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2. ORDINANCES GOVERNING THE CONDUCT OF THE EMPLOYEES OF THE UNIVERSITY

PART—I

1. (1) These rules may be called the "Pondicherry University (Conduct) Rules".
(2) These rules shall be deemed to have come into force from 16th October 1985.

Short title
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2. In this chapter, unless the context otherwise requires,—

Definitions

- (a) "Employee" means teaching and non-teaching employees of the University.
(b) "Members of family" in relation to an employee includes:
(i) The wife or husband, as the case may be, of the employee whether residing with the employee or not, but does not include a wife or husband, as the case may be, separated from the employee by a decree or orders of a competent court.
(ii) Son or daughter or step-son or step-daughter of the employee wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee, or of whose custody the employee has been deprived by or under any law;
(iii) Any other person related whether by blood or marriage to the employee or to the employee's wife or husband, and wholly dependent on the employee.
(c) "Prescribed Authority" means the Vice-Chancellor or the authority prescribed by the Executive Council for the purpose of these rules as a whole or for any particular rule.

PART—II

3. (1) Every employee shall at all times :
(i) Maintain absolute integrity;
(ii) Show devotion to duty and
(iii) Do nothing which is unbecoming of an employee of the University.
(2) (i) Every employee, holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority;
(ii)(a) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior.

General

- (b) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
- (c) An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.
- (iii) Unless otherwise stated specifically in the terms of appointment and the contract, every whole-time employee may be called upon to perform such duties as may be assigned to him by the competent authority, beyond scheduled working hours and on closed holidays and Sundays.
- (iv) An employee shall observe the scheduled hours of working during which he must be present at the place of his duty.
- (v) Except for valid reasons and/or unforeseen contingencies, no employee shall be absent from duty without prior permission. If an employee is absent from duty without permission for a continuous period of 90 days, he shall be treated as absconding from duty and his service shall be deemed as terminated.

Explanation : Nothing contained in clause (ii) of sub-rule 3.2 shall be construed as empowering an employee to evade his responsibilities, by seeking instructions from or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distributions of powers and responsibilities.

Employment of near relatives of University employees in companies or firms

- 4. (i) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm having official dealings with the University.
- (ii) No employee shall, in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any other member of his family is interested in such matter or contract in any other manner.

Taking part in politics and elections

- 5. (1) No employee shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribed in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government or the University as by law established and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the University.

(3) If any question arises whether a party is political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule 5.2. the decision of the University thereon shall be final.

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- (4) No employee shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority:

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- (i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) An employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

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Explanation: The display of an employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

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6. No employee shall join or continue to be a member of an association, the object or activities of which are prejudicial to the interests of the sovereignty and integrity of India, public order, decency or morality.

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7. No employee shall—

- (i) engage himself or participate in any demonstration or strike which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence; or
- (ii) resort to or in any way abet in any form of strike or coercion or physical duress in connection with any matter pertaining to his services or the service of any other employee.

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8. (i) No employee shall, except with the previous sanction of the University, own wholly or in part, or conduct, or participate in the editing or management of any newspaper or other periodical publication.

Connection
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- (ii) No employee shall, except with the previous sanction of the University, or of the prescribed authority or except the *bona fide* discharge of his duties—
- (a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles,
- (b) participate in a radio broadcast or contribute any article or write a letter to any newspaper or periodical either in his own name or anonymously or in the name of any other person:

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Provided that no such sanction shall be required—

- (i) if such publication is through a publisher and is of a purely literary, artistic or scientific character, or
- (ii) such broadcast or such contribution or writing is of a purely literary, artistic or scientific character.

- Representation. 8:A. (i) Whenever an employee wishes to put forth any claim or to seek redress of any grievance or any wrong done to him, he must forward his case through proper channel and shall not forward any advance copies of his application to any higher authority, unless the lower authority has rejected the claim, or refused relief, or the disposal of the matter is delayed by more than three months.
- (ii) No employee shall be signatory to any joint representation addressed to the authorities for redress of any grievance or for any other matter.

Criticism of Government and/or University

9. No employee shall, in any radio broadcast or in any document published in his own name or in anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion,—

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the University or the University Grants Commission or the Government; or
- (ii) which is capable of embarrassing the relations between the University and the Commission or the Government:

Provided that nothing in this rule shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

Evidence before a committee or any other authority

10. (1) Save as provided in sub-rule 10.3 below, no employee shall except with the previous sanction of the University give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule 10.1 no such employee giving such evidence shall criticise the policy or any action of the University or Commission or the Government.

