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**National Institute of Food Technology  
Entrepreneurship and Management**

Ministry of Food Processing Industries, Government of India

**F.No. N/S/K/1531/2018/Notification**

**Dated: 16.10.2018**

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### Notification

**Sub: Establishment of Woman Cell and Internal Complaint Committee at NIFTEM for prevention prohibition and redressal of sexual harassment of woman employees and students.**

In accordance with UGC notification No. F. 91-112013(TFGS) dated 02-05-2016, policy guidelines on prevention, prohibition and redressal of sexual harassment of the employees and the students have been laid down herein.

#### 1. Short title, application & commencement

- (i) These regulations may be called NIFTEM (prevention prohibition and redressal of sexual harassment of woman employees and students) Regulations-2018.
- (ii) They shall apply to all employees & students of NIFTEM.
- (iii) They shall come into force from the date of the notification.

#### 2. Definition of Sexual Harassment

- (i) An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely;-
  - a. Any unwelcome physical, verbal or non verbal conduct of sexual nature;
  - b. Demand or request for sexual favours;
  - c. Making sexually colored remarks;
  - d. Physical contact and advances; or
  - e. Showing pornography
- (ii) Any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-
  - a. Implied or explicit sexual promise or preferential treatment as quid pro quo for sexual favours;
  - b. Implied or explicit threat of detrimental treatment in the conduct of work;
  - c. Implied or explicit threat about the present or future status of the person concerned;
  - d. Creating an intimidating offensive or hostile learning environment;
  - e. Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned;

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### 3. Responsibilities of the Institute

- (a) Whenever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;
- (b) Publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- (c) Organize training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations;
- (d) Act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students and some male students and students of third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;
- (e) Publicly commit itself to a zero tolerance policy towards sexual harassment;
- (f) Reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (g) Create awareness about what constitutes sexual harassment including hostile environment, harassment and quid pro quo harassment;
- (h) Include in its prospectus and display prominently all conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment, contact details of members of Internal Complaints Committee, complaints procedure and so on. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment GSCASH) should be constituted as the ICC; Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;
- (i) Inform employees and students of the recourse available to them if they are victims of sexual harassment;
- (j) Organize regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc.. with sensitivity;
- (k) Proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;
- (l) Be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in

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place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;

- (m) Treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an student;
- (n) Treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) Ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (p) Monitor the timely submission of reports by the ICC;
- (q) Prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the UGC;

#### 4. Grievance Redressal Mechanism

In order to install a Grievance Redressed Mechanism, an Internal Complaint Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment has been constituted at NIFTEM as indicated below:

#### 5. The composition of ICC:

i.	Dr. Neela Emanuel, Asso. Prof., NIFTEM	-	Presiding officer	
ii.	Dr. Sarika Yadav, Assistant Prof., NIFTEM	-	Member	Representing Two Faculty Members
iii.	Mrs. S.Thanga Lakshmi, Assistant Prof., NIFTEM	-	Member	
iv.	Sh. S. S. Jha, Assistant Librarian, NIFTEM	-	Member	Representing Two Non-Faculty Members
v.	Sh. Gaurav Gautam, Assistant Registrar, NIFTEM	-	Member	
vi.	Ms. Savitri Pandey	-	Member	Representing NGO
vii.	Ms. Disha Jain	-	Member	Representing B.Tech
viii.	Ms. Vandana Kaushal	-	Member	Representing M.Tech
ix.	Ms. Priyanka Roy	-	Member	Representing Ph.D.

#### 6. Tenure of ICC Members

The term of office of ICC members shall be three years.

#### 7. Role and responsibilities of ICC:

- a. provide assistance if an employee or a student chooses to file a complaint with the police;
- b. Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights,

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- and minimize the need for purely punitive approaches and lead to further resentment, alienation or violence;
- c. protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
  - d. ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment; and
  - e. ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

**8. The process for making complaints and conducting inquiry**

The ICC shall comply with the procedure prescribed in the UGC (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015 and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The Institute shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

**9. The process for making complaints of sexual harassment**

An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the person for making the complaint in writing;

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

**10. The process for conducting Inquiry**

1. The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
2. Upon receipt of the copy of the complaint, the respondent file his or her reply to the complaint along with the list of document, and names and addresses of witnesses within a period of ten days.
3. The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the

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VC, NIFTEM. Copy of the findings or recommendations shall also be served on both parties to the complaint.

4. The VC, NIFTEM shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
5. An appeal against the findings or/recommendations of the ICC may be filed by either party before the VC, NIFTEM within a period of thirty days from the date of the recommendations.
6. If the VC, NIFTEM decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The VC, NIFTEM shall proceed only after considering the reply or hearing the aggrieved person.
7. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis for conciliation. The institute shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
8. The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of inquiry.

#### **11. Internal redressal**

- a. Transfer the complainant or the respondent to another section or department to minimize the risks involved in contact or interaction, if such a recommendation is made by the ICC.
- b. Grant leave to the aggrieved with full protection of status and benefits for a period upto three months:
- c. Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- d. Ensure that offenders are warned to keep a distance from the aggrieved, and whenever necessary, if there is a definite threat, restrain their entry into the campus;
- e. Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.

#### **12. Punishment and compensation**

1. Anyone found guilty of sexual harassment shall be punished in accordance with service rules of NIFTEM, if the offender is an employee.
2. Where the respondent is a student, depending upon the severity of the offence, the institute may-

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- a. withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
  - b. suspend or restrict entry into the campus for a specific period;
  - c. expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
  - d. award reformatory punishments like mandatory counselling and, or, performance of community services.
3. The aggrieved person is entitled to the payment of compensation. The Institute shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation shall be determined on the basis of-
- a. mental trauma, pain, suffering, and distress caused to the aggrieved person;
  - b. the loss of career opportunity due to the incident of sexual harassment;
  - c. the medical expenses incurred by the victim for physical, psychiatric treatment;
  - d. the income and status of the alleged perpetrator and victim, and
  - e. the feasibility of such payment in lump sum or in instalments.

### **13. Action against frivolous complaints:**

If the ICC concludes that the allegations made were false, malicious, or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (1) of regulations 12 if the complainant happens to be an employee and as per sub-regulation (2) of that regulation if the complainant happens to be a student. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

### **14. Establishment of Women Cell in NIFTEM**

In order to ensure the safety of women and also for gender sensitization, a full-fledged Women Development and Anti-sexual Harassment Cell is established at NIFTEM to create wider gender sensitivity so as to facilitate a congenial working environment. The Woman Cell shall function as secretariat of ICC. The Woman Cell shall comprise of one Associate Professor as Incharge, supported by one Assistant/DEO & one MTS.

The support staff shall be provided through internal adjustment

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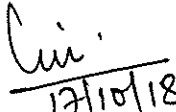
**Expenditure**

- Honorarium/Travel Expenses to NGO representative shall be paid as per NIFTEM rules.

**Other requirements**

- Space shall be allotted to Woman Cell with meeting room for ICC
- Office Equipment (PC with Internet, fax/modem, audio-visual aids, backup) stationery, telephone etc. shall be provided to Woman Cell based on its requirement.

This issues with the approval of competent authority

  
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**(Dr. T.N. Giri)**  
Registrar.

To

1. All Members of ICC (by name).
2. All HoDs/ Deans/ARs
3. Library.
4. Dean (SW) : for wide publicity among students.
5. AR (IT) (for uploading on the website)
6. Notification Guard File.

CC to:

1. VC Sectt.
2. Registrar office.