

Policy Document & Guidelines
(Standard Operating Procedure)
of
ANTI-DISCRIMINATION CELL



COER University, Roorkee

7th K.M. On Roorkee (NH-58), Rehmampur, Vardhmanpuram, Haridwar Road,
Roorkee Uttarakhand 247 667

Policy against Anti-Discrimination

1) Preamble

Anti-discrimination law refers to legislation designed to prevent discrimination against groups of people; these groups are often referred to as protected group or protected classes. Anti-discrimination laws vary by jurisdiction with regard to the types of discrimination that are prohibited, and also the groups that are protected by that legislation. Commonly, these types of legislation are designed to prevent discrimination in employment, housing, education, and other areas of social life, such as public accommodations. Anti-discrimination law may include protections for groups based on sex, age, race, ethnicity, nationality, disability, mental illness or ability, sexual, gender, orientation, gender identity/expression, sex characteristics, religious, creed, or individual political opinions.

Anti-discrimination laws are rooted in principles of equality, specifically, that individuals should not be treated differently due the characteristics outlined above. Anti-discrimination laws are designed to protect against both individual discrimination (committed by individuals) and from structural discrimination (arising from policies or procedures that disadvantage certain groups). Courts may consider both discriminatory intent and disparate impact in determining whether a particular action or policy constitutes discrimination.

2) Definitions

I. In these regulations unless the context otherwise requires:

- a) "**Act**" means, the University Grants Commission Act, 1956 (3 of 1956);
- b) "**Academic Year**" means the period from the commencement of admission of students in any course of study in the institution up to the completion of academic requirements for that particular year.
- c) "**Commission**" means the University Grants Commission;
- d) "**Council**" means a body so constituted by an Act of Parliament or an Act of any State Legislature for setting, or coordinating or maintaining standards in the relevant areas of higher education, such as the All India Council for

Technical Education (**AICTE**), the Bar Council of India (**BCI**), the Distance Education Council (**DEC**), the Indian Council of Agricultural Research (**ICAR**), the Indian Nursing Council (**INC**), the Medical Council of India (**MCI**), the National Council for Teacher Education (**NCTE**), the Pharmacy Council of India (**PCI**), etc. and the State Higher Education Councils.

e) "**University**" means the COER University, Roorkee.

f) "**Discrimination**"

In human social behavior, **discrimination** is treatment or consideration of, or making a distinction towards, a person based on the group, class or category to which the person is perceived to belong.

These include age, color, criminal record, height, disability, ethnicity, family status, gender identity, generation, genetic characteristics, marital status, nationality, race, religion, sex and sexual orientation.

Discrimination consists of treatment of an individual or group, based on their actual or perceived membership in a certain group or social category, "in a way that is worse than the way people are usually treated". It involves the group's initial reaction or interaction going on to influence the individual's actual behavior towards the group leader or the group, restricting members of one group from opportunities or privileges that are available to another group, leading to the exclusion of the individual or entities based.

3) Objectives

- a) This cell will look after the related matters (if any) of depriving a student/ staff or group of students on the basis of caste, creed, language, ethnicity, gender, different ability
- b) This cell always tries to uphold the dignity of the institution by addressing the concerns (if any) brought into the notice related to equality in offering or receiving education inside the campus
- c) This cell ensures conducive environment for academic growth of the people belonging to the university
- d) This cell protects the rights of individuals without any prejudice to their appearance or lifestyle in the process of learning inside the campus

- e) The Cell shall eliminate discrimination against or harassment of any individual in all forms by prohibiting it and by providing preventive and protective measures to facilitate its eradication and punishments for those who indulge in any form of discrimination or harassment
- f) To resolve the issues pertaining to caste, creed, religion, language, ethnicity, gender, disability of access etc.
- g) To provide a platform for listening to complaints and redressal of grievances
- h) To foster healthy relationship with all
- i) To equip students, faculty and staff with the knowledge of their legal rights and redressal of their grievances
 - o To facilitate speedy delivery of justice, through organizing meetings at regular intervals

4) Activities

- a) Conducting awareness programs
- b) Organizing empowerment programs
- c) Programs in the nearby community to sensitize equality
- d) Creating Awareness against caste, creed, religion, language, ethnicity, gender, disability of access etc.