(3) Nothing in this rule shall apply to—

- (a) The evidence given at an enquiry before an authority appointed by the University, Commission, Government, Parliament or any State Legislature; or
- (b) The evidence given in any judicial enquiry; or
- (c) The evidence given in any departmental enquiry ordered by authorities subordinate to the Vice-Chancellor.

Unauthorised communication of information

11. No employee shall, except in accordance with any general or special order of the University or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly any official document, or any part thereof or information to any other employee or any other person to whom he is not authorised to communicate such document or information.

Subscriptions

12. No employee shall, except with the previous sanction of the University or of the prescribed authority, ask for or accept contribution to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

Gifts

13. (1) Save as otherwise provided in these rules, no employee shall accept, or permit any member of his family or any other person acting on his behalf to accept any gift.

Explanation : The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with employee.

Note . 1. A casual meal, lift or other special hospitality shall not be deemed to be a gift.

Note : 2. An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firm, organisations, or from Universities and Colleges, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives but he shall make a report to the University if the value of any such gift exceeds—

- (i) Rs. 500 in the case of an employee holding any Class I (Group A) or Class II (Group B) post;
- (ii) Rs. 250, in the case of an employee holding any Class III (Group C) post; and
- (iii) Rs. 100, in the case of an employee holding any Class IV (Group D) post.

(3) On such occasions as are specified in sub-rule 13.2 an employee may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the University if the value of any such gift exceeds—

- (i) Rs. 200, in the case of an employee holding any Class I (Group A) or Class II (Group B) post;
- (ii) Rs. 100, in the case of an employee holding any Class III (Group C) post; and
- (iii) Rs. 50, in the case of an employee holding any Class IV (Group D) post.

(4) In any other case, an employee shall not accept, or permit any member of his family or any other person acting on his behalf to accept, any gift without the sanction of the University, if the value thereof exceeds—

- (i) Rs. 75, in the case of an employee holding any Class I (Group A) or Class II (Group B) post; and
- (ii) Rs. 25, in the case of an employee holding any Class III (Group C) or Class IV (Group D) post.

(5) Notwithstanding anything contained in sub-rules 13.2, 13.3 and 13.4 an employee may receive gifts of symbolic nature from foreign dignitaries and retain such gifts.

(6) Gifts from foreign dignitaries which are not of symbolic nature may be retained by an employee if the market value of the gift in the country of origin does not exceed Rs. 3,000.

(7) Where there is doubt whether a gift received from a foreign dignitary is of symbolic nature or not, or where the market value of the gifts in the country of origin apparently exceeds Rs. 3,000 or where there is any doubt about the actual market value of the gifts, the acceptance of such gifts and retention thereof by the employee shall be regulated by the instructions issued by the Government/University in this regard from time to time.

(8) An employee shall not accept any gift from any foreign firm which is either contracting with the University or is one with which the employee had, has or is likely to have, official dealings. Acceptance of gifts by an employee from any other foreign firm shall be subject to the provisions of sub-rule 13.4.

Dowry

13. A. No employee shall—

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation : For the purpose of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

Public demonstration in honour of employees of the university

14. No employee shall except with the previous sanction of the Vice-Chancellor, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee:

Provided that nothing in this rule shall apply to—

- (i) a farewell entertainment of a substantially private and informal character held in honour of an employee on the occasion of his retirement or transfer or any person who has recently quitted the service of the University; or
- (ii) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

Note : Exercise of pressure or influence of any sort on any employee to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character and the collection of subscriptions from Group "C" or Group "D" employees under any circumstances for the entertainment of any employee not belonging to Group "C" or Group "D" is forbidden.

Private trade or employment

15. (1) No employee shall except with the previous sanction of the University, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that an employee may, without such sanction—

- (i) undertake honorary work of a social or charitable nature; or
- (ii) undertake occasional work of a literary, artistic or scientific character; or
- (iii) participate in sports activities as amateur subject to the condition that in all the cases his official duties do not thereby suffer. He shall not undertake or shall discontinue such work or activity, if so directed by the University.

Explanation : Canvassing by an employee in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) Every employee shall report to the University if any member of his family is engaged in a trade or business or own or manages an insurance agency or commission agency.

