

94 EC AGENDA ITEM 13 TO CONSIDER THE POLICY DOCUMENT ON CODE FOR PREVENTION OF SEXUAL HARASSMENT IN SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI

EC approved the item subject to confirming that the policy document including corrective action for faculty/staff (25.1 (vii) are in conformity with other Centrally Funded academic institutions. EC resolved as under:

Resolution No. 984: "Resolved to approve the Policy Document on Code for prevention of sexual harassment in School of Planning and Architecture, New Delhi, in principle and resubmit the same bringing in conformity with the Rules followed in other Centrally Funded academic institutions"- **Appendix - 94EC/II.**

CODE FOR PREVENTION OF SEXUAL HARASSMENT IN SCHOOL OF
PLANNING AND ARCHITECTURE, NEW DELHI

1. INTRODUCTION

This code is framed in the context of the Anti Sexual Harassment Act of 2013.

The School is committed to creating and maintaining a community in which all persons who participate in School's programs and activities can work together in an atmosphere free of all forms of sexual assault, sexual harassment, exploitation, intimidation and violence.

It is the intention of the School to take whatever action may be needed to prevent, correct, and if necessary, sanction individuals who act in violation of this policy.

It is essential that any individual who is sexually assaulted receive proper medical treatment, legal advocacy and counseling support as soon as possible.

The School will also provide and maintain educational programs for all members of its community, some aspects of which are required. The educational aspects of this policy are intended to heighten community awareness and ultimately to prevent sexual offenses.

The implementation of this policy will utilize established School structures. This document outlines the procedures that will allow all members of the School to be effective at providing survivors of assault medical, psychological, educational, and legal resources.

This policy should be seen as part of the larger obligation of the School for equal treatment irrespective of caste, age, ability and gender.

2. APPLICABILITY

This Code shall apply to all the employees including contractual employees, contractual laborers, visiting faculty, students, staff and faculty members, of School of Planning and Architecture, Delhi.

It shall apply to all instances of sexual harassment as provided herein:

- 2.1. Occurring on the SPA-D Campus, irrespective of the parties;
- 2.2. Between or among members of the SPA-D community, irrespective of their location; and
- 2.3. Where the complaint is made by a third party against a member of the SPA-D community and where such member is/was involved in an activity pertaining to the University, irrespective of their location.
- 2.4. Where the Complaint is made by or against a visitor
- 2.5. It shall include the instances of gender discrimination

3. OBJECT

- 3.1. To fulfill the requirement of this Act enjoining the Employers/Authorities to provide elimination and protection against inequality and gender bias and acts of sexual harassment in the work place and in the course of service and study.

- 3.2. This Code shall be called Code for prevention of Sexual Harassment for School of Planning and Architecture - Delhi,
- 3.3. This shall come into force and operative with effect from the _____
(Specify date on which accepted by EC of SPA-D)

4. DEFINITION OF UNWELCOME SEXUAL CONDUCT AND SEXUAL HARASSMENT

- 4.1. Unwelcome sexual conduct includes any unwelcome sexual advances, unwelcome acts of physical intimacy, unwelcome requests for sexual favors, including oral, textual, graphic representations of a sexual nature:
- i. to a person;
 - ii. in a person's presence, whether or not the representation concerns the person;
 - iii. about a person (when malicious)
- 4.2. "Sexual harassment" A person shall be guilty of sexual harassment under these Rules when s/he indulges persistently in conduct known to him/her to be unwelcome. Sexual conduct or should reasonably have been known to such person to be unwelcome sexual conduct or s/he indulges in conduct that may reasonably be perceived by the victim as unwelcome sexual conduct.
(Explanation: Abetment of sexual harassment shall be deemed to be sexual harassment.)
"Gender discrimination" will include all such acts, treatment and interpretation of rules resulting in discrimination of a person (s) based on gender.
- 4.3. The term and expression Sexual Harassment shall mean and include all unwelcome sexually determined behavior committed in the work place (whether directly or by implication), as:
- i. Physical contact and advances
 - ii. A demand or request for sexual favors;
 - iii. Sexually – colored remarks;
 - iv. Showing pornography;
 - v. Any other unwelcome physical, verbal or non verbal conduct of sexual nature
 - vi. Sexual or indecent gestures and indication;
 - vii. Entry into private place marked for female employees and students, with the intent to commit mischief and harassment;
 - viii. Taking of photographs of female workers/ staff without permission and converting it in to pornographic material and circulating the same by means electronic media;
 - ix. All such acts and conducts against women employees and students, which amount to commission of offence defined in the Indian Penal Code.

