

Gender Sensitisation Committee Against Sexual Harassment (GSCASH)

Rules & Procedures

I. PREAMBLE

Towards creating and propagating a gender sensitive environment and spurn any kind of instances of sexual harassment in VFSTRU has constituted Gender SCASH - ICC chaired by Dr. N. Usha Rani appointed by Vice-Chancellor on 14.06.2016 by UGC notification D.O.No.F.91-1/2013(GS) dated 23.07.2015. This composition of the committee is given below:-

1. Dr. N. Usha Rani, Prof. and HoD, Dept. of ECE - Chairperson
2. Dr. K. Kalapana, Assoc. Prof., Dept. of MBA - Member
3. Dr. M. Nirupamabhat, Assoc. Prof., Dept. of IT - Member
4. Mrs. Vasireddy Priya Bandhavi (NGO) - Member
(Secretary, Kodali Veeraiah Educational Academy)
5. Ms. T. Amrutha Valli (141FA05054), III- ECE student representative - Member, is empowered under the university policy to take measures for ensuring a safe and secure environment for the women staff and students in accordance with the Visakha guidelines issued by the Honorable Supreme Court of India on 13th August 1997.

II. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment, as described in the Visakha judgment by the hon'ble supreme court and adopted by VFSTR University, includes any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome physical, verbal or non-verbal conduct of a sexual nature. It shall include, but will not be confined to, the following:

- a. When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity or posting of unwelcome messages on social media and other internet sites.
- b. When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail, SMS, MMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive University or campus environment for any individual or group including during festival/cultural programme.

III. OTHER DEFINITIONS

- i. "Academic staff" includes any person on the staff of the University who is appointed to a teaching and/or research post, whether Indian or Foreign, whether full-time, temporary, ad-hoc, part-time, visiting guest, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- ii. "Appeals Committee" as per the defined procedure.

- iii. "Campus" includes all places of work in the University campus of VFSTR. It includes all places of instruction, research and administration, as well as hostels, guesthouses, public places and places of residence allotted and administered by VFSTR University.
- iv. "Eminent woman academician" includes a senior woman academician who is not a member of either the academic or the non-teaching staff of VFSTR University, and who has experience in working for gender equality.
- v. "GSCASH" shall refer to the Gender Sensitisation Committee against Sexual Harassment of the VFSTR University.
- vi. "NGO" includes any Non-Governmental Organization registered under the Societies' Registration Act or as a public charitable trust recognized under law. Such a society / charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to VFSTR University; i.e. at least two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of VFSTR University.
- vii. "Non-teaching staff" includes any person on the staff of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wage, honorary or on special duty or deputation, and shall include employee(s) employed on a casual or project basis, as also person(s) employed through a contractor.
- viii. "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of VFSTR University.
- ix. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by VFSTR University.
- x. "Service provider" includes any person who runs, manages or provides services, on the campus. It includes, but is not limited to, persons working in stores, canteens, hostels, laundry on the campus, as well as persons (whether part-time or full-time) working in premises allotted on the campus.
- xi. "Student" includes any person who is enrolled for any course, whether full time or part time, with VFSTR University, Vadlamudi and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with VFSTR University or short-term courses at VFSTR University such as Student under exchange programme.
- xii. "Supreme Court Judgement" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13th August 1997.
- xiii. August 1997 in its ruling on the Writ Petition (Criminal) *Vishaka vs. State of Rajasthan* and the judgment titled *Apparel Export Promotion Council vs. A.K. Chopra*, on 20th January 1999.
- xiv. "Saksham Guideline" refers to the guidelines issued by UGC on Measures for Ensuring

the Safety of Women and Programmes for Gender Sensitization on Campuses, Justice J.S.Verma Committee Report refer to the report by Justice JS Verma Committee set up by GOI after incident of 16 December 2012 and “Work Place Act” refer to the act issued by Ministry of Law and Justice on April 23, 2013.

- xv. The “Third party” shall include the NGO representative or the eminent woman academician serving on, or empanelled by, GSCASH.
- xvi. The “University authorities” shall refer to the Vice-Chancellor of VFSTR University, by virtue of her/his being the Chairperson of the BoM of VFSTR University, as well as any such person to whom such power may be delegated such as the Rector(s), and/or any person who is entrusted with any powers and functions to act on behalf of the University under the University statutes.
- xvii. For faculty members and group ‘A’ officers, the appropriate University authority is the BoM, and for students and other employees, it is the Vice-Chancellor.
- xviii. “University functionaries” includes any person appointed, designated or nominated by the University authorities to a position of service in VFSTR University, and includes, but is not limited only to, the following: Deans, Heads of Departments and Centres, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar, Controller of Examination and the Finance Officer.
- xix. “Warden” shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by VFSTR University.

