



ALLIANCE UNIVERSITY

*Private University established in Karnataka State by Act No.34 of year 2010
Recognized by the University Grants Commission (UGC), New Delhi*

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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Approved by	Dr. Matam Viswanathaiah - Registrar

Dr. Matam Viswanathaiah
Registrar
Alliance University





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Introduction

With regard to the Supreme Court Judgement and Guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at workplaces, the University Grants Commission (UGC) has issued circulars to all the universities, advising them to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. Keeping the above guidelines in view, Alliance University, Bangalore, through this policy, is pledging its support towards ensuring a campus free from Sexual Harassment.

Alliance University is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, intimidation and stress. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender or amongst the same sex members. Every member of the University should be aware that while the University is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

Declaration of Policy

Alliance University shall value the dignity of every individual, guarantee full respect for human rights, ensure the full enforcement of Fundamental Rights under Articles 14, 15, 19(1) (g) and 21 of the Constitution of India and uphold the dignity of employees and students. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

Scope of Reference

In formulating a policy for preventing and redressing sexual harassment, the fact that Alliance University consists of a number of academic departments and administrative offices in the University campus and city campus has been considered. A majority of the students





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and employees commute to their “work place” (i.e., place of work/study) from various parts of the city. The interpretation of the term, “work place,” for the purpose of the policy for Alliance University will extend to all public spheres that remain in contact with members of the University community. Such public spaces include not just the physical premises under the supervision of the University system, but even areas in and outside Bangalore, where the University members reside or travel to as part of their work as members of the University. The jurisdiction will include fieldtrips, sports tournaments, conferences, college festivals and all other activities undertaken by any person as a member of Alliance University.

Objectives of the Policy

1. To fulfil the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the workplace.
2. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at the University.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To uphold the commitment of the University to provide an environment free of gender-based discrimination.
5. To create a secure physical and social environment which will deter acts of sexual harassment.
6. To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
7. To deal with cases of sexual harassment, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment.

Jurisdiction

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:





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1. 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.
2. 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.
3. 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 Internal Complaints Committee will actively assist and provide available resources to the complainant in pursuing the complaint.
4. By a resident against a member of the university or by a member against a resident irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

Definitions

1. *'Members of the University'* include students, teaching and non-teaching staff of the University.
2. *'Students'* includes regular students, research assistants, those involved in field studies, short term trainings, projects, short visits and camps, ex-students. A student who is in the process of taking admissions at Alliance University, although not yet admitted, shall be treated, for the purpose of these regulations, as a student at Alliance University, where any incident of sexual harassment takes place against such student.
3. *'Teaching staff'* include any person on the staff of the university or any of the constituent colleges and all other academic departments, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, trainee, teaching assistant, apprentice, intern, volunteer, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.
4. *'Non-Teaching Staff'* include any person on the staff of the university or any of the constituent colleges/institutions, who is not included in the category of teacher.





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5. **'Support staff'** include persons who are not employees of the University but are contract workers such as security, daily wagers or any other person employed for short term contractual jobs.
6. **'Resident'** includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to a student or an employee, by the Alliance University or by any of its constituent colleges or academic departments.
7. **'Third party harassment'** refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider who is not an employee or a student at the university or a resident, but a visitor to Alliance University in some other capacity or for some other purpose or reason. It also includes but is not limited to any private person attending interviews at the University campus or any person offering food and other facilities to members of Alliance University or any college/institution affiliated to Alliance University.
8. **'Campus'** includes all places of work and residence in the Alliance University or in any of its constituent colleges or academic departments. It includes all places of instruction, research and administration, libraries, laboratories, halls, restrooms, as well as internal and external hostels, health centres, sports grounds, staff quarters, public places (including parks, streets and lanes), transportation provided for the purpose of commuting to and from the institution, cafeteria, bank counters, laundry and any other facility on the Alliance University campus or the campus of any of its constituent colleges. It also includes locations outside the institution on field trips, internships, study tours, excursions, short term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or student of Alliance University.
9. **'Internal Complaints Committee'** means a committee constituted by Alliance University or any of its colleges for the purpose of dealing with the prevention of sexual harassment of staff and students within the University campus. Any existing body already functioning with the same objective should be reconstituted as the Internal Complaints Committee (IC).
10. **'Sexual Harassment'** means an unwanted conduct with sexual undertones which is persistent, and which demeans, humiliates, or creates a hostile and intimidating





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environment or which is calculated to induce submission by actual or threatened adverse consequences and includes any one or more of the following unwelcome acts or behaviour (directly or by implication):

