



SWARNNIM STARTUP & INNOVATION UNIVERSITY

POLICY OF INTERNAL COMPLAINTS POLICY

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Registrar
Swarnnim Startup & Innovation University
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Date 16/12/2019



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SWARNNIM STARTUP & INNOVATION UNIVERSITY

POLICY OF INTERNAL COMPLAINTS POLICY

1. INTRODUCES THE POLICY

Prevention of Sexual Harassment and Gender Sensitization are the sine qua non of Swarnnim Start Up & Innovation University. In pursuance of UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2016 along with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee (ICC) of Swarnnim Start Up & Innovation University, is constituted to:

1. Deal with the complaints related to Sexual harassment
2. Create awareness about Gender Sensitization

The aim of the Internal Complaints Committee is to frame rules and procedures at the Swarnnim Start Up & Innovation University, to provide all the employees and students whether Men or Women or Third Gender, with equal opportunities and the basic right to work with dignity and to handle related complaints received or referred by the any employees or students at Swarnnim Start Up & Innovation University.

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2. SEXUAL HARRASSMENT

Any sexual suggestiveness on the campus shall be considered as a violation of the academic ambience of the University.

Sexual Harassment means:

- 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 behavior (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 coloured remarks
 - d) Physical contact and advances
 - e) Showing pornography
 - f) The use of phone, email or any other method designed to transmit messages or materials of an explicit sexual nature that are unwanted by the recipient.
 - g) Creating an intimidating offensive or hostile learning environment
 - h) Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.
- 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 promise of 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. OUTLINE OF THE POLICY

The provisions of these Rules and Procedures of Internal Complaints Committee shall apply to all students, academic staff and non-teaching staff on active rolls, Part-time and on ad hoc basis of the Swarnim Start Up & Innovation University as also to residents, service providers and outsider who may be within the territory of Swarnim Start Up & Innovation University at the time of commission of the act attracting Internal Complaints Committee Rules, on the Swarnim Start Up & Innovation University campus, to the extent specified in these Rules and Procedures.

- "student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in Swarnim Start Up & Innovation University; Provided that a student who is in the process of taking admission in Swarnim Start Up & Innovation University, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of Swarnim Start Up & Innovation University, where any incident of sexual harassment takes place against such student; Provided that a student who is a participant in any of the activities in a HEI other than Swarnim Start Up & Innovation University where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;
- "victimization" means any unfavorable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- "workplace" means the campus of Swarnim Start Up & Innovation University, including:
 - a) Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by Swarnim Start Up & Innovation University;
 - b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof
 - c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study

These rules and procedures shall be applicable to all complaints of sexual harassment made:

(a) By a student against a member of the academic or non-teaching staff or a co-student; or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff; in either case, if sexual harassment is alleged to have taken place within the campus.

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(b) By a resident against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place within campus.

(c) By a service provider or an outsider against students or a member of the academic or non-teaching staff or made by a student or members of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

4. COMPOSITION AND PROCEDURES OF INTERNAL COMPLAINTS COMMITTEE

i. Composition

Every Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment.

The ICC shall have the following composition:-

- A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor)
- two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
- Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;
- one member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

At least half the members shall be women. The composition of above members will be nominated by the Vice Chancellor (VC). Persons in administrative positions in the University, such as Vice-Chancellor, Pro Vice-Chancellors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning. The term of office of the members of the ICC shall be for a period of three years. In case any member of the Committee wishes to move out/removed from the Committee, the replacement shall be done by Vice Chancellor(VC).

ii. Term of Office of Internal Complaints Committee Members

The tenure of each member of Internal Complaints Committee shall be thirty six months from the date of assumption of office. However they can be re-nominated by the Vice Chancellor (VC).

iii. Disqualification of Chairperson and/ or Members

A person shall be disqualified from being continued as a member of Internal Complaints Committee if there is any complaint concerning sexual harassment pending against her/him, or if she/he has been found guilty of sexual harassment/serious misconduct.

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iv. Meetings of Internal Complaints Committee

- a) Internal Complaints Committee shall meet as and when required.
- b) Members shall be intimated of meetings in writing or by electronic communication.
- c) Minutes of all meetings shall be adopted.
- d) One-third of the existing members of Internal Complaints Committee may request the Chairperson to call an Extra Ordinary Meeting. Forty- eight hours' notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall be one-third of the existing members of Internal Complaints Committee. Motions shall be carried by a simple majority of those present and voting.
- e) Internal Complaints Committee shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of Internal Complaints Committee.

v. Annual Report of Internal Complaints Committee

As required by the Supreme Court Judgment, the Annual Report of Internal Complaints Committee together with a written report on the Action Taken by them would be forwarded to the suitable University authorities.