(Explanation: An Act of Sexual Harassment shall be deemed to have been committed, when any of the above acts is committed within the workplace, classroom or within the campus or outside in the circumstances where under the victim of such an act and conduct has a reasonable apprehension that in relation to the victim's employment or work or study, whether she is drawing salary, or honorarium or voluntary, such conduct is humiliating, hurts the dignity, causes mental torture, fear and anxiety, which constitute health and safety problem, causing restricted movement, fearful living and discrimination in service or recruitment or promotion in the event of raising any objection and not obliging or consenting to such conduct.)

5. OTHER DEFINITIONS

- 5.1. Following are the definitions of the terms as used in the Code
- i. Appellate Authority: Authority vested with the power to receive and dispose of Appeals preferred against the final order of the Disciplinary Authority; receive

- and dispose of appeal against the Order of dismissal of complaint by the Competent Authority as given in the schedule;
- ii. Competent Authority: An authority (normally the appointing authority i.e. the Director/EC/MHRD) competent to take decisions and order penalties, if any;
 - iii. Complaint: Information either oral or written made by the victim against sexual harassment attempted or perpetuated;
 - iv. Complainant: Victim intimating in writing or orally complaining of commission of Sexual Harassment in workplace classroom or hostel or within the campus;
 - v. Complaint Committee: Committee constituted to implement the Sexual Harassment Code vested with the power to counsel, receive complaints, enquire and prepare a report with findings and recommendation to the Disciplinary Authority for taking appropriate decision and award punishment;
 - vi. Contractual Employees: Employees supplied by agency under contract and paid by School.
 - vii. Contractual Labor: Laborer supplied by the Contactor and not in the roll of the School who are paid directly by the Contractor;
 - viii. Disciplinary Action and Proceeding: Proceeding initiated on the basis of the report and finding of commission of sexual harassment by the Complaints Committee and action taken thereof by the Disciplinary Committee in issuing final order;
 - ix. Disciplinary Authority: Appropriate authority vested with the power to initiate Disciplinary proceeding and take action and pass final order; as given in the schedule.
 - x. Employee: worker, staff, faculty members, permanent, temporary or contractual;
 - xi. Student: Person of either sex enrolled in the courses of the School (both part time and full time).
 - xii. Victim: Person upon whom sexual harassment is attempted or perpetuated.
 - xiii. Visiting Faculty: Faculty employed by the School on a contractual basis.
 - xiv. Visitor: Any person(s), visiting the School in any capacity not covered elsewhere in this Code (viz., Postman, Courier delivery, retired employee, friend or relative of a student or staff, etc.)
 - xv. Work Place: Place of work within the campus or outside including places visited in course of work or places of any social or sports or extra-curricular activity of the School.

6. CONSTITUTION OF THE ANTI SEXUAL HARASSMENT UNIT

- 6.1. A Unit by the name of Anti Sexual Harassment Unit (ASHU) will be constituted which will also perform the function of Internal Complaints committee as required by the Act.
- 6.2. The Unit shall consist of at least nine members, all of whom shall be nominated by the Director of the School.
- 6.3. The Committee, provided that at least half of the total members so nominated shall be women shall be constituted by representatives from the faculty, administrative staff, staff, students and representative from wider community in the manner as under:
 - i. One Female Member – Senior Faculty of the School (Chairperson);
 - ii. One male member – representing faculty of the School;
 - iii. Hostel Warden – Boys Hostel;
 - iv. Hostel Warden – Girls Hostel;

- v. One Female Member- representing the Administrative Staff of the School;
- vi. One Male member- representing the Staff of the School;
- vii. One Female member- representing the Students in the roll of the School;
- viii. One male member – representing the Students in the rolls of the School;
- ix. NGO Representative - from wider community.