- a. Any unwelcome physical, verbal, or nonverbal conduct of sexual nature
- b. A demand or request for sexual favours
- c. Making sexually oriented remarks
- d. Showing pornography
- e. Physical contact and advances
- f. Use of electronic media (phone, internet, intranet) for perpetrating any of the above
- g. Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature
- h. Any one or more of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones may also amount to sexual harassment:
 - i. Implied or explicit promise of preferential treatment as quid pro quo for sexual favours
 - j. Implied or explicit threat of detrimental treatment in the conduct of work
 - k. Implied or explicit threat about the victim's present or future employment status
 - l. Interferes with the victim's work / studies or creating an intimidating or offensive or hostile work / learning environment for her / him
 - m. Humiliating treatment likely to affect the victim's health, safety, dignity or physical integrity of the person concerned

In short, the definition of sexual harassment is broad enough to include all kinds of offensive, hostile, intimidating, humiliating and exploitative language, gestures and conduct.

The following is also sexual harassment and is covered by the committee:

- a. Eve-teasing
- b. Unsavoury remarks
- c. Jokes causing or likely to cause awkwardness or embarrassment
- d. Gender based insults or sexist remarks





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- e. Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls)
- f. Touching or brushing against any part of the body
- g. Displaying pornographic or other offensive or derogatory pictures cartoons, pamphlets or sayings
Forcible physical touch or molestation
- h. Physical confinement against one's will and any other act likely to violate one's privacy.

Guiding Principles for Constitution of Committees

The policy has abided by the following principles:

1. In order to decentralize the complaints procedure and provide easy access to all, separate Committees have been provided at each constituent college. The academic departments that are located in the constituent college are covered under the Committee provided at the respective constituent college (to be named Institutional Internal Complaints Committee or I-IC). The Head of the Institution shall be responsible for creating the Committee at the respective institution.
2. As per the 1997 Supreme Court Judgment, it is mandatory for each committee to have a woman chairperson as well as at least 50 per cent women members.
3. In order to create autonomous institutional structures to look into complaints of sexual harassment, one external member from outside the institution having legal knowledge and who is familiar with the issues of sexual harassment has been included in each Committee.

Status

The Institutional Internal Complaints Committees and the University Internal Complaints Committee are empowered to carry out the mandate of the policy.





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Structure

Implementation of the policy will be achieved through the following structures:

1. **Institutional Internal Complaints Committee (I-IC):** A complaints and redressal body shall be set up in each constituent college.
2. **University Internal Complaints Committee (U-IC):** This is the apex regulatory and appellate body of Alliance University for redressal and resolution of complaints. It is also the complaints and redressal committee for the employees directly under the employment of the University.

Composition of Internal Complaints Committee

1. Institutional Internal Complaints Committee (I-IC):
 - a. The Chairperson (woman) to be nominated from amongst the teaching staff members (not below an Associate Professor or Reader).
 - b. At least two representatives from teaching staff by nomination preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
 - c. At least two non-teaching Staff representatives of the College by nomination preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
 - d. At least three student representatives, if the matter involves students, enrolled at the undergraduate, masters, and research scholar levels respectively.
 - e. One external person from outside the University who is aware of the issues of sexual harassment and committed to the cause of women who will be nominated by the Leadership team.
 - f. The Member Secretary to be selected from amongst the members other than the student category and the external member.
 - g. At least 50% of the members in each of these categories should be women.
 - h. The Head of the Institution shall constitute the Committee and all nominations shall be made by him/her.





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i. The term of each member (other than students) shall be three academic years. The term of student members shall be one academic year.

2. University Internal Complaints Committee (U-IC):

- a. The Chairperson (woman) to be nominated from amongst the staff members, preferably an individual who is of a senior ranking in the University.
- b. At least two representatives from teaching staff by nomination preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- c. At least two non-teaching Staff representatives of the College by nomination preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- d. One external person from outside the University with legal knowledge and who is aware of the issues of sexual harassment nominated by the Leadership team.
- e. A qualified psychologist having experience in counselling may be included as a member of the Committee.
- f. The Member Secretary to be selected from amongst the members other than the external member.
- g. At least 50% of the members in each of these categories should be women.
- h. The Vice Chancellor shall constitute the Committee and all nominations shall be made by him/her.
- i. The term of each member shall be three academic years.
- j. Persons in senior administrative positions in Alliance University such as Vice Chancellor, Pro Vice Chancellor, Registrar, Directors, Deans, Heads of Departments, etc shall not be members of IC in order to ensure autonomy of their functioning.
- k. If the Chairperson or any member of the IC abuses his position as to render his continuance in office prejudicial to the public interest.
- l. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him.
- m. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force.