IV. SCOPE

These Rules and Procedures of the VFSTR University Gender Sensitisation Committee against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these Rules and Procedures shall apply to all students, academic staff, and non-teaching staff on active rolls of the VFSTR University, Vadlamudi, as also to residents, service providers, and outsiders who may be within the territory of VFSTRU at the time of commission of the act attracting GSCASH Rules, on the VFSTR University campus, to the extent specified in these Rules and Procedures.

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

- IV (i) 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.
- IV (ii) 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 or outside the campus.
- IV (iii) By a service provider or an outsider 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 an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

V. COMPOSITION AND PROCEDURES OF GSCASH

V.1. Composition and Infrastructure

GSCASH shall have a membership of five persons, of which all members shall be women. The composition of the body with the members will be constituted annually with participation of all the women employees of the university.

- V.1 (i) Three women faculty members, one woman representative of an NGO appointed from outside for holding the proceedings of internal committee by the university as per the procedure. One woman student out of the short listed student representatives nominated by the Heads of the Department.

V.3. Term of Office of GSCASH Members

For every member of the GS CASH the tenure of each member shall be twelve months from the date of assumption of office and not exceeding three years from the date of nomination.

V.4. Chairperson / Acting Chairperson of GSCASH

The Chairperson of GSCASH shall be a woman faculty member, employed at a senior level and shall be nominated or elected by the members of GSCASH from amongst themselves by a simple majority. The Acting Chairperson of GSCASH shall have all the powers and duties of the Chairperson of GSCASH outlined herein. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

V.10. Meetings of GSCASH

- V.10 (i) GSCASH shall meet at least five times a semester or at such intervals as may be necessary provided that the interval between two successive meetings shall not exceed 30 days.
- V.10 (ii) Members shall be intimated of meetings in writing or by electronic communication. Some sort of record of intimation of meeting kept with an official of GSCASH is recommended.
- V.10 (iii) Minutes of all meetings shall be recorded, confirmed and adopted.
- V.10 (iv) Any member of GSCASH may request the Chairperson to call an 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 GSCASH. Motions shall be carried by a simple majority of those present and voting.
- V.10 (v) Any member of GSCASH may request the Chairperson to call an Emergency Meeting. At least twenty-four hours notice shall be required for such a meeting to be called. The quorum for an Emergency Meeting shall be one-third of the existing members of GSCASH. Decisions shall be arrived at by a simple majority of those present and voting.
- V.10 (vi) A Special meeting shall be called by the Chairperson of GSCASH, with at least twenty-four hours notice. It shall have a quorum of two-thirds of the existing members of GSCASH, and the attendance of at least one of the third party members shall be mandatory. Decisions will be arrived at by a two-thirds majority of the members present and voting.
- V.10(vii) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or

Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.

- V.10 (viii) GSCASH shall hold at least one public meeting every year where it shall report to the University community about its activities and also for the presentation of the Annual Report of GSCASH.

V.12. Annual Report of GSCASH

As required by the Supreme Court Judgment, the University authorities shall forward to the head of the institution, the Annual Report of GSCASH together with a written report on the Action Taken by them on the recommendations of the GSCASH and the Appeals Committee.

VI. FUNCTIONS OF GSCASH

GSCASH shall be responsible for the implementation of the recommendations of the Working Group on Sexual Harassment appointed by the Vice-Chancellor on 5th September 1997 the Supreme Court Judgement, Saksham Guideline and workplace Act2014. GSCASH shall have four functions:

VI.1 *Gender Sensitisation and Orientation*

- VI.1 (i) GSCASH will ensure the prominent publicity of its Policy in all Centres, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.
- VI.1 (ii) GSCASH will organize programmes for the gender sensitisation 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 programmes.
- VI.1 (iii) GSCASH will conduct at least one major activity per year involving large sections of the University community aimed at increasing the awareness regarding gender sensitisation.

VI.2. Crisis Management and Mediation

- VI.2 (i) GSCASH will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assault on the campus.
- VI.2 (ii) GSCASH will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crisis arising out of incidents of sexual harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.
- VI.2 (iii) GSCASH will, through a circular at the beginning of each semester, enlist and activate an adequately representative team of trained volunteers. GSCASH shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.
- VI.2 (v) In cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider or outsider amounts to a specific offence under the Indian Penal Code or any other Indian law, GSCASH shall assist the affected party in making a complaint to the appropriate authority outside the University.