5) Jurisdiction

This code is applicable to all the members of the University including the following:

- o Board of Management
- o Members of various University Bodies
- o Deans/ Heads of the Department
- o Teaching Faculties
- o Non-Teaching Staff
- o Students

The Policy and the Rules & Regulations would also apply to service providers and outsiders who may be within the territory of the COER University at time of commission of the Act coming under the purview of the policy.

- o The policy would apply inside the campus but also on off-campus official duty (workshops, field work, group holidays/excursions organized by COER University interviews/meeting with outside people and any other activity organized by the COER University outside the campus including the period of travelling for such activity).
- o In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of discrimination 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, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
 - b) By a service provider or an outsider against a student or a member of the academic or non-teaching staff or by a student or a member 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.
 - c) In the above, the following definitions will apply:
 - ✚ Members of the COER University include faculty (permanent and temporary), staff (permanent and temporary), research scholars/students (full time and part time) and any other visitors.
 - ✚ Faculty refers to any person or the staff of the Institute who is appointed to a faculty position, whether full time/temporary/ad-hoc/ part-time/ visiting/ honorary or on special duty/deputation and shall also include faculty employed on a casual or project basis.
 - ✚ Staff refers to any person in the Institute who is not included in the category of faculty. It shall also include contract workers and daily wagers.
 - ✚ Research Scholars

- ✚ Students of the Institute of all Courses
- ✚ Any other visitor refers to any person visiting library/ faculty members / any other place in campus; or appearing /participating in interview/ entrance tests/seminars/ workshops/conferences
- ✚ Campus refers to all places of work and residence within the Institute territory. It includes all administrative section, academic section, library & computer centre, project offices as well as hostel & mess, guest house, staff quarters, security cabin and public places, etc. within the PIMS (DU) campus.

- o In order to implement the policy, a Committee shall be appointed whose composition and mandate would be as described below.

6) Composition

- o The Committee shall consist of following members, who shall be appointed by the Vice Chancellor as under, namely:
 - a) The Dean of the School - Presiding Officer
 - b) All HOD - Member(s)
 - c) Chief Proctor - Member
 - d) Security Officer of the University - Member
 - e) Legal representative of the University - Member
 - f) Registrar - Member Secretary
- o The term of the Office of the members of the Anti-Discrimination Cell shall be for a period of 03 (Three) Years.
- o If there is any vacancy arises, the Vice Chancellor will nominate the person on the vacant place.
- o The minutes of the Committee will be forwarded to the Vice Chancellor for approval.

7) Power and Duties

The committee is not to act as Moral Police; neither will it intrude on anyone's privacy. The role of the committee is to create awareness about Anti-Discrimination

and to deal with and recommend punishment for non-consensual acts of Discrimination. Members are expected to be sensitive to the issue and not let personal biases and prejudices which affect their functioning as members of the committee.

- a) The Cell will look into matters to depriving student and group students on a particular caste, creed, religion, language, ethnicity, gender, disability or any type and matters of imposing conditions of any student which is incompatible with the dignity of human beings.
- b) The Cell is constituted to safeguard the interest of students and staff without any prejudice to their caste, creed, religion, language, ethnicity, gender, disability and to eliminate discrimination or harassment against of any student in COER UNIVERSITY by providing preventive measures to facilitate for punishment for those who indulge in any form of discrimination to promote equality among the students.
- c) The Committee will receive complaints from the affected student and staff in terms of discrimination of caste, creed, religion, language, ethnicity, gender, disability and conduct a proper enquiry, and submit a detailed report to the Registrar for suitable action.
- d) Cell should report immediately to the management of Deemed to be University if any complaint received.
- e) Cell should do the enquiry immediately after receiving the complaint and report to the Registrar.
- f) The committee should conduct meeting once in every three months and send the minutes of the meeting to the Registrar.

