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ANANTRAO PAWAR COLLEGE OF ARCHITECTURE

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5.1.4 Proof for Implementation of guidelines of statutory/regulatory bodies

NAAC

Criterion 5: Student Support and Progression

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5.1.4.:Proof for Implementation of guidelines

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POLICY ON SEXUAL HARASSMENT

Preamble:

The Internal Complaint Committee of Anantrao Pawar College of Architecture (APCOA), Pune is committed to provide a conducive environment, free from violence, harassment, and exploitation amongst the students, teaching & non-teaching staff on the college campus. This includes all forms of gender violence, sexual harassment against women. The Committee members are expected to render full assistance to the "aggrieved woman" in writing the complaint of Sexual Harassment, the members should also be aware of the responsibilities and duties under the UGC Regulations as well as under the Sexual Harassment of Women at Workplace Act, 2013. Formation of the Internal Complaint Committee: The Internal Complaint Committee of the APCOA is formed under Section 4 of University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of women employees and students in higher educational institution) Regulation, 2015 & under Section 4 of Sexual Harassment of Women at Workplace (Prohibition, Prevention & Redressal) Act, 2013.

Historical Background of the Sexual Harassment of Women at Workplace Act, 2013

The writ petition was filed before the Supreme Court expressing the lacuna in the legislative policy in the matters of Sexual Harassment of Women at Workplace as it violates Articles 14,15,19 & 21 of the Constitution of India. To fill the legislative gap, the Supreme Court laid down the following guidelines for the redressal of Sexual Harassment of Women at Workplace, the guidelines as also known as the "Vishaka Guidelines":

- i) Duty of the employer to prevent the sexual harassment of women at the workplace & to provide for the procedures for resolution and settlement.
- ii) The rules and regulations relating to conduct and discipline in any Government or Private enterprise should include rules and regulations relating to sexual harassment of women at the workplace.
- iii) Appropriate work conditions for women to ensure that there is no hostile environment for women at workplaces.
- iv) An appropriate Complaint Mechanism should be made for the victim to ensure time-bound redressal of the cases.
- v) The Head of the Complaint Committee should be a woman & more than half of the members should be women & to maintain impartiality, the Complaint Committee should involve a third party

In 2013, Parliament made legislation on Sexual Harassment named "Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act). The Act was enacted with the basic objective of preventing and protecting sexual harassment at the workplace & to ensure redressal mechanism.



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Declaration of the Policy

APCOA shall value the dignity of women & guarantee full respect for the “Fundamental Rights” under Article 14,15,19 & 21 of the Constitution of India. To achieve Gender Equality amongst the employees & students, all forms of sexual harassment in the employment, education, or training environment are declared as unlawful under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 & UGC Regulations as well as under the Sexual Harassment of Women at Workplace Act, 2013.

Objectives of the Policy:

- To fulfill the requirements of the Sexual Harassment of Women at Workplace At, 2013 (POSH Act).
- To ensure that the in-house Grievance Redressal Mechanism as mentioned under the Act is implemented to the full letter and spirit.
- To provide an environment free of gender discrimination.
- To assist the “Aggrieved Woman” to make the complaint relating to Sexual Harassment of Women at Workplace.
- To create a secure physical and social environment that will deter acts of sexual harassment

Definitions:

Aggrieved Woman: Section 2(a) of the Act mentions as: “Aggrieved woman” means

- i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.

Sexual Harassment: Section 2(n) of the Act mentions as: “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i) physical contact and advances; or
- ii) a demand or request for sexual favors; or
- iii) making sexually colored remarks; or
- iv) showing pornography; or
- v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Workplace: Section 2(o) of the Act mentions as:

- i) 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 the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- ii) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
 - iii) hospitals or nursing homes;
 - iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports, or other activities relating thereto;
 - v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
 - vi) a dwelling place or a house;

Composition of the Committee:

- i) A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees: Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace
- ii) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have the legal knowledge
- iii) At least one-half of the total Members so nominated shall be women.
- iv) If the case involves against the student at the college, then two members of the Committee shall be taken from the student community. Jurisdiction of the Committee: The Rules and Regulations outlined in this policy shall be applicable to all the complaints relating to Sexual Harassment at Workplace: When one member (faculty or the student) has sexually harassed the other member within the educational institution.

Powers of the Committee:

- i) The Committee shall have the power to summon witnesses and call for documents or any information from any employee/student.
- ii) The Committee shall have the power to issue interim directions to any person participating in the proceedings before it.
- iii) The Committee before initiating an inquiry under the Act may undergo "Conciliation" under Section 10 of the Act if both the parties agree to it.

Procedure to be followed by the Committee:

- i) The Committee shall meet as and when any complaint is received by it. Complaints may be received by any member of the committee.



