

## **ORDINANCE XV-D**

### **Sexual Harassment**

#### **1. Short Title and Extent**

The present Ordinance is based on the Policy against Sexual Harassment by the Delhi University and seeks to maintain and create an academic and work environment free of sexual harassment for students, academic and non-teaching staff of the Delhi University. The Ordinance will also apply to outsiders and residents, on the Delhi University campus, to the extent specified herein these rules and procedures.

#### **2. Definition :**

- i. "Students" includes regular students as well as current ex-students of Delhi University.
- ii. "Teaching Staff" include any person on the staff of the Delhi University or any colleges or institution affiliated to it, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall also include employees employed on a casual or project basis.
- iii. "Non-Teaching Staff" includes any person on the staff of the Delhi University or of any
- iv. colleges or institutions affiliated to it, who is not included in the teaching staff. It includes
- v. employees who are full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and employees employed on a casual or project basis.
- vi. "Member of the University" includes all those included in categories (i)-(iii) above.
- vii. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by the University of Delhi or by any of its affiliated colleges or institutions.
- viii. "Outsider" includes any person who is not a member of the University or a resident. It also includes, but is not limited to, any private person offering residential, food and other facilities to students, teaching staff or non-teaching staff of the Delhi University or any college or institution affiliated to Delhi University.
- ix. vii."Campus" includes all places of work and residence in the Delhi University or any college or institution affiliated to the Delhi University. It includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, staff quarters and public places (including shopping centres, eating places, parks, streets and lanes) on the Delhi University campus or the campus of any college or institution affiliated to the Delhi University.
- x. viii."Sexual Harassment" includes any unwelcome sexually determined behaviour, whether directly or by implication and includes physical contact and advances, a demand or request for sexual favours, sexually-coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**Explanation:** "Sexual Harassment" shall include, but will not be confined to the following:

- a. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either implicitly or explicitly, a ground for any decision relating to employment, academic performance, extracurricular activities, or entitlement to services or opportunities at the Delhi University.
- b. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mail, gestures, exhibition pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.

- c. When a person uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relating to another person without the latter's consent or against the person's will, such conduct will amount to sexual assault.
- d. When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University is used to denigrate/discriminate against a person or create a hostile environment on the basis of a person's gender identity/sexual orientation.

**SCOPE OF THE ORDINANCE:**

This Ordinance shall be applicable to all complaints of sexual harassment made:

- i. By a member of the University against any other member of the University irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- ii. By a resident against a member of the University or by a member against a resident irrespective of whether the sexual harassment is alleged to have taken place within or outside the campus.
- iii. By an outsider against a member of the University or by a member of the University against an outsider if the sexual harassment is alleged to have taken place within the campus.
- iv. By a member of the University, against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the University/ College authorities initiate action by making a complaint with the appropriate authority. Further the Committee will actively assist and provide available resources to the complainant in pursuing the complaint.

**Complaint Mechanism:**

Implementation of the University policy against sexual harassment shall be achieved through:

- i. The Apex Complaints Committee (ACC), which shall be an apex regulatory and appellate body of the University of Delhi for redressal and resolution of complaints.
- ii. University Units Complaints Committees (UUCC), which shall be set up in clusters of University Departments/Centres as complaints and redressal bodies.
- iii. College Complaints Committees (CCC), which shall be set up in each College of the University of Delhi as complaints and redressal bodies.
- iv. Central Pool Complaints Committees (CPCC), which shall be complaints and redressal bodies (one each for the North and South Campus) for those units that are not affiliated to any College/Department/Institution and have not been included in either CCC or UUCC.

**Redressal :**

- i. UUCC/CCC/CPCC/ACC may ask the College/University to suspend the alleged harasser from an administrative post/class if his/her presence is likely to interfere with the enquiry.
- ii. The victim of sexual harassment shall have the option to seek transfer of the perpetrator or her/his own transfer where applicable.
- iii. Notwithstanding the contents of any other Ordinance relating to service conditions etc. the Head of the Institution upon receipt of the enquiry report, shall refer the same to the Governing Body/ Executive Council (EC) and take disciplinary action on the basis of recommendations of the Complaint Committees provided that in the case of termination of service the existing rules of the University will also be forwarded.
- iv. The disciplinary action shall be commensurate with the nature of the violation.

A. In the case of University/College employees; disciplinary action may be in the form of:

- i. Warning
- ii. Written apology

- iii. Bond of good behaviour
- iv. Adverse remarks in the Confidential Report
- v. Debarring from supervisory duties
- vi. Denial of membership of statutory bodies
- vii. Denial of re-employment
- viii. Stopping of increments/promotion
- ix. Reverting, demotion
- x. Suspension
- xi. Dismissal
- xii. Any other relevant mechanism.

B. In case of students, disciplinary action may be in the form of:

- i. Warning
- ii. Written apology
- iii. Bond of good behaviour
- iv. Debarring entry into a hostel/campus
- v. Withholding results
- vi. Debarring from exams
- vii. Debarring from contesting elections
- viii. Debarring from holding posts
- ix. Expulsion
- x. Denial of admission
- xi. Declaring the harasser as "persona non grata" for a stipulated period of time.
- xii. Any other relevant mechanism.

C. In the case of third party harassment, the University/College authorities shall initiate action by making a complaint with the appropriate authority.

**Note:** The composition of the Committees, mode of election/nomination powers, duties and procedure to be followed is outlined in the Appendix to Ordinance XV-D in the University Booklet entitled 'Policy on Sexual Harassment', which will be read as part and parcel of Ordinance XV-D.