7. TENURE OF ASHU

The tenure of the members of the committee shall be ordinarily for two years from the date of nomination.

8. MEETINGS OF THE COMMITTEE

The Committee shall ordinarily meet once every quarter and not less than four times in a year. In case of urgent work the Committee shall meet on dates fixed upon notices issued by the Chairperson.

9. QUORUM

- 9.1. Four members of which two members are women including the Chairperson in the meeting of the committee shall constitute a quorum for any meeting of the committee.
- 9.2. In case of difference of opinion amongst the members the opinion of the majority shall prevail.
- 9.3. All the meetings shall be presided, by the Chairperson and in her absence from any meeting, the members present from amongst themselves shall choose any female member present to act and preside the meeting as Chairperson. No meeting shall be proceeded with and no decision shall be taken in the absence of female members in the meeting.

10. POWER AND FUNCTION OF ASHU

- 10.1. To take steps to implement this code.
- 10.2. To receive, entertain, hear complaints lodged by victims of sexual harassment in the work place, enquire, prepare and submit the report with findings, to the Director, who shall after considering the report forward such report to the disciplinary authority for initiating disciplinary proceeding if required and pass necessary orders;
- 10.3. To evolve an effective mechanism and steps in the matter of effective prohibition and prevention of acts of Sexual Harassment in work place and suggest implementation of the same by notification and order, to make in depth study of the reasons and factors attributing to occurrence of Sexual Harassment in the work place and suggest remedial measures, engage in counseling of victims and persons complained against;
- 10.4. To hold workshops, discourses, organize meetings to discuss and develop a healthy relationship between the female and male workers/ students;
- 10.5. To help and advice the victims and their family to seek legal protection from the court of law and prosecution of the persons complained against and involved in perpetuating Sexual Harassment, who are outsiders and not the employees of the School and or persons acting at the instance of any employee of the School, within the workplace or outside;
- 10.6. To ensure and promote a healthy work environment and successful implementation of the in- house sexual harassment policy;
- 10.7. The Unit shall review the effectiveness of the code framed herein in curbing

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the acts of sexual harassment and suggest amendment of the code, as may seem fit and proper.

- 10.8. The Unit shall provide fair, sensitive and quick redress.
- 10.9. Delegate responsibilities to appropriate persons to undertake periodic surveys among students, staff and faculty to find out the extent of the problem and prevailing attitudes to all aspects of sexual harassment.
- 10.10. Ensure the proper constitution and functioning of the Inquiry Committee (hereinafter SHIC) along with the Director.
- 10.11. Be responsible for identifying and monitoring support structures provided by the University.
- 10.12. Exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this policy.
- 10.13. Prepare an annual report of all activities undertaken and submit the same to the Director which shall be available to anyone on request.
- 10.14. This Unit will also work as internal complaints committee as defined by the Act and will have in addition same powers and function as defined in the Act

11. POWER TO CONSTITUTE AN INQUIRY COMMITTEE

The Unit by resolution passed by majority of the members shall constitute an Inquiry Committee comprising of at least two members (one lady member and male member) one from faculty and one from administrative staff in case of incident where the victim and the respondent are both staff and or employees of the School; one female student and One warden in a case of incident where the victim and the respondent are both students; and one female student and one female faculty member in case where the victim is a student and the respondent is member of the faculty and vice versa.