- ii) The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of five (5) days from such direction, the Committee members shall assist in writing the complaint.
- iii) The Committee shall direct the accused employee(s)/student(s) to prepare and submit a written response to the complaint/allegations within a period of five (5) days from such direction or such other time period as the Committee may decide.
- iv) Each party shall be provided with a copy of the written statement(s) submitted by the other.
- v) The Committee shall allow both parties to produce relevant documents and witnesses to support their case. The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- vi) The Committee shall make all endeavors to complete its proceedings within a period of Ninety (90) days from the date of receipt of the complaint.
- vii) On the completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the employer within a period of ten days (10) from the date of completion of the inquiry, and such report be made available to the concerned parties.
- viii) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer to act for sexual harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the respondent & he shall also be liable to pay to the victim, the compensation amount of as decided by the Committee, which shall be deducted from the salary or wages of the respondent.

Members of the Internal Complaint Committee

| Sr. No. | Name & Designation | Position in the Committee |
|---------|------------------------|---------------------------|
| 1 | Prof. Almas Mirshikari | Chairperson |
| 2 | Dr. Archana Ladkat | In-charge |
| 3 | Prof. Shailaja Bhagwat | Member |
| 4 | Prof. Toufik Bagwan | Member |
| 5 | Mrs. Smita Bankar | Member |



Ragging: Prohibition, Prevention and Punishment

The University Grants Commission vide its letter no F.1-16/2007 (CPP-II) dated June 17, 2009 has reiterated the ban on ragging of students in Institutions of Higher Learning. The students are therefore directed to strictly desist from any kind of ragging.

Forms of Ragging:

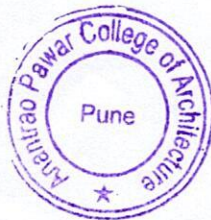
Display of noisy, disorderly conduct, teasing, excitement by rough or rude treatment or handling, including rowdy, undisciplined activities which cause or likely to cause annoyance, undue hardship, physical or psychological harm or raise apprehensive fear in a fresher, or asking the students to do any act or perform something which such a student will not do in the ordinary course and which causes him/her shame or embarrassment or danger to his/her life, etc.

Punishment for Participation in/or Abetment of Ragging :

1. Cancellation of admission.
2. Suspension from attending classes.
3. Withholding/withdrawing scholarship/fellowship and other benefits.
4. Debarring from appearing in any test/examination or other evaluation process.
5. Withholding results.
6. Debarring from representing the institution in any national or international meet, tournament, youth festival, etc.
7. Suspension/expulsion from the hostel.
8. Rustication from the institution for periods varying from 1 to 4 semesters or equivalent period.
9. Expulsion from the institution and consequent debarring from admission to any other institution.
10. Fine up to Rs. 25,000/-

Affidavit by students and parents

Each student and his/her parents/ guardian shall have to furnish an affidavit alongwith the application form to the effect that they will not participate in or abet the act of ragging and that, if found guilty, shall be liable for punishment under the penal law of India.



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SELF DECLARATION BY PARENTS/GUARDIANS

1. Mr./Mrs./Ms. _____ (full name) of parents/guardians) father/mother/guardian of full name of student with admission/registration/enrollment number, having been admitted to (name of the institution), have received a copy of the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009, (hereinafter called the "Regulations"), carefully read and fully understood the provisions contained in the said Regulations.

2) I have, in particular, perused clause 3 of the Regulations and am aware as to what constitutes ragging.

3) I have also, in particular, perused clause 7 and clause 9.1 of the Regulations and am fully aware of the penal and administrative action that is liable to be taken against my ward in case he/she is found guilty of or abetting ragging, actively or passively, or being part of a conspiracy to promote ragging.

4) I hereby solemnly aver and undertake that :

a) My ward will not indulge in any behaviour or act that may be constituted as ragging under clause 3 of the Regulations.

b) My ward will not participate in or abet or propagate through any act of commission or omission that may be constituted as ragging under clause 3 of the Regulations.

5) I hereby affirm that, if found guilty of ragging, my ward is liable for punishment according to clause 9.1 of the Regulations, without prejudice to any other criminal action that may be taken against my ward under any penal law or any law for the time being in force.

6) I hereby declare that my ward has not been expelled or debarred from admission in any institution in the country on account of being found guilty of, abetting or being part of a conspiracy to promote, ragging; and further affirm that, in case the declaration is found to be untrue, the admission of my ward is liable to be cancelled.

Declared this _____ day of _____ month of _____ year.

Signature of Father/Mother/Guardian

Name : _____

Address: _____

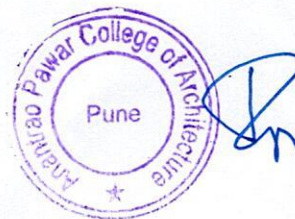
Telephone/Mobile No. _____

Self Declaration by Parents/Guardian

Verified that the contents of this self declaration are true to the best of my knowledge and no part of the self declaration is false and nothing has been concealed or misstated therein.

Verified at **(Place)** on this the **(day)** of (month), **(year)**

Signature of Father/Mother/Guardian



SELF DECLARATION BY THE STUDENT

I _____ full name of student with admission/registration/enrolment number) s/o d/o Sh. _____, having been admitted to name of the institution _____, have received a copy of the UGC Regulations on Curbing the Menace of Ragging in Higher Education Institutions, 2009, (hereinafter called the "Regulations") carefully read and fully understood the provisions contained in the said Regulations.

2) I have, in particular, perused clause 3 of the Regulations and am aware as to what constitutes ragging.