(3) No employee shall, without the previous sanction of the University except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes:

Provided that an employee may take part in the registration, promotion or management of—

(i) a co-operative society substantially for the benefit of the employees registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force; or

(ii) a literary, scientific or charitable society registered under the Societies Registration Act, 1960 (2 of 1960) or any other law for the time being in force.

(4) No employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the competent authority of the University.

16. (1) No employee shall speculate in any stock, share, or other investment.

Investment
lending and
borrowing

Explanation : Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No employee shall make or permit any member of his family or any person acting on his behalf, to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule 16.2 the decision of the University thereon shall be final.

(4) (i) No employee shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf—

(a) lend or borrow or deposit money, as a principal or an agent, to, or from, or with any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that an employee may give to or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest or operate a credit account with a *bona fide* tradesman or make an advance of pay to his private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the University.

- (ii) When an employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule 16.2 or sub-rule 16.4, he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

Insolvency
and habitual
indebtedness

17. An employee shall, so manage his private affairs so as to avoid habitual indebtedness or insolvency. An employee against whom any legal proceedings is instituted for the recovery of a debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the University.

Note: The burden of proving that the insolvency or indebtedness was the result of circumstances which with the exercise of ordinary diligence, the employee could not have foreseen or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee.

Movable,
immovable
and
valuable
property

18. (1) Every employee shall on his first appointment to any University service or post submit a return of his assets and liabilities, in such form as may be prescribed by the University, giving the full particulars regarding—

- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him and
- (d) debts and other liabilities incurred by him directly or indirectly.

Note 1: Sub-rule 18.1. shall not ordinarily apply to class IV (Group D) servants but the University may direct that it shall apply to any such employee or class (Group) of such employees.

Note 2: In all returns, the values of items of movable property worth less than Rs. 2,000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

Note 3: (i) Where an employee already belonging to a service, or holding a post is appointed to any other civil service or post he shall not be required to submit a fresh return under this clause.

(ii) Every employee belonging to any service or holding any post included in Group A or Group B shall submit an annual return in such form as may be prescribed by the University in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family, or in the name of any other person.

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(2) No employee shall, except with the previous knowledge of the University, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the University shall be obtained by the employee if any such transaction is—

(i) with a person having official dealings with the employee.

(3) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction, report the same to the University, if the value of such property exceeds Rs. 10,000 in the case of an employee holding any Class I (Group A) or Class II (Group B) post or Rs. 5,000, in the case of an employee holding any Class III (Group C) or Class IV (Group D) post:

Provided that the previous sanction of the University shall be obtained if any such transaction—

(i) with a person having official dealings with the employee.

(4) The University may, at any time by general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall if so required by the University, include the details of the means by which, or the source from which, such property was acquired.

(5) The University may exempt any category of employee belonging to Class III (Group C) or Class IV (Group D) from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Executive Council.

Explanation 1 : For the purpose of sub-rule (1) the expression movable property includes

- (a) Jewellery, insurance policies the annual premia of which exceeds Rs. 2,000 or one sixth of the total annual emoluments received from the University, whichever is less, shares, securities and debentures;
- (b) Loans advanced by such employees whether secured or not;
- (c) motor cars, motor cycles, horses, or any other means of conveyance; and
- (d) refrigerators, radios, radiograms and television sets.

Explanation 2 : For the purposes of this rule, "lease" means, except where it is obtained from or granted to a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent.

18-A Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.

Notwithstanding anything contained in sub-rule 18.2, no employee shall, except with the previous sanction of the prescribed authority:—

- (a) acquire by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;

- (b) dispose of by sale, mortgage, gift, or otherwise, or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;
- (c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern—
 - (i) for the acquisition by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, or any immovable property.
 - (ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of, any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

Vindication of acts and character of employment

19(1) No employee shall, except with the previous sanction of the University, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

(2) Nothing in this rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the University regarding such action.

Canvassing of non-official or other outside influence

20. No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the University.

Restrictions regarding marriages

21(1) No employee shall enter into or contract a marriage with a person having a spouse living; and

(2) No employee having a spouse living shall enter into or contract a marriage with any person:

Provided that the University may permit an employee to enter into or contract any such marriage as is referred to in clause 1 or clause 2, if it is satisfied that—

- (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- (b) there are other grounds for so doing.

(3) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the University.