OR

The Director in consultation with the Chairperson shall also constitute a Sexual Harassment Inquiry Committee which shall consist of three members. Committee shall include a female faculty member and one additional female member who shall be an independent person and not be a member of the SPA-D community and who is trained and experienced in the issue of sexual harassment as a member of an NGO or other body. In all cases notwithstanding the above where the alleged victim is a woman, the majority of the members shall be women. In addition to this, depending upon the nature and circumstances of an individual case, the Director may appoint one additional member from the constituency of that Victim. However, in no case shall a student be a member of the Committee.

12. TRAINING OF ASHU MEMBERS

- 12.1. Persons who have completed the training program to the satisfaction of the person/organization responsible for the training may be appointed by the Director as members for a period of two years.
- 12.2. Provided that only those persons shall be appointed as members who have undergone formal training as prescribed by this Code.
- 12.3. The SPA-D shall in association with persons qualified for the purpose organize and conduct an annual workshop for the training of members. The purpose of such workshop shall be
 - i. To impart basic counseling, mediation and negotiation skills and
 - ii. To equip members with a comprehensive understanding of this Code and

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- iii. prevailing law and To impart any other skills or knowledge that may be considered appropriate by the organizers in order to ensure efficient functioning of this Code.

13. ROLE OF MEMBERS

- 13.1. The member shall perform the following functions under this Code:
 - i. Act as a Counselor
 - ii. Act as a Mediator; and
 - iii. Be the receiver of the formal request for inquiry, which may be the first step towards approaching the inquiry mechanism under this Code. In discharging any/all of the functions mentioned above, the member shall act as a first known point of contact,
 - iv. Assist in clarifying the nature of the concern,
 - v. Give information on options and possible outcomes available under this Code.
 - vi. Explore possible strategies/options available in resolving the situation.
 - vii. Assist in drafting and filing of a formal request for inquiry.
 - viii. Explore strategies to safeguard against victimization.
 - ix. Support the aggrieved party throughout any stage of the resolution process.
 - x. Provide information on the desirability of maintaining confidentiality.
 - xi. Provide information on other relevant internal/external remedies, and any limitation periods that may apply to such remedies.
 - xii. Whether or not a person files a formal request for inquiry, provide supportive counseling as needed.
 - xiii. Maintain complete confidentiality, of all proceedings.

14. MEDIATION

- 14.1. The members of the unit before initiating an inquiry and at the request of the victim may take steps for mediation.
- 14.2. In the event that the aggrieved party, after consultation with the member, requests mediation, the member shall inform in confidence the person against whom the concern has been raised about the nature of the concern.
- 14.3. The member shall initiate mediation proceedings only on obtaining consent of the parties concerned.
- 14.4. The mediator shall be a member who is agreeable to all parties concerned, except that where one of the parties is a faculty member, administrative staff or researcher, a student shall not be the mediator
- 14.5. If the parties are unable to agree on whether to have mediation or on the proceeding/result of the mediation, they may, at any point, prefer a request for inquiry.
- 14.6. Provided that no monetary settlement shall be made as a basis of mediation.

15. PROCEDURE FOR INQUIRY

- 15.1. Procedure
 - i. Complaints must be made by the victim in writing, except in case when the victim is incapacitated and is not in a normal state of mind due to the act of sexual harassment perpetuated; complaint may then be made by the victim's friend and or person accompanying the victim.
 - ii. All complaints in writing shall be addressed to the Chairperson of the Committee.
 - iii. Oral Complaints are to be lodged in person or by person accompanying the