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5. FUNCTIONS OF INTERNAL COMPLAINTS COMMITTEE

Internal Complaints Committee shall be responsible for the implementation of these rules and procedures of Sexual Harassment

i. Gender Sensitization and Orientation

- a. Internal Complaints Committee will ensure the publicity of the Policy in all prominent Centers, Institutes, Hostels, cafeteria and fast food outlets, offices of administration, as well as in all public places on the campus such as the library, health center, residential areas, canteens, shopping centers, etc.
- b. Internal Complaints Committee will organize programs for the gender sensitization of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programs.
- c. Internal Complaints Committee will conduct at least one major activity per semester involving large sections of University community.

ii. Conducting Inquiry

The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The Swarnim Start Up & Innovation University shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

- a. **Process of making complaint 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 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.

b. Process of 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.

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2. Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, 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 Vice Chancellor. Copy of the findings or recommendations shall also be served on both parties to the complaint.
4. The Vice Chancellor 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 Vice Chancellor within a period of thirty days from the date of the recommendations.
6. If the Vice Chancellor 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 Vice Chancellor 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 of conciliation. The University 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 the inquiry.

c. Withdrawal of Complaint

The complainant may withdraw his/her complaint in writing at any time during the complaints screening and/or inquiry procedure.

The Internal Complaints Committee shall, on such withdrawal, terminate the inquiry, save in instances in which the Committee is informed, knows or has reason to believe, that the reasons for such withdrawal or the consequences or effect of coercion and intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the proceedings shall continue in accordance with the procedure outlined.

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6. OUTLINE OF THE PENALTIES AND COMPENSATION

Any student, service provider, resident, outsider, or member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below are indicative, and shall not constrain the University authorities from considering other penalties in accordance with the rules governing the conduct of employees and students in practice at the time.

- i. Any employee found guilty of sexual harassment shall be punished in accordance with the service rules of the Swarnnim Start Up & Innovation University.
- ii. Where the respondent is a student, depending upon the severity of the offence, the University may

- a. Withhold privileges of the student such as access to the library, auditoria, hostels, 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.

- iii. The aggrieved person is entitled to the payment of compensation. The University 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 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

iv. Action against frivolous complaint:

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within the University. 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. 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.

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v. Protection against Victimization

- a. If the complainant is a student and the defendant(s) is a teacher, (during the investigation and inquiry, and even after such an inquiry if the teacher is found guilty) the defendant(s) shall not supervise any academic activity of the student including but not limited to evaluation and examination, re-examination and supervision of research.
- b. If a witness named by the complainant is a student and the defendant(s) is a
- c. teacher, (during the period of the investigation and inquiry, and even after such an inquiry if the teacher is found guilty), the defendant(s) shall not supervise any academic activity of the student, including but not Limited to, evaluation and examination, re-examination, and supervision of research.
- d. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, (during the period of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty) the defendant(s) shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- e. If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the university (during the course of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty), the defendant(s) shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- f. If the defendant(s) is an outsider, (during the period of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty) the defendant(s) shall not be allowed to enter the campus, except for the purpose of attending the present inquiry.

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7. OUTLINES THE RESPONSIBILITIES OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES IN IMPLEMENTING THE POLICY

- a. The University authorities shall, through a notification in each academic year notify the names and contact details of the members of Internal Complaints Committee, and the fact that Internal Complaints Committee is the University body responsible for gender sensitization and inquiries into complaints of sexual harassment.
- b. The University authorities will ensure that the Policy is made available on the website and reference included in the Admission Brochure circulated at the time of registration. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: "Swarnnim Start Up & Innovation University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment."
- c. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several notices to be placed on board, for display in prominent places such as the entrances to the campus, academic and administrative buildings, hostels, etc.
- d. The University authorities and functionaries shall provide legal, medical and counselling assistance to the complainants who have to take recourse to the law.
- e. The University authorities and functionaries shall forward all complaints of sexual harassment to Internal Complaints Committee, save in cases in which the complainant has expressly prohibited such forwarding.
- f. The University authorities shall maintain full confidentiality with respect to matters pertaining to Internal Complaints Committee inquiries into complaints of sexual harassment. The University authorities shall extend all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures of Internal Complaints Committee.
- g. As is required by the Supreme Court Judgment, the University authorities and functionaries shall strive to create a workplace in which the functioning of Internal Complaints Committee and/or the interests of justice are not subjected to undue "pressure from senior levels".

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8. AMENDMENT TO THE RULES & PROCEDURES OF INTERNAL COMPLAINTS COMMITTEE

Amendments to the Rules and Procedures of Internal Complaints Committee shall have effect only if they are in consonance with the court of law.

Amendments shall be effected by a decision taken in a Special Meeting of Internal Complaints Committee called for the purpose. The proposed amendment(s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.

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