

Bangalore University
EQUAL OPPORTUNITY CELL (EOC)

DRAFT
Grievance Redressal Mechanism

Introduction:

The Bangalore University community is guided by the principles of equal opportunities for all, respect for diversities and sensitivity to marginalities of varying nature. The Handbook clarifies these values and standards we hold as a community and that we expect you to honour in your conduct as a student in the University. To that end, the University has introduced an honour code where we all agree to abide by the basic values surrounding our life as a student at Bangalore University.

As per the regulations of the Government of India (GoI), the Honourable Supreme Court of India and the University Grants Commission (UGC) as well as the University regulations in this regard, possession and consumption of alcoholic drinks, narcotics and other intoxicating substances are strictly prohibited within the campus. Additionally, all the buildings, offices, hostels, dining halls, canteen, class rooms and all public places are designated as Non-Smoking Areas.

The UGC has framed regulations in 2009 on curbing the menace of ragging in Higher Educational Institutions, in order to prohibit, prevent and eliminate the scourge of ragging in Indian Universities/Colleges/Institutions. The University follows the orders of the Supreme Court of India with regard to curbing of ragging as well as the guidelines of the UGC in this regard. Ragging related circulars, resources such as videos and national anti- ragging helpline details are available on the UGC website www.ugc.ac.in.

1. Nature of Grievance includes:

"Grievances" include the following complaints of the aggrieved students, namely

- i) making admission contrary to merit determined in accordance with the declared admission policy of the institute
- ii) irregularity in the admission process adopted by the institute:
- iii) refusing admission in accordance with the declared admission policy of the institute:
- iv) non publication of prospectus, as specified.
- v) publishing any information in the prospectus, which is false or misleading. And not based on facts:
- vi) with hold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a person for the purpose of seeking admission in such institution. With a view to induce or compel such person to pay any fee or fees in respect of any course or program of study which such person does not intend to pursue:

- vii) Demand of money in excess of that specified in the declared admission policy or approved by the competent authority to be charged by such institution.
- viii) breach of the policy for reservation in admission as may be applicable.
- ix) complaints, of alleged discrimination of students, from the scheduled castes, the scheduled tribes, other backward classes, women, minority or Disabled categories;
- x) non payment of delay in payment of scholarships to any student that such institution to any students that such institution is committed, under the conditions imposed by University Grants Commission, or by any other authority.
- xi) delay in conduct of examination or declaration of results beyond that specified in the academic calendar.
- xii) on provision of student amenities as may have been promised or required to be provided by the institution.
- xiii) denial of quality education to be provided as promised at the time of admission or required to be provided.
- xiv) non transparent or unfair evaluation practices;
- xv) harassment and victimisation of students, including sexual harassment

(g) "Grievances Redressal Committee " means a committee constituted under these regulations:

(h) " Higher educational Institution " means a University within the meaning of clause (f) of Section 2, a college within the meaning of clause (h) of sub section (1) of section 12A, and an institution deemed to be a University declared under section 3, of the University Grants Commission Act. 1956;

l) "institution" for the purposes of these regulations, means University ,college or institution, as the case may be:

j) "Office of profit" means an office which is capable of yielding a profit or pecuniary gain, and to which some pay, salary, emolument, remuneration or non-compensatory allowance , is attached :

k) "Ombudsman " means the Ombudsman appointed under regulation 4 of these regulations;

i) " University" means University established or incorporated by or under a central Act or a state Act and includes an Institution deemed to be University declared as such under section 3 of the Act.

2. Constitution of the Grievance Redressal Committee:

- (i) The GRC will be constituted by the Equal Opportunity Cell, BUB with the approval of the Vice Chancellor.
- (ii) The Committee will consist of not more than 8 members.

- (iii) From time to time, as and when required the Ex-officio members can be included with the permission of the GRC.
- (iv) As and when required the Directors/Coordinators/Special officers of SC and ST cell/ Minority Cell/OBC Cell/Sexual Harassment Cell and others can be special invitees for the GRC meeting.

3. Responsibilities of Internal Complaints Committee (GRC)/ Grievance Redressal Committee -

The Internal Complaints Committee shall:

- (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, and minimize the need for purely punitive approaches that 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 victimised or discriminated against while dealing with complaints of 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.