- victim before the Chairperson,
- iv. All oral complaints when made shall be reduced in writing by the Chairperson or person designated and signed by the victim and person accompanying the victim.
 - v. In exceptional cases, third party complaint may be entertained subject to confirmation by the victim on call.
- 15.2. During the pendency of the Inquiry, on a written request made by the victim, the ASHU may recommend the following to the Employer, if necessary;
- i. Transfer of the victim or the respondent to any other workplace;
 - ii. Grant leave to the victim;
 - iii. Grant such relief to the victim as appropriate;
16. **PROCEDURE OF RECEIVING AND DISPOSING OF COMPLAINTS BY THE COMMITTEE**
- 16.1. An official Complaint Register bearing the date of opening of such register shall be maintained by the Committee.
 - 16.2. All complaints received shall be numbered and entered in the Complaint Register with date of receipt of the Complaint.
 - 16.3. Within a week of receipt of the complaint, copies thereof shall be circulated to the members of the Committee and the Chairperson of the Committee shall fix a date of meeting for hearing of the complaint and examination of the victim. The Chairperson shall issue 7 days prior notice to all the members and the victim intimating the date fixed.
 - 16.4. After hearing the Victim and on consideration of the complaint and materials placed, if the majority members present express their individual opinion in writing that the complaint discloses prima-facie case of Sexual Harassment, the complaint shall be treated as admitted and referred to the Inquiry Committee, constituted, for preliminary inquiry and report. If the majority of the members are of the opinion and express in writing that no prima-facie case of Sexual Harassment offence has been made out, a report thereof shall be made with reasons, and forwarded along with the complaint, to the Director with the recommendation to dismiss the complaint.
 - 16.5. The Director may refuse to concur with the report and recommendation to dismiss the complaint and may refer the report back to the Committee for re-consideration on the points noted by him on the report.
 - 16.6. The Committee after receipt of its report for reconsideration shall meet and reconsider its report in the light of the note of the Director and shall take a decision to either change or maintain its report in the original form and send/forward the same to the Competent Authority for final decision. The Director shall have no discretion but to accept the report forwarded by the Committee after reconsideration and shall pass the final order following the report and recommendation of the Committee.
 - 16.7. Appeal against the order of dismissal of the complaint by the Competent Authority shall be before the Appellate Authority constituted by the Executive Council. The Period to file appeal against the order dismissing the Complaint shall be 60 days from the date of the order of Dismissal.
 - 16.8. Preliminary enquiry shall be completed within 30 days from the date reference.
 - 16.9. The Unit shall circulate the report of the Inquiry Committee to its members and shall fix a date for consideration of the report of the Inquiry Committee

and take decision thereon within 30 days from the date of receipt of the report of the Inquiry Committee.

- 16.10. The Unit shall consider the report of the Inquiry Committee and if the majority of the members are of the view that that Inquiry Committee's report discloses sufficient proof of commission of offence of sexual harassment by the respondent, a detailed report thereof shall be prepared and forwarded to the Director to take further steps. If in the opinion of the majority of the members, the inquiry report does not disclose any proof of commission of offence by the respondent, a report thereof shall be made and forwarded to the Competent Authority with the recommendation to pass a final order of dismissal of the complaint.
- 16.11. The Unit shall submit its report within 60 days from the date of receipt of the Complaint.
- 16.12. The Competent Authority after considering the report, if satisfied with the findings contained in the report of the enquiry committee and the report of the Committee shall recommend appropriate action as per section 24 and 25.

17. RELEVANT FACTORS

- 17.1. The past sexual history of the parties shall not be taken into account while establishing and/or deciding on the incidence of sexual harassment.
- 17.2. In determining the punishment, the inquiry panel shall consider the previous record of the perpetrator under the Code (if any), and the extent of victimization (if any)

18. ADVERSE INFERENCE

- 18.1. An adverse inference shall be drawn against an alleged perpetrator of unwelcome sexual conduct or sexual harassment where:
 - i. the alleged perpetrator is in an official position of authority, supervisory, evaluator, Of otherwise and
 - ii. the person making the complaint of sexual harassment as a person over whom such authority is exercised and the harassment is of a nature where submission to or rejection of sexual advances or overtures, or requests for sexual favors are made a ground for any decision relating to employment, academic pursuit. Extra or co-curricular activities or entitlement to services/opportunities at SPA-D.
 - iii.

(Explanation: Student office bearers and student representatives shall not be considered as persons in positions of such authority solely by virtue of their holding these positions.)