8) Meetings

The members of the Committee shall meet at least one in three months and maintain the proceedings. The Chairperson shall preside over the meeting. In the absence of the Chairperson, the second senior female Faculty member shall preside over the meeting. The Chairperson may upon the request of not less than one third of the total members of the Committee, call a meeting on a date not later than eight days after the receipt of such requisition.

- a) The quorum of the meeting of the Committee shall be five of its members. If the quorum is not complete in any meeting, it shall be adjourned for half an hour and thereafter, the meeting shall proceed with those members who are present in the meeting.
- b) All decision in the meeting will be taken through mutual consent from the members of the Committee present in the meeting. In the case of any disagreement among the members regarding any decision, Chairperson of the Committee shall hold the authority to take the final decision and her decision would be considered as final.

9) Complaint Procedure

- o Any student or staff (hereinafter mentioned as the 'COMPLAINANT') shall have the right to file a complaint concerning any discrimination against a student/ employee/ faculty/ administrative staff/ research staff/ any of the members of the Committee (hereinafter mentioned as the 'COMPLAINEE') as the case may be.
- o Any COMPLAINANT may file a complaint within a period of 3 months from the date of incident. In case of a series of incidents, COMPLAINANT should file a case within a period of 3 months from the date of last incident.
- o Where the aggrieved person is unable to file a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
- o All complaints will only be accepted in writing.
- o Any complaint in writing has to be signed by the COMPLAINANT.
- o The complainant shall be afforded full secrecy at each stage.'
- o The name, address, identity or any other particulars calculated to lead to identification of the COMPLAINANT shall be kept confidential and will not be disclosed even to the Committee, till the meeting in this regard is convened.
- o Within a period of 5 working days from the date of such communication, the Chairperson shall convene a meeting to deal with the complaint and make preliminary enquiry/fact finding enquiry to verify the facts of the complaint. An Enquiry Committee will be constituted if the complaint is found genuine.

- o In case, the Enquiry Committee decides to proceed with the complaint, they may have the option to settle the matter between COMPLAINANT & COMPLAINEE through conciliation. For this the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behavior. The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.

10) The Inquiry Process

In case the COMPLAINANT requests that the complaint should be processed with beyond a mere warning, the same may be processed and has to be solved within a stipulated time of 90 working days.

- o Within five days of the start of the enquiry process, the Inquiry Committee shall furnish a copy of the complaint to the accused and complainant along with a written notice requiring both parties to furnish a written submission. In case the complainant does not have any additions to make to the complaint filed earlier, she can just submit a statement to that effect.
- o Within a period given by committee, both parties shall submit to Inquiry Committee their replies to then documents that have been served on them. The replies may also include a list of questions that the party wishes the Enquiry Committee to ask the other party or its witnesses.
- o After the receipt of the replies and list of question, The Enquiry Committee shall start the process of an oral hearing.
- o In the course of the oral hearing, the complainant, the accused, and their witnesses will separately be given a chance to give an account of the instances alluded to in the complaint.
- o All parties can also submit any documentary evidence at the time of the oral hearing.
- o The Enquiry Committee shall have the power to ask questions that it deems fit to all parties during the oral hearing.
- o The Enquiry Committee would also ask questions which have been submitted by

the complainant and defendant for the other parties. However, The Enquiry Committee has the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender- insensitive.