Consumption of intoxicating drinks and drugs

22. An employee shall—

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

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(bb) refrain from consuming any intoxicating drink or drug in a public place;

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(c) not appear in a public place in a state of intoxication;

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(d) not use any intoxicating drink or drug, to excess.

Explanation : For the purpose of this rule, 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

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23. If any question arises relating to the interpretation of these rules, it shall be referred to Interpretation the Executive Council whose decision thereon shall be final.

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24. Unless there is anything repugnant in the Pondicherry University Act, Statutes, Ordinances, Amendments any amendments to the Central Civil Services (Conduct) Rules, 1964 shall be deemed to be the amendments of the relevant provisions of these rules or any order or administrative instructions already issued/to be issued by the Central Government shall be deemed to be the orders or administrative instructions under these rules with effect from the date of such amendments/orders are brought into force by the Central Government.

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8. ORDINANCES GOVERNING THE CODE OF CONDUCT AND DISCIPLINE FOR PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT

Preamble:

Sexual harassment is a serious criminal offence which can destroy human dignity and freedom. In order to provide an academic and working environment free of sexual harassment, intimidation or exploitation, the Pondicherry University has framed this code of conduct (following the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India in its 13 August 1997 judgment on the writ petition (criminal) Vishaka vs. State of Rajasthan), to deal with complaints of sexual harassment lodged by students or staff, against a person who may either be a student or a staff or a resident or a service provider or an outsider.

1. Short Title and Commencement:

- (i) These rules may be called the "Pondicherry University rules for protection of women against sexual harassment"
- (ii) These rules shall come into force with immediate effect.
- (iii) These rules shall replace the existing rules on the subject in the Ordinances governing Administrative matters.

2. Definitions:

- (i) Under these rules, unless the context otherwise requires :-
 - (a) "University" means the Pondicherry University and includes all places vested, controlled and/or administered by the University.
 - (b) "Aggrieved person" means any female person/persons, whether major or minor, who alleges that she/they have been subjected to sexual harassment.
 - (c) "Employee" means both the teaching includes research post and non-teaching employees of the University and includes those employed on full time, part-time temporary, deputation, contract, ad-hoc or daily wage basis, either directly or by or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called;
 - (d) "Student" means all the students of the Pondicherry University
 - (e) "Resident" means any person who is temporary or a permanent resident occupying any accommodation or premises managed and/or allotted by the University
 - (f) "Service provider" means any person who runs or manages commercial enterprises, or provides services on the campus.
 - (g) "Sexual Harassment" means:

commission of any verbal, physical or other conduct including comment, gesture or conduct of sexual nature, individually or collectively by men against women and includes

- (i) eve teasing
 - (ii) unwelcome remarks
 - (iii) jokes causing or likely to cause awkwardness or embarrassment
 - (iv) innuendos and tauntry
 - (v) gender based insults or sexually coloured remarks or demand / request for sexual favours
 - (vi) unwelcome sexual overtone in any manner such as over telephone and the like
 - (vii) touching or brushing against the body, and the like
 - (viii) displaying pornographic or other offensive or derogatory picture, cartoons, pamphlets or sayings
 - (ix) forcible physical touch or molestation
 - (x) physical confinement against one's will and other acts tending to violate one's privacy
 - (xi) denial of equal opportunity in pursuit of education/career development or
 - (xii) otherwise making the study/work environment hostile or intimidating for students/employees
- (h) "Sexual Harassment of Students" means the use of authority by any person to exploit the sexuality or sexual identity of a student to harass in a manner which prevents or impairs that student's full utilization of educational benefits, climate or opportunities. It includes behaviour that covertly or overtly uses the power inherent in the status of a person of authority as a teaching or a non-teaching staff, to affect adversely a student's educational experience or career opportunities on the basis of sexual identity and or to threaten, coerce or intimidate a student to accept sexual advances or risk reprisal in terms of loss of a grade, a recommendation, a professional growth opportunity or a job.
- (i) "Sexual Harassment of Employee" means use of an authority by any person to exploit the sexuality or sexual identity of a subordinate employee or a colleague to harass in a manner which prevents or impairs the employee's full utilization of employment benefits, climate or opportunities. It includes behaviour of employer / fellow staff/ non-teaching staff that covertly or overtly uses the power inherent in their office to affect negatively an employee's work experience or career opportunities on the basis of sexual identity and or to threaten, coerce or intimidate an employee (Teaching Staff/Non-Teaching Staff) to accept sexual advances or making employment decision affecting the individual or create an intimidating, hostile or offensive working environment.
- (j) "Committee" means the Sexual Harassment Prevention Committee which is also the Internal Complaints Committee of the University.
- (k) "Complaint" means complaints of sexual harassment made by aggrieved persons to the University or to the Committee under these rules.
- (l) "Defendant/Respondent" means a person against whom an allegation of sexual harassment is made.
- (m) "Other persons engaged / employed by the University" means a person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied, and any person employed as a temporary, contract, casual, badli, piece-rated or contract worker, or by any

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other name called; and includes a domestic servant employed in a house or dwelling place.