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- n. Such member shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

Meetings

1. The Institutional Committee and the University Committee shall meet at least once a quarter.
2. The meetings need to be chaired by the Chairperson and the Member-Secretary will be responsible to call the meeting and take the minutes and circulate them after the meeting.
3. The notice of the meeting must be circulated at least a week in advance.
4. The quorum for the meetings will be presence of 51% members.
5. In emergency situations, the meetings may be called at a shorter notice and held with fewer members, after an explanation for doing so.
6. In the absence of the Chairperson, the members present shall appoint a female member to act as the Chairperson for the said meeting.
7. In the absence of the Member-Secretary, another member may be appointed by the members present to take the minutes.

Power and Duties

1. Preventive Duties

- a. To create and ensure a safe work and educational environment that is free of sexual harassment.
- b. To create an atmosphere promoting equality and gender justice.
- c. To develop a written policy which prohibits sexual harassment and publicize the policy in English, Kannada and Hindi widely, especially through prospectuses, notice boards etc. The policy shall outline the Institute's key commitments and legal responsibilities and provide a definition of sexual harassment and behaviours that are not acceptable
- d. To publicize the names and phone numbers of members of the committees.





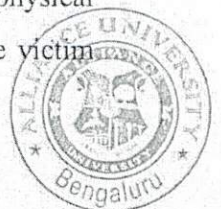
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- e. Display anti-sexual harassment posters on notice boards in common work areas
- f. To plan and carry out regular awareness programmes for staff and students on gender sensitization.
- g. Regularly distribute and promote the policy at all levels of the organization
- h. Ensure that managers and supervisors discuss and reinforce the policy at staff meetings
- i. Provide the policy and other relevant information on sexual harassment to new staff and students as a standard part of induction
- j. Periodically review the policy to ensure it is operating effectively and contains up to date information.

2. Remedial Duties

- a. To ensure that the mechanism for registering complaints is safe, accessible and sensitive.
- b. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- c. To ensure that the complaints process is clearly documented, addressed in a manner which is fair, timely and confidential and also based on principles of natural justice.
- d. To recommend to the concerned authorities follow-up action and monitor the same.
- e. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- f. To seek medical, police and legal intervention with the consent of the complainant where required.
- g. To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if/s/he so desires.





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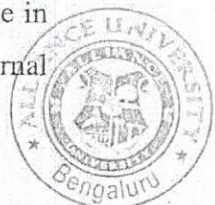
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3. Powers

- a. The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- b. If the Committee has reason to believe that an employee/student is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- c. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
- d. Upon production of documents / information called for by it, the Committee shall have the power to:
 - i. make copies of such documents / information or extracts there from;
 - ii. retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
 - iii. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
 - iv. The Committee shall have the power to recommend the action to be taken against any person found guilty of
 - v. sexually harassing the complainant;
 - vi. retaliating against / victimizing the complainant or any other person.
 - vii. making false charges of sexual harassment against the respondent person.

Procedure for Registering Complaints

1. Any aggrieved student or employee of a constituent unit of the University may make in writing, a complaint of sexual harassment to the respective Institutional Internal Complaints Committee (I-ICC).





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2. Any aggrieved woman employee of any of the administrative departments/ sections of the University may make in writing, a complaint of sexual harassment to the University Internal Complaints Committee (U-ICC).
3. All complaints must be brought by the complainant in person. The exception for this will be in cases of forced confinement of the person or if the person is rendered physically incapable of presenting himself / herself before the Internal Complaints Committee. In such a case, the complaint can be brought by another person on behalf of the complainant, the committee will examine whether an investigation, intervention or some other assistance is needed. In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to investigate it as per the procedure specified.
4. If the complainant wishes s/he can be accompanied by a friend / superior / counsellor. However, s/he cannot bring an advocate for assisting her / him.

Enquiry Procedures

1. Any complaints made to any committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the committee.
2. The Committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).
3. During an enquiry the quorum for all Committee meetings will be one-third of the total membership, and must include at least one member from the complainant's category as well as the external member.
4. The Committee will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.

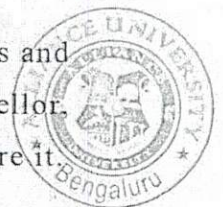




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5. In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement) the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.
6. The Internal Complaints Committee must inform the respondent in writing about the charges made against him/her and s/he should be given a period of seven days from the date of receipt of the notification to respond to the charges.
7. Upon receipt of the copy of the complaint, the respondent shall file his / her reply to the complaint along with the list of documents, and names and addresses of the witnesses within a period of ten days.
8. During the enquiry procedure, the complainant and the respondent will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry.
9. The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the respondent choose not to participate in the proceedings, the Committee shall continue ex parte.
10. The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the documents as original / true copy.
11. The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
12. Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
13. The Committee shall complete its inquiry within 90 days from the date of receipt of the complaint.
14. The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Vice Chancellor, within a period of ten (10) days from completion of the proceedings before it.

