



SANTOSH

Deemed to be University

(Established u/s 3 of the UGC Act, 1956)

NOTIFICATION

F. No. SU/R/2024/203

Dated: 23.01.2024

Subject: Re-Constitution of Internal Complaints Committee (ICC) of Santosh Deemed to be University, Ghaziabad, NCR Delhi as per UGC Regulations dated 02.05.2016

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**Ref. : The Notification No.SU/R/2021/1621 Dated 03.07.2021
The Notification No. SU/R/2023/457 Dated 15.02.2023**

The Internal Complaints Committee of Santosh Deemed to be University is re-constituted consisting of the following members as approved by the Board of Management in its 45th meeting held on 05.11.2019 and in accordance with the University Grants Commission's Regulation dated 02.05.2016.

Senior Women Faculty Member:

1. Dr. Dakshina Bisht - Chairperson
Professor of Microbiology

Two Faculty Members with some experience in Social Work:

2. Dr. Jyoti Batra - Member
Professor of Biochemistry,
SMCH, GZB
3. Dr. Natasha Gambhir - Member
Professor of Pediatric and
Preventive Dentistry, SDCH, GZB

Two Non-teaching Employees with some experience in Social Work:

4. Mrs. Laxmi Ramesh - Member
5. Shri D. P. Singh - Member

Three Students of UG and PG Level:

- | | | |
|----|---|----------|
| 6. | Dr. Nemisha Sharma
UG Level-BDS (2019-20 Batch) Intern | - Member |
| 7. | Ms. Renuka Vikal
UG Level-MBBS (2019-20 Batch) | - Member |
| 8. | Dr. Anamika Sharma
PG Level- 3 rd Year PG of Orthodontics | - Member |

One NGO Member familiar with issues relating to Sexual Harassment nominated by the Executive Authority:

- | | | |
|----|---|----------|
| 9. | Ms. Alka
Secretary, Aadhyatm Welfare Society
19, Block No. 10,
Chacha Nehru Bal Chikitsalaya,
Geeta Colony, Gandhi Nagar,
East Delhi, Delhi-110031 | - Member |
|----|---|----------|

Note: Half of the total members of the Committee shall be women.

The Terms and Conditions of the Internal Complaints Committee are **enclosed** as approved by the Board of Management in its 45th meeting held on 05.11.2019 in accordance with the University Grants Commission's Regulation dated 02.05.2016, in this regard.

**[DR. NARESH SHARMA]
REGISTRAR**



Encl: As above

Distribution: As above

Copy to:

1. The Secretariat
2. The Chancellor
3. The Vice Chancellor
4. Dean, Santosh Medical College & Hospital
5. Dean, Santosh Dental College & Hospital
6. Dean-Academics
7. Director-IQAC
8. Director-Personnel / GM (Admin)
9. Guard file

**THE GUIDELINES FOR THE INTERNAL COMPLAINTS COMMITTEE OF SANTOSH
DEEMED TO BE UNIVERSITY, GHAZIABAD, NCR DELHI. AS APPROVED BY THE
BOARD OF MANAGEMENT IN ITS 45TH MEETING HELD ON 05.11.2019**

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The members of Board of Management considered the proposal in detail for framing the Guidelines for Internal Complaints Committee of Santosh Deemed to be University, Ghaziabad, NCR Delhi, in accordance with the UGC Regulations dated 02.05.2016 and **Approved** as under:

1. RESPONSIBILITIES OF THE UNIVERSITY:

The University shall:

- 1.1 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;
- 1.2 Publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- 1.3 Organize training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures of 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;
- 1.4 Act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing the 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;
- 1.5 Publicly commit itself to a zero tolerance policy towards sexual harassment;

- 1.6 Reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- 1.7 Create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- 1.8 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 should be reconstituted as the ICC; Provided that in the latter case the University shall ensure that the constitution of such a body is required for ICC under these regulations. Provided further that such a body shall be bound by the provisions of these regulations;
- 1.9 Inform employees and students for the recourse available to them if they are victims or sexual harassment;
- 1.10 Organize 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;
- 1.11 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;
- 1.12 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;

- 1.13 Treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- 1.14 Treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- 1.15 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;
- 1.16 Monitor the timely submission of reports by the ICC;
- 1.17 Prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

2. SUPPORTIVE MEASURES:

- 2.1. 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 judgements and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.
- 2.2. The Executive Authority of the University 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, counseling and legal services) as, well as a sufficient allocation of financial resources.
- 2.3. 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.