- o The Enquiry Committee may also call upon additional witnesses and ask them any questions that it may deem fit.
- o The Enquiry Committee shall have the power to ask the relevant authorities for any official papers or documents pertaining to the complainant as well as the accused.
- o The Enquiry Committee shall conduct the proceedings in a fair manner and shall provide reasonable opportunity to the complainant and accused for presenting and defending his/her case.
- o At no time during the inquiry proceedings shall the accused and the complainant be placed face to face, or put in a situation where they may be face to face.
- o The Enquiry Committee may consider as relevant any earlier complaints against the accused.
- o If the accused fails, without valid ground, to present him for three hearing convened by the chairperson of the Enquiry Committee shall have right to take a decision on the complaint based upon available evidence.
- o Lawyers are not allowed during the enquiry but both sides can avail help from them.

11) Complaint Withdrawal

- a) The COMPLAINANT may withdraw her complaint in writing at any time during the inquiry procedure. However, the Committee must ascertain the reasons for withdrawal of the complaint and record the same in writing and get it counter-signed by the complainant.
- b) The complaints enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the Accused(s), or any person on her/his behalf on the complainant. In such an instance, the complaints enquiry proceedings shall continue in accordance with the procedure outlined in the policy.

12) Disciplinary Actions

Enhancement of disciplinary action, by the Committee, could depend on factors such as the nature, the impact of the violation on the institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.

o Where the Committee finds an employee of the Institute involved in discrimination of the complainant, it can recommend disciplinary action in the form of:

- a) Warning
- b) Written apology
- c) Bond of good behavior
- d) Adverse remarks in the performance assessment
- e) Debarring from duties.
- f) Denial of membership of statutory bodies
- g) Denial of re-employment or renewal of contract
- h) Stopping of increments/promotion
- i) Reverting, demotion
- j) Suspension
- k) Dismissal
- l) Any other relevant mechanism

o Where the Committee finds a student of the institute is involved in sexual harassment of the complainant, it can recommend disciplinary action in the form of:

- a) Warning
- b) Written apology
- c) Bond of good behavior
- d) Debarring entry into the hostel/mess/guest house/campus

- e) Suspension for a specific period of time
- f) Withholding results
- g) Debarring from exams
- h) Stopping of fellowship and contingency
- i) Expulsion
- j) Denial of admission
- k) Declaring the harasser as "persona non grata" for a stipulated period of time
- l) Community service
- m) Any other relevant mechanism
- o In such cases where the Committee finds a third party/outsider to be guilty of discrimination, the institute's authorities shall initiate action by making a complaint with the appropriate authority and at the Institute level it can recommend disciplinary action in the form of:
 - a) Warning
 - b) Written apology
 - c) Debarring entry into the campus

{**Note:** The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurize the complainant in any way & any pressure/threat to the committee}

In the above-mentioned reports, the **Confidentiality** of the complainant(s) will be maintained.

13) An appeal against the order of punishment, Vice-Chancellor will be the appellate authority.

14) Redressal

- a) The Committee will submit a report along with recommended disciplinary actions to the Registrar.

- b) The Registrar of the PIMS (DU) upon receipt of the enquiry report shall implement the disciplinary action on the basis of the recommendations of the Committee under relevant service rules within two months.
- c) The disciplinary action will be commensurate with the nature of the violation.
- d) In case the complaint is not proved, the Committee shall recommend that no action is required to be taken in the matter. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- e) In such cases that are likely to be rare, where the Committee arrives at the conclusion that the allegation by the complainant is malicious or false with the full knowledge of the complainant or where the complainant has produced any forged or misleading document, the Committee may recommend punitive action against such COMPLAINANT.
- f) If the Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend punitive action against the said witness,
- g) Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behavior etc.
- h) The victim of sexual harassment/COMPLAINANT will have the option to seek adjustments such as change of the room/location of the office room, change of the quarter, etc.
- i) The Committee, in exceptional cases, can ask the institute to allow the complainant to proceed on leave for a period of up to three months (the leave will not be deducted from her leave account).
- j) Grant such other relief to the complainant as may be prescribed.

15) **Amendments**

- a) The policy will be suitably amended as per modifications in the prevailing laws.
- b) In case of need, committee may amend the policy time to time.