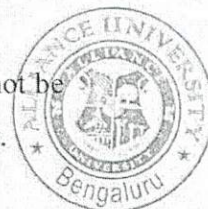




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15. In case the Committee finds that the facts disclose the commission of a criminal offence by the respondent person, this shall be specifically mentioned in the Committee's report. A copy of the findings or recommendations shall also be served on both parties to the complaint.
16. The Leadership team 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.
17. If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting the complainant as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Head of the Institution/Leadership team, with reasons and with recommendations of the action to be taken against such person.
18. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Vice Chancellor, with reasons and with recommendations of the action to be taken against such person.
19. The complainant or the respondent may appeal to the Head of the Institution/ Vice-Chancellor, if they are dissatisfied with the decision of the Committee within a period of thirty days from the date of recommendation.
20. If the Leadership team decides not to act as per the recommendations of the IC, then it shall record written reasons for the same to be conveyed to the IC and to both the parties to the proceedings. If, on the other hand, it decides to act as per the recommendations of the IC, then a show cause notice answerable within 10 days shall be served on the party against whom action is decided to be taken. The Leadership team shall proceed only after considering the reply or hearing the aggrieved person.
21. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement shall be made as a basis of conciliation.
22. The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.





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23. Any Internal Complaints Committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.
24. During the pendency of an enquiry, on a written request made by the complainant, the I-IC or U-IC as the case may be, may recommend the following interim relief to the aggrieved person:
 - a. transfer the complainant or the respondent to any other workplace/ section / department.
 - b. grant leave to the complainant up to a period of three months with full protection of status and benefits.
 - c. restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
 - d. ensure that respondent is warned to keep a distance from the complainant and wherever necessary, if there is a definite threat, restrain their entry into the campus.
 - e. grant such other relief to the complainant as may be prescribed.

Redressal

1. The I-IC or U-IC can ask the College/University to suspend the alleged harasser from administrative post/classes if his/her presence is likely to interfere with the enquiry.
2. The Head of the institution (through the Vice-Chancellor) / Vice-Chancellor upon receipt of the enquiry report, shall refer the same to the Board of Leadership team of the University and institute disciplinary action on the basis of the recommendations of the Internal Complaints Committee under relevant service rules.
3. The disciplinary action will be commensurate with the nature of the violation.
4. In the case of University/College employees, disciplinary action could be in the form of:
 - a. Warning
 - b. Censure
 - c. Written apology
 - d. Bond of good behaviour
 - e. Adverse remarks in the Confidential Report





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- f. Debarring from supervisory duties
 - g. Denial of re-employment
 - h. Withholding of increments
 - i. Withholding of promotion
 - j. Demotion
 - k. Suspension
 - l. Dismissal from service
 - m. Termination from service
 - n. Fine
5. In case of students, disciplinary action could be in the form of:
- a. Warning
 - b. Written letter of reprimand
 - c. Bond of good behaviour
 - d. Debarring entry into a hostel/ campus
 - e. Suspension for a specified period of time
 - f. Withholding results / diploma / degree for a defined period of time
 - g. Restriction or denial of specified privileges, including but not limited to, access to student's facilities, placement programs, University events for a specified period of time
 - h. Debarring from exams
 - i. Debarring from contesting elections
 - j. Debarring from holding posts such as members of committees, membership of college Council etc.
 - k. Dismissal by permanently separating the student from the University without opportunity to re-enrol in future
 - l. Community service assigned for a specific number of hours
 - m. Monetary fine
6. In the case of third-party harassment/outsider harassment, the University/College authorities shall initiate action by making a complaint with the appropriate authority.
7. The aggrieved person is entitled to the payment of compensation. The payment of compensation will be recommended by the Internal Complaints Committee and accepted





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by the Leadership Team and shall be recovered from the offender. The compensation payable 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
- e. The feasibility of such payment in lump sum or in installments

Action against Frivolous Complaint

If the Internal Complaints Committee 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. 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.

Amendments to the Policy

On the basis of their experience of the working of the policy, the I-ICC and U-ICC will have the power to make recommendations to the Vice-Chancellor about changes in the policy. The Vice-Chancellor, after adequate consultation, shall make recommendations to the Board of Leadership team about changes in the policy, as and when required in keeping with the preamble and objectives of the policy.

Annual Report

The Chairperson of the Committee will prepare an Annual Report at the end of each academic year, giving a full account of the activities of the Committee during the year gone by. The report shall include the details of the number of cases filed and their disposal. A copy of the report shall be sent to the Alliance University Leadership team and the UGC.

