions.