19. DISCIPLINARY PROCEEDING

- 19.1. On the basis of the report of the Committee, the disciplinary proceeding for misconduct of sexual harassment shall be drawn up/ initiated against the Respondent employee, staff and faculty members by the respective disciplinary authority and proceeded with in accordance with CCS Rules, following the existing procedure.
- 19.2. The respondent may be suspended from service or transferred (in case of employees, staff and faculty members), or debarred from attending class (in case of students) on initiation of disciplinary proceeding and pendency thereof.

20. TIME TO COMPLETE THE DISCIPLINARY PROCEEDING

The Disciplinary authority shall complete the proceeding and pass its order within 3

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months from the date of issuing the charge sheet.

21. APPEAL

- 21.1 Appeal against the Final Order imposing punishment under this Order and Rule shall be made within 60 days from date of receipt of the Order, before the appellate authority. In the case of Employees appointed by the Director the appellate authority shall be the Director, in the case of employees appointed by the EC, the appellate authority, shall be the Chairman of the EC. In case of the students the appellate authority shall be the Director.
- 21.2 All appeals shall be in writing and the same shall be disposed of within 30 days from the date of filing of Appeal.

22. CRIMINAL PROCEEDINGS

- 22.1 When such conduct complained of, amounts to a specific offence under the Indian Penal Code or under any other law, the Committee through the Chairperson, apart from enquiring into the complaint and submitting its report, shall initiate appropriate action by lodging a complaint with the local Police.
- 22.2 In case of Criminal Proceeding, in which the person involved is an employee, is found guilty of having committed the offence of sexual harassment which amounts to offence under the Indian Penal Code and is convicted to imprisonment, the disciplinary authority shall upon receipt of the judgment, issue an order of dismissal from service and removal of the name from the rolls if the person involved who is convicted is a student.
- 22.3 Irrespective of the filing of criminal proceeding and the result of such proceeding the Committee may proceed with its own inquiry and give its report for action and decision of the Disciplinary authority.

23 FALSE COMPLAINT AND EVIDENCE

In the event that the formal request for inquiry is proved to be false, or in the event of false evidence the ASHU shall recommend to the Director that the person found guilty of such act be required to issue a written public apology which is to be displayed prominently on all notice boards in the School and/or take any other action as may be considered appropriate as per the relevant Act.

24 CORRECTIVE ACTIONS FOR STUDENTS

- 24.1 The Sexual Harassment Inquiry Committee may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct:
- i. Warning, reprimand or censure.
 - ii. Public written apology by the perpetrator, which shall be displayed prominently on all notice boards in the University.
 - iii. Community service.
 - iv. Curtailment of privileges.
 - v. Bar on representing the University in any co-curricular/extra curricular activities whether at the intra or inter-University level.
 - vi. Removal and/or bar on holding any positions of responsibility for e.g. in the hostel and/or Student Council.
 - vii. Suspension from the School for a period up to three weeks.
 - viii. Suspension from the School for a maximum period of one year.
 - ix. Rustication from the School.

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- x. Fine up to Rs 2,500, which amount shall be paid into a separate account to be maintained by the Anti Sexual Harassment unit and which amount shall be used to achieve the objectives of this Code.
- xi. Mandatory attendance in a sexual harassment workshop / counseling program.

25 CORRECTIVE ACTION FOR FACULTY/STAFF

- 25.1 The Sexual Harassment Inquiry Committee may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct
 - i. Warning, reprimand or censure.
 - ii. Public written apology by the perpetrator which shall be displayed prominently on all notice boards in the University.
 - iii. Suspension.
 - iv. Termination.
 - v. Withholding increments and promotions,
 - vi. Demotion,
 - vii. Fine upto Rs 50000/- which amount shall be paid into a separate account to be maintained by the Anti Sexual Harassment unit and which amount shall be used to achieve the objectives of this Code.
 - viii. Transfers
- 25.2 In case the victim is a student of the harasser alternate arrangements are to be made to ensure that academic evaluations and viva are not conducted by the harasser.