- (n) "Proceedings" means enquiry proceedings carried out by the Committee.

3. Prohibition of Sexual Harassment:

- (1) No employee or student, within the University or in any place away from University, if such place has a relevance or any bearing on the relationship as employer/employee/student/etc. of the University, shall be subjected to sexual harassment including unwelcome sexually determined behavior, physical contact, advances, sexually coloured remarks, display of pornographic material, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions, which may include, -
- (i) implied or overt promise of preferential treatment for sexual favours; or
 - (ii) implied or overt threat of treatment detrimental to one's position, career or educational prospects if sexual advances are resisted or
 - (iii) implied or overt threat about the present or future employment status;
 - (iv) Conduct which interferes with work or creates an intimidating or offensive or hostile work environment; or
 - (v) humiliating conduct constituting health and safety problems.

The University shall, having regard to the location, environment and the like, of the University take every step within his/her means to initiate action to identify spots or places and spheres of activity which are prone to harassment whether between students, or between students and employees (teaching and non-teaching staff) of the University or between employees themselves etc. and shall make adequate arrangements with the view to prevent sexual harassment.

4. Sexual Harassment Prevention Committee [Committee for short]:

The University shall constitute a Sexual Harassment Prevention Committee which shall also function as the Internal Complaints Committee, consisting of the following members namely

- (i) A Woman Professor / Woman Reader in the University who shall be the Chairperson
 - (ii) One male member of the employees on the teaching side
 - (iii) One male member of the employees on non-teaching side
 - (iv) One female student
 - (v) One female representative of non-governmental organizations actively engaged either in the welfare of women or in the field of Education
 - (vi) One female member from Non-teaching side (and)
 - (vii) An officer of the level of Deputy Registrar shall be the Member Secretary
- (a) The members of the Committee shall be nominated by the University
 - (b) The term of office of the Chairperson and the members shall be two years from the date on which they assume office and they shall be eligible for one more term
 - (c) Any casual vacancy in the Committee or absence without written intimation for three consecutive meetings or for two months, whichever is more, shall be filled up by the University from the concerned category

- (d) It will not be open to the complainant or the defendant to question the composition of the Committee or any member of the Committee on the ground of employment seniority / hierarchy.

5. Complaint and enquiry by Sexual Harassment Prevention Committee:

- (a) Any person aggrieved by any contravention of these rules, shall lodge a complaint of sexual harassment with the Committee in writing at the earliest point of time and preferably within 15 days from the occurrence of the alleged contravention:

Provided that where such complaint cannot be made in writing, the Chairperson or any member of the Committee shall render all reasonable assistance to the woman making the complaint to state the same in writing.

- (b) The complaint shall contain all the material and relevant details concerning the alleged contravention including the names of the contravener and the complaint shall be addressed to the chairperson of the Committee.
- (c) If the complainant so prefers for reasons of discretion, the complaint may be addressed to the Vice-Chancellor and handed over in person, or sent in a sealed cover. Upon receipt of any such complaint, the Vice-Chancellor shall retain the original complaint with himself/herself and send a gist of the complaint containing all material and relevant details to the Committee, indicating the complainant's preference for anonymity and a very discrete enquiry.
- (d) The Committee upon receipt of complaint shall conduct an enquiry discreetly by providing reasonable opportunity to the complainant and the defendant for presenting and defending her/his case and keeping in view the sensitivity and safety of the complainant.
- (e) The Committee shall have the right to call any person to appear as witness and seek any official paper or document for purpose of enquiry and also have the right to summon, as many times as required, the defendant/complainant/witnesses for purpose of supplementary testimony and/or clarifications.
- (f) The Committee shall have the right to terminate the enquiry proceedings and give an ex-parte decision on the complaint, if the defendant fails, without valid ground, to present himself for three consecutive hearings or the defendant refuses to cooperate with the Committee in the conduct of the inquiry.
- (g) The Committee shall not permit any behaviour of the defendant during the inquiry that subjects the complainant to mental and physical trauma.
- (h) a) The minutes of all the meetings of the Committee shall be maintained.
- b) The statements of all the witnesses shall be recorded.