3) I have also, in particular, perused clause 7 and clause 9.1 of the Regulations and am fully aware of the penal and administrative action that is liable to be taken against me in case I am found guilty of or abetting ragging, actively or passively, or being part of a conspiracy to promote ragging.

4) I hereby solemnly aver and undertake that

a) I will not indulge in any behaviour or act that may be constituted as ragging under clause 3 of the regulations.

b) I will not participate in or abet or propagate through any act of commission or omission that may be constituted as ragging under clause 3 of the Regulations.

5) I hereby affirm that, if found guilty of ragging, I am liable for punishment according to clause 9.1 of the Regulations, without prejudice to any other criminal action that may be taken against me under any penal law or any law for the time being in force.

6) I hereby declare that I have not been expelled or debarred from admission in any institution in the country on account of being found guilty of, abetting or being part of a conspiracy to promote, ragging; and further affirm that, in case the declaration is found to be untrue, I am aware that my admission is liable to be cancelled.

Declared this ____ day of _____ month of _____ year.

Signature of Student

Name : _____

Address: _____

Telephone/Mobile No. _____

SELF DECLARATION

Verified that the contents of this self declaration are true to the best of my knowledge and no part of the declaration is false and nothing has been concealed or misstated therein.

Verified at (place) on this the day of month, (year).

Signature of student



Clause -3 What constitutes Ragging : -

Ragging constitutes one or any of the follows acts:-

Any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student.

Indulging in rowdy or indisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

Asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student.

Any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

Exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.

Any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

Any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;

Any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;

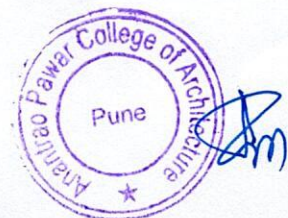
Any act that affects the mental health and self-confidence of a fresher or any other student.

with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

Clause -7 Action to be taken by the Head of the institution : -

On receipt of the recommendation of the Anti Ragging Squad or on receipt of any information concerning any reported incident of ragging, the Head of Institution shall immediately determine if a case under the penal laws is made and if so, either on his own or through a member of the Anti-Ragging Committee authorized by him in this behalf, proceed to file a First Information Report (FIR), within twenty four hours of receipt of such information or recommendation, with the police and local authorities, under the appropriate penal provisions relating to one or more of the following, namely;

- i Abetment to ragging;
- ii Criminal conspiracy to rag;
- iii Unlawful assembly and rioting while ragging;
- iv Public nuisance created during ragging;
- v Violation of decency and morals through ragging;
- vi Injury to body, causing hurt or grievous hurt;
- vii Wrongful restraint;
- viii Wrongful confinement;
- ix Use of criminal force;
- x Assault as well as sexual offences or unnatural offences;
- xi Extortion;
- xii Criminal trespass;
- xiii Offences against property;
- xiv Criminal intimidation;



- xv. Attempts to commit any or all of the above mentioned offences against the victim(s);
- xvi. Threat to commit any or all of the above mentioned offences against the victim(s);
- xvii. Physical or psychological humiliation;
- xviii. All other offences following from the definition of "Ragging"

Provided that the Head of institution shall forthwith report the occurrence of the incident of ragging to the District Level Anti-Ragging Committee and the Nodal officer of the affiliating University, if the institution is an affiliated institution.

Provided further that the institution shall also continue with its own enquiry initiated under clause 9 of these Regulations and other measures without waiting for action on the part of the police/local authorities and such remedial action shall be initiated and completed immediately and in no case later than a period of seven days of the reported occurrence of the incident of ragging.

Clause -9 Administrative action in the event of ragging: -

9.1 The institution shall punish a student found guilty of ragging after following the procedure and in the manner prescribed hereinunder:-

a) The Anti-Ragging Committee of the institution shall take an appropriate decision, in regard to punishment or otherwise, depending on the facts of each incident of ragging and nature and gravity of the incident of ragging established in the recommendations of the Anti-Ragging Squad.

b) The Anti-Ragging Committee may, depending on the nature and gravity of the guilt established by the Anti-Ragging Squad, award, to those found guilty, one or more of the following punishments, namely;

- i Suspension from attending classes and academic privileges.
- ii Withholding/withdrawing scholarship/fellowship and other benefits.
- iii Debarring from appearing in any test/examination or other evaluation process.
- iv Withholding results.
- v Debarring from representing the institution in any regional, national or international meet, tournament, youth festival etc.
- vi Suspension/expulsion from the hostel.
- vii Cancellation of admission
- viii Rustication from the institution for period ranging from one to four semesters.
- ix Expulsion from the institution and consequent debarring from admission to any other institution for a specified period.

Provided that whether the persons committing or abetting the act of ragging are not identified, the institution shall resort to collective punishment.

c) An appeal against the order of punishment by the Anti-Ragging Committee shall lie,

- i In case of an order of an institution, affiliated to or constituent part, of a University, to the Vice Chancellor of the University.
- ii In case of an order of University, to its Chancellor
- iii In case of an institution of national importance created by an Act of Parliament, to the Chairman or Chancellor of the institution, as the case may be.