26 MAINTENANCE OF RECORDS

- 26.1 The records of inquiry proceedings under this Code shall be kept in the custody of the Registrar or the designated officer as the case may be and records of all other proceedings shall be kept with the office of the Chairperson of the Anti Sexual Harassment Unit except as required in this Part.
- 26.2 The inquiry committee shall maintain confidential records of all proceedings, that take place before it, which will include copies of all documents submitted at each proceeding.

27 RECUSAL

Any person conducting any proceedings under this rule shall recuse herself/himself if s/he feels that her/his objectivity may be compromised due to any reason or conflict of interest.

28 CONFIDENTIALITY

- 28.1 All proceedings, documents and records maintained under this Code shall be confidential. A pseudonym shall be used in place of the victim's name. However the names of the harasser shall be retained in order to consider previous records of the same person in determining punishment.
- 28.2 All persons involved in the proceedings under this Code including the faculty, witnesses, members, mediators, members of the inquiry panel and the Director, Chairman of EC and Members of the EC, shall be under a duty to respect and maintain confidentiality.
- 28.3 No decision taken under this rule, except the final decision of the Competent

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Authority shall be made public.

29 VICTIMIZATION

29.1 Victimization, intimidation or bringing undue influence whether directly or indirectly including attempts to do so of persons seeking redress under this Code, witnesses, or any other persons involved in the conduct of proceedings under this Code, shall be treated as Misconduct and be the subject of disciplinary proceedings by the School.

30 SUPPORT STRUCTURES

30.1 The School shall endeavor to provide support structures in the form of:

- i. A well published list of phone numbers and addresses which may be contacted in emergencies.
- ii. An orientation program for new students in order to familiarize them with the Code;
- iii. Counseling the members of the SPA-D community on ways of preventing and coping with sexual harassment;
- iv. Counseling for the victim.
- v. Providing support to initiatives in addressing issues of gender and sexuality.
- vi. The Anti Sexual Harassment Unit shall be entitled to suggest changes and modification of the Rules and procedures on the basis of study and research on cases of Sexual Harassment.
- vii. The ASHU may take the help of counselors and legal experts having sufficient knowledge and expertise in cases of Sexual Harassment for guidance and consultation.
- viii. The ASHU may suggest setting up of a Counseling Center for the benefit and welfare of the victim or the Respondent and to curb incidents and acts of Sexual Harassment.
- ix. The Committee in implementing and exercising its power shall be entitled to take the help of medical authorities and legal experts for opinion and guidance.

95 EC ITEM NO. 19: TO CONSIDER THE CODE FOR PREVENTION OF SEXUAL HARASSMENT IN SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI

Chairperson of the Committee on Prevention of Sexual Harassment has reviewed the draft code and suggestions made by EC. This is to confirm that the document is in par with those adopted by educational institutions of similar status. Specific modification have been brought about to clause 11 "Power To Constitute an Inquiry Committee" by empowering the Director to constitute the enquiry committee. Specific modification has been brought about in clauses 24 "Corrective Actions for Students & 25 Corrective Action for Faculty/Staff". It has been combined to one clause i.e. 24 "Corrective Actions" with 5 sub-sections to ensure that all sections of the School community are included. There are no changes to other clauses. As a consequence of combining clause 24 & 25 in the modified document has 29 clauses as against 30 in the initial document. A detailed comparison of relevant clauses has been prepared and is enclosed. - **Appendix – 95 EC/XX (b)**

The matter is placed before EC for information and approval.

Code for Prevention of Sexual Harassment in School of Planning and Architecture, New Delhi
Comparison between modified clauses

Document of May 2014

11 POWER TO CONSTITUTE AN INQUIRY COMMITTEE

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OR

The Director in consultation with the Chairperson shall also constitute a Sexual Harassment Inquiry Committee which shall consist of three members. Committee shall include a female faculty member and one additional female member who shall be an independent person and not be a member of the SPA-D community and who is trained and experienced in the issue of sexual harassment as a member of an NGO or other body. In all cases notwithstanding the above where the alleged victim is a woman, the majority of the members shall be women. In addition to this, depending upon the nature and circumstances of an individual case, the Director may appoint one additional member from the constituency of that Victim. However, in no case shall a student be a member of the Committee.