4. Mandatory Information to be provided: (UGC pg no: 810-11)

(1) Every higher education Institution, shall publish, before expiry of sixty days prior the date of the commencement of the admission to any of its courses or programmes of study, a prospectus containing the following for the purposes of informing those persons intending to seek admission to such Institution and the general public, namely:-

- a) Each percentage of the fee, deposits and other charges payable by the students admitted to such Institution for pursuing a course or programme of study, and the other terms and conditions of such payment.
- b) The percentage of tuition fee and other charges refundable to a student admitted in such Institution in case such student withdraws from such Institution before or after completion of course or programme of study and the time within, and the manner in, which such refund shall be made to that student:
- c) The number of seats approved by the appropriate statutory authority in respect of each course or programme of study for the academic year for which admission is proposed to be made.
- d) The conditions of eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or programme of study, where so specified by the Institution

- e) The educational qualifications specified by the relevant appropriate statutory authority, or by the Institution, where no such qualifying standards have been specified by any statutory authority;
- f) The process of admission or selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each programme of study and the amount of fee to be paid for the admission test;
- g) Details of the teaching faculty, including therein the educational qualifications and teaching Experience of every member of its teaching faculty and also including therein whether such members are on regular basis or as visiting member;
- h) Information in regard to physical and academic infrastructure and other facilities including hostel accommodation, library and hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the Institution;
- i) Broad outlines of the syllabus specified by the appropriate statutory authority or by the Institution, as the case may be for every course or programme of study, including the teaching hours, practical sessions and other assignments;
- j) All relevant Institutions in regard to maintaining the discipline by students within or outside the campus of the Institution, and in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made by the relevant statutory regulatory authority; and
- k) Any such other information as may be specified by the commission;

Provided that an Institution shall publish information referred to in items (a) to (1) of this sub regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in the different newspapers and through other media;

Provided further that an Institution may publish prospectus in accordance with this sub regulation at any time before the period of sixty days.

2) every Institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication distribution or sale of prospectus.

5. Process of conducting Inquiry:

- I. The GRC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- II. 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 fifteen days.

- III. 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 Registrar. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- IV. The REGISTRAR 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.
- V. An appeal against the findings or /recommendations of the GRC may be filed by either party before the Executive Authority of the REGISTRAR within a period of thirty days from the date of the recommendations.
- VI. If the Executive Authority of the REGISTRAR decides not to act as per the recommendations of the GRC, then he shall record written reasons for the same to be conveyed to GRC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the GRC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The REGISTRAR shall proceed only after considering the reply or hearing the aggrieved person.
- VII. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The REGISTRAR shall facilitate a conciliation process through GRC, 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 unitive intervention.
- VIII. 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. Even the aggrieved party or victim or the witness or the offender shall not go to the public domain during the process of the inquiry except in certain exceptional cases (like sexual assault, life-threatening cases)

6. Interim Redressal: The REGISTRAR may,

- (a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the GRC;
- (b) grant leave to the aggrieved with full protection of status and benefits for a period up to 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 wherever necessary, if there is a definite threat, restrain tRegistrarr entry into the campus;
- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

7. Punishment and compensation:

(1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the REGISTRAR, if the offender is an **employee**.

(2) Where the respondent is a **student**, depending upon the severity of the offence, the REGISTRAR may, -

(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; and*

(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 REGISTRAR shall issue direction for payment of the compensation recommended by the GRC 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; and*

(e) *the feasibility of such payment in lump sum or in instalments.*

8. 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 publicized within all REGISTRARs. If the GRC 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 10, 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.

The Registrar shall initiate stringent action against complaints of frivolous complaint on the basis of the recommendation of the GRC.

9. Protection against Victimisation:

i. 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.

ii. If a witness named by the complainant is a student and the defendant(s) is a teacher, during the investigation, and even after such an inquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student,

including but not limited to, evaluation and examination, re-examination, and supervision of research.

iii. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized for protection of Inquiry Committee Members.

iv. 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 duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

v. If the defendant(s) is an outsider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present inquiry.

vi. If the defendant(s) is a resident/service provider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty, the order of restraint issued in accordance with the procedures shall be in force at all times.

10. Consequences of non-compliance: -

The University Grants Commission shall, in respect of any institution that will fully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice: -

- I. withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.
- II. removing the name of the university or college from the list maintained by the University Grants Commission under clause (f) of section 2 of said Act, 1956;
- III. withholding any grant allocated to the institution;
- IV. declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the University Grants Commission;
- V. informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment;
- VI. recommending the affiliating university for withdrawal of affiliation, in case of a college;
- VII. recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university;

- VIII. recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.
- IX. taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the provisions of these regulations.
- X. No action shall be taken by the University Grants Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

Sd/-
Prof. Pradeep G Siddheswar
Chairman, GRC

Sd/-
Dr. S. Y. Surendra Kumar
Coordinator, EOC