- 2.4. 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.
- 2.5. The University must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.
- 2.6. Orientation courses for administrators conducted in the university must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the HEIs community.
- 2.7. Counselling services must be institutionalized in the HEIs and must have well trained full-time counselors.
- 2.8. Adequate lightning is a necessary aspect of infrastructure and maintenance
- 2.9. 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 part of conditions of appointment.
- 2.10. The University must ensure reliable public transport, especially within large campuses between different sections of the HET, 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 in 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.
- 2.11. 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 polities should not result in securitization, such as over monitoring or

policing or curtailing the freedom of movement, especially for women employees and students.

2.12. 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.

2.13. Hostel wardens, Provosts, Principals, Vice-Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendments in the rules or Ordinances where necessary.

3. CONSTITUTION OF THE INTERNAL COMPLAINTS COMMITTEE (ICC)

The constitution of Internal Complaints Committee will be as under in accordance with the UGC Regulations:

- Chairperson – Senior Women Faculty member
- Two Faculty members with some experience in Social Work
- Two Non-teaching employee with some experience in Social Work
- Three students each at UG, PG & Ph.D. level if matter involved students
- One NGO member familiar with issues relating to sexual harassment nominated by the Executive Authority
- **The terms and conditions of the ICC will be as under:**
 - At least one half of the total members of the committee shall be women.
 - Persons in senior administrative positions of the University, like Vice-Chancellor, Registrar, Deans, Head of the Departments etc., **shall not be the members of ICCs** in order to ensure autonomy of their functioning.
 - The term of the office of the members of ICC shall be for a period of **Three years**. The University may employ a system whereby one third of members of the ICC may change every year.

Where the Chairperson or any members of the ICC:

- Contravenes the provision of section 2.3.13 of the Act [i.e. Hostel wardens, Provosts, Principals, Vice-Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendments in the rules or Ordinances where necessary]; or
- He / she has been indulging in criminal act / convicted for an offence or an inquiry into an offence under any law for the time being in force, pending against him / her; or
- He / she has been found guilty in any disciplinary proceedings or disciplinary proceedings pending against him / her; or
- Has so abused in his position as to render his continuance in office prejudicial to the public interest.

Such officer, 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 provision of this section.

4. RESPONSIBILITIES OF INTERNAL COMPLAINTS COMMITTEE (ICC)

The ICC shall:

- 4.1 Provide mechanism of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need of purely punitive approaches lead to further resentment, alienation or violation;
- 4.2 Protect the safety of 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 transfer of the offender;
- 4.3 Ensure that the victims or witnesses are not victimized are discriminated against while dealing with complaints of sexual harassment; and
- 4.4 Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity;

- 4.5 Provide assistance if an employee or a student chooses to file a complaint with the police.

5. THE PROCESS OF 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 Institution shall provide all necessary facilities to the ICC to conduct the Inquiry expeditiously and with required privacy.

6. PROCESS OF MAKING COMPLAINT OF SEXUAL HARASSMENT:

- 6.1 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.
- 6.2 Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render all reasonable assistance to the person for making the complaint in writing;
- 6.3 Provided further that 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."
- 6.4 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 incapacity or death.

7. PROCESS OF CONDUCTING INQUIRY:

- 7.1 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.
- 7.2 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.

- 7.3 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 University. Copy of the findings, or recommendations shall also be served on both parties to the complaint.
- 7.4 The Executive Authority of the Higher Education Institutions 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 the time by either party.
- 7.5 An appeal against the findings or recommendations of the ICC may be filed by either party before the Executive Authority of the University within a period of thirty days from the date of the recommendations.
- 7.6 If the Executive Authority of the University 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 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 University shall proceed only after considering the reply or hearing the aggrieved person.
- 7.7 The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made on the basis of conciliation. The University 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.

- 7.8 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.

8. INTERIM REDRESSAL:

The University may:

- 8.1 Transfer the complainant or the respondent to another section or department to minimize the risks involved in the contact or interaction, if such a recommendation is made by the ICC;
- 8.2 Grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- 8.3 Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- 8.4 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;
- 8.5 Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

9. PUNISHMENT AND COMPENSATION:

- 9.1 Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the University, if the offender is an employee.
- 9.2 Where the respondent is a student, depending upon the severity of the offence, the University may:
- 9.3 Withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- 9.4 Suspend or restrict entry into the campus for a specific period;
- 9.5 Expel and strike off name from the rolls of the Institution, including denial of readmission, if the offence so warrants;

- 9.6 Award reformatory punishments like mandatory counseling and, or, performance of community services.
- 9.7 The aggrieved person is entitled to the payment of compensation. The University 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:
- Mental trauma, pain, suffering and distress caused to the aggrieved person;
 - The loss of career opportunity due to the incident of sexual harassment;
 - The medical expenses incurred by the victim of physical, psychiatric treatment;
 - The income and status of the alleged perpetrator and victim; and
 - The feasibility of such payment in lump sum or in installments.

10. 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 publicized within the University. 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-regulations (2) of that regulation, if the complainant happens to be 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.