



MGM INSTITUTE OF HEALTH SCIENCES
(Deemed to be University u/s 3 of UGC Act, 1956)
Grade 'A' Accredited by NAAC
MGM SCHOOL OF PHYSIOTHERAPY
Sector-1, Kamothe, Navi Mumbai – 410209

**Rules and Regulations of Internal Complaint Committee of
MGM School of Physiotherapy, Navi Mumbai**

Preamble-

As per University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015. Vishakha Act (2013) and Protection of Children from Sexual Offences Act (POCSO Act 2012), Government of India has laid down rules and regulations for Internal Complaint Committee to prohibit, prevent and eliminate any conduct of sexual harassment of women at work place and students enrolled in higher education

Definitions-

I “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 nonverbal conduct of sexual nature;
 - (b) Demand or request for sexual favors;
 - (c) Making sexually colored remarks
 - (d) Physical contact and advances; or
 - (e) Showing pornography”
- (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 behavior that has explicit or implicit sexual undertones-
- (a) Implied or explicit promise of preferential treatment as quid pro quo for sexual favors;
 - (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.

II. “**student**” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programs in a HEI; Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, 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; Provided that a student who is a participant in any of the activities in a HEI other than the HEI 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;

III. “**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 of the HEI, but a visitor to the HEI in some other capacity or for some other purpose or reason;

IV “**Victimization**” means any unfavorable treatment meted out to a person with an implicit or explicit intention to obtain sexual favor;



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V **“Workplace”** means the campus of a HEI including-

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 HEIs;

(k) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;

(l) 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 in HEIs.’

Objectives: The objectives of the Internal Complaint Committee are to:

a. Prevent discrimination and sexual harassment, by promoting gender amity among students and employees.

b. Make recommendations to the management for changes/elaborations in the Rules for students in the Prospectus and the Bye-Laws, to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment, by the students and the employees;

c. Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;

d. Recommend appropriate punitive action against the guilty party to the Management.

Roles and Responsibilities –

The Roles and Responsibilities of the Internal Complaint Committee are to:

(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.

Frequency of meeting: Minimum one meeting at beginning of each semester or as required essential. Punishment and compensation-

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

(2) Where the respondent is a student, depending upon the severity of the offence, the HEI 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;



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- (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.
- (3) The aggrieved person is entitled to the payment of compensation. The HEI 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; and
- (e) The feasibility of such payment in lump sum or in instalments.

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