Document of November 2014

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Code for Prevention of Sexual Harassment in School of Planning and Architecture, New Delhi
Comparison between modified clauses
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- iii. Community service.
- iv. Curtailment of privileges.
- v. Bar on representing the University in any co-curricular/extra curricular activities whether at the intra or inter-University level.
- vi. Removal and/or bar on holding any positions of responsibility for e.g. in the hostel and/or Student Council.
- vii. Suspension from the School for a period up to three weeks.
- viii. Suspension from the School for a maximum period of one year.
- ix. Rustication from the School.
- x. Fine up to Rs 2,500. which amount shall be paid into a separate account to be maintained by the Anti Sexual Harassment unit and which amount shall be used to achieve the objectives of this Code.
- xi. Mandatory attendance in a sexual harassment workshop / counseling program.

Document of November 2014

24 CORRECTIVE ACTIONS

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the Sexual Harassment Inquiry Committee from considering others, depending upon the nature of the offence and in accordance with the rules governing the conduct of employees and students in practice at the time.

24.1 PENALTIES IN THE CASE OF FACULTY/STAFF

- i. Warning, reprimand, or censure.
 - ii. Community service.
 - iii. Withholding of one or more increments for a period not exceeding one year.
 - iv. Removal from an administrative position at the School
 - v. Disbarment from holding an administrative position at the School
 - vi. Suspension from service for a limited period.
 - vii. Compulsory retirement.
 - viii. Dismissal from service.
- Further, the penalty awarded shall be recorded in his/her Confidential Record.

24.2 PENALTIES IN CASE OF STUDENTS

- i. Warning, reprimand or censure.
- ii. Community service.
- iii. Curtailment of privileges.
- iv. Bar on representing the University in any co-curricular/extra-curricular activities whether at the intra or inter-University level.

Code for Prevention of Sexual Harassment in School of Planning and Architecture, New Delhi Comparison between modified clauses

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25 CORRECTIVE ACTION FOR FACULTY/STAFF

25.1 The Sexual Harassment Inquiry Committee may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct

- i. Warning, reprimand or censure.
- ii. Public written apology by the perpetrator which shall be displayed prominently on all notice boards in the University.
- iii. Suspension.
- iv. Termination.
- v. Withholding increments and promotions,
- vi. Demotion,
- vii. Fine upto Rs 50000/- which amount shall be paid into a separate account to be maintained by the Anti Sexual Harassment unit and which amount shall be used to achieve the objectives of this Code.
- viii. Transfers

25.2 In case the victim is a student of the harasser alternate arrangements are to be made to ensure that academic evaluations and viva are not conducted by the harasser.

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24.2 PENALTIES IN CASE OF STUDENTS (cont'd)

- i. Removal and/or bar on holding any positions of responsibility for e.g. in the hostel and/or Student Council/Student Associations.
 - ii. Suspension from the School for a maximum period of one year.
 - iii. Rustication from the School.
- Further, the penalty awarded shall be recorded in his/her Personal File.

24.3 PENALTIES IN CASE OF SERVICE PROVIDERS

- i. Warning, reprimand, or censure.
- ii. A letter communicating her/his misconduct to her/his place of employment.
- iii. Declaration of the campus as out of bounds for her/him.
- iv. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- v. Any other action as may be necessary.

24.4 PENALTIES IN CASE OF OUTSIDERS

- i. Warning, reprimand, or censure.
- ii. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- iii. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any program of study offered by School.
- iv. Any other action as may be necessary.

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24.5 COMMON PENALTY

- i. Mandatory attendance in a gender sensitization workshop and its successful completion. In addition if found necessary undergo counseling.
- ii. Public written apology by the perpetrator, which shall be displayed prominently on all notice boards of the School for a minimum period of 6 weeks.