6. PENALTIES:

Any employee, student, service provider, resident or outsider found guilty of sexual harassment shall be liable for penalties / disciplinary action.

The penalties listed below are indicative and shall not constrain the University authorities from considering other penalties in accordance with the rules governing the conduct of employees and students in practice at the time and in accordance with law.

(1) In Case of Teaching Staff:

- a. Warning, reprimand, or censure or written apology or bond of good behaviour.
- b. Removal from an administrative position at the Centre, School and/ or University levels.
- c. Debarring from holding an administrative position at the Centre /Department, School and/or University levels.
- d. Stopping of increments/promotions.
- e. Reversion/Demotion.
- f. Suspension from service for a limited period.
- g. Compulsory retirement.
- h. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Report.

(2) In Case of Non-Teaching Staff:

- a. Warning, reprimand, or censure or written apology or bond of good behaviour.
- b. Stopping of increments/promotions.
- c. Reversion/Demotion.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Report.

(3) In Case of Students:

- a. Warning or reprimand or written apology or bond for good behaviour.
- b. Suspension for a specific period of time
- c. Withholding results and certificates.
- d. Debarring from exams/cancellation of exams.
- e. Debarring from holding positions in student bodies.
- f. Debarring entry into hostel or transfer to another hostel or withdrawal of hostel accommodation for a limited or the entire period of study.
- g. Rustication for a specific period or permanently.
- h. Expulsion.

Further, the penalty awarded shall be recorded in his/her Personal File.

(4) In Case of Outsiders:

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his institution of education, employment or residence.
- c. Declaration of the campus as out of bounds for her/him for all purposes.
- d. Any other action as may be necessary.

(5) In Case of Service Providers

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of employment.
- c. Termination of the agreement/contract of engagement to provide the services.
- d. Declaration of the campus as out of bounds for her/him.
- e. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- f. Any other action as may be necessary.

In addition to the various penalties specified under (1) - (5) above, the person may be advised to undergo counseling and gender sensitization, and to give a written and/or public apology to the complainant.

(6) Penalty in Case of a Second Offence:

A second or repeated offence, may, on the recommendation of Committee normally attract a major penalty like dismissal, expulsion, termination of contract etc.

7. False Complaint/Deposition:

Where the Committee as the case may be, has evidence of the complainant or any of the witnesses having produced forged documents in the inquiry, it may recommend to the University to take action against the person who produced the forged document, in accordance with the provisions of the service rules applicable to her or him or where no such service rules have been made, in such manner as may be prescribed.

8. Protection against Victimisation:

- a. If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant(s) shall not normally be allowed to supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- b. If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not normally be allowed to supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- c. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and

even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized for the period specified by the competent authority.

d. If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized for the period specified by the competent authority when the enquiry is in progress and even after the conclusion of the enquiry, if the defendant is found guilty.

e. If the defendant(s) is an outsider, the defendant shall not be allowed to enter the campus when the enquiry is in progress, except for the purpose of attending the present enquiry for the period specified by the competent authority. If the defendant is found guilty, he may be debarred from entering the University campus.

f. If the defendant(s) is a resident/service provider, the defendant shall not be allowed to enter the campus when the enquiry is in progress, except for the purpose of attending the present enquiry for the period specified by the competent authority. If the defendant is found guilty, he may be debarred from entering the University campus.

9. Notwithstanding the above, the university may lodge a complaint straightaway with the police in respect of any act amounting to an offence under the Law.

10. The University shall maintain confidentiality in matters concerning complainants and persons against whom the complaints are made, in instances of sexual harassment, in view of the extreme personal sensitivity of issues involved. This shall in no way preclude any statistical report of such incidents as may be required by any local or state agency.

11. The contents of the complaint, the identity and addresses of the aggrieved woman, defendant and witnesses, any information relating to the enquiry proceedings, recommendations of the Committee, and the action taken by the University under the provisions of these rules may be withheld as per relevant provisions of the Right to Information Act.

12. The earlier administrative ordinance 8 stands repealed and replaced by this new ordinance