VI.3 (A) Complaints Filing Process

- VI.3 (A) (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff within a period of 3 months unless on valid grounds for which reason for delay is to be furnished to GSCASH. Third party complaints and witness complaints shall be entertained subject to verification by GSCASH. The GSCASH is empowered to take *suo moto* notice of grave violations of the basic principles of gender sensitivity and justice on this campus.
- VI.3 (A)(ii) Complaints can be lodged directly with any member of GSCASH, or through existing channels for lodging grievances, such as the University authorities, wardens, teachers, students, association representatives, administrative superior, or legal heir etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of GSCASH within two working days of its receipt by her/him.
- VI.3 (A) (iii) Upon receipt of the complaint, the GSCASH member to whom the complaint is made shall at the earliest forward the same to the GSCASH office.
- VI.3 (A) (iv) The complaint may be oral or in writing. If the complaint is oral, it shall be recorded in writing by the GSCASH member receiving the complaint, on the Form prescribed for the purpose and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

VI. 3. (B) Recording of Complaints

- a. The GSCASH office shall receive and record complaints of sexual harassment on the Form prescribed for the purpose. The Committee shall carefully study the complaint and may hear the complainant and the defendant to determine whether an enquiry by GSCASH is required to be instituted.
- b. At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgement. c. At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment. GSCASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined.
- c. The Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of GSCASH within 4 weeks. In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, may go ahead with the enquiry proceedings.

VI. 3. (C) Restraint Order

- VI.3 (C) (i) A restraint order in terms of GSCASH Rules shall provide, on a separate Form prescribed for the purpose, a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the defendant(s) that any

attempt on her /his part or by person(s) acting on his /her behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.

- VI.3 (C) (ii) The complainant or any other person should intimate in writing the Chairperson of GSCASH of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
- VI.3 (C) (iii) The Chairperson of GSCASH be convinced of the truth of such allegations, may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The GSCASH shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.
- VI.3 (C) (iv) The GSCASH shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.
- VI.3 (C) (v) If deemed necessary, the Committee can recommend transfer of hostel or temporary suspension of hostel facilities for the defendant if both the complainant and the defendant stay in the same hostel.

VI. 3. (D) *Withdrawal of Complaint*

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

VI. 4. *Formal Enquiry*

GSCASH shall institute a formal enquiry and provide its resources to ensure the complainant's safety on the campus. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting within reasonable time not exceeding one week to conduct the enquiry.

VI. 4 (B) *Mechanism of Enquiry*

The Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice and gender sensitivity.

The Committee shall act on any violation of the order of restraint issued to the defendant in accordance with the procedure outlined above.

The Committee shall prepare a detailed report within three months its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any.

VI. 4 (C) *Procedure to be followed during the enquiry*

The Committee shall not, at any time in the enquiry proceedings, cause the defendant and the complainant and/or their witnesses to be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious *health and/or safety problems*, in accordance with the guidelines in the Supreme Court Judgement.

The Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is referred to it, except for reasons that the Committee shall provide in writing.

The Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.

For the purpose of making an inquiry the Committee, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

Summoning and enforcing the attendance of any person and examining him /her on oath; Requiring the discovery and production of documents / e-documents; and any other matter which may be prescribed.

The inquiry shall be completed within a period of ninety days.

The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

The Committee shall have the power to summon any official papers or documents/e-documents pertaining to the complainant as well as the defendant.

The Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.

The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

The Committee can terminate the enquiry proceedings and give an *ex-parte* decision on the complaint, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings.

The committee shall inform the defendant and the complainant that counselling services can be made available if so desired.

Within two days of the institution of enquiry proceedings by GSCASH, the Committee shall prepare a summons containing details of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant in the Form prescribed as well as to the defendant in a separate Form meant for the purpose, along with a copy of the Rules and Procedures of GSCASH. It shall also intimate the defendant and the complainant the contact details of all members of the Committee.

The Committee shall also make available to the defendant a true copy of the original complaint(s) lodged by the complainant(s).

Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the committee, in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.

On receipt of the first intimation of the enquiry, and not more than two working days after such date, the complainant and/or the defendant shall inform the committee whether they shall wish to exercise the rights afforded below.

The committee shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.

If the complainant, defendant, or witness desire to appear before the Committee accompanied by one companion of their choice, they shall communicate to the committee the name of that person. Such a person shall have only observer status and her/his presence during proceedings shall be restricted to the testimony of the individual she/he is accompanying.

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Committee, and the action taken by the employer under the provisions of the GSCASH rule shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the Justice secured to any victim of sexual harassment under this rule without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of VFSTR University.

No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chief Enquiry Officer specifically if they wish to exercise this right. The committee may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the GSCASH.

The complainant and the defendant shall have the right of cross-examination of all witnesses. The defendant/complainant shall submit to the committee, a written list of questions that she/he desires to pose to the witness.

The Committee during the enquiry shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by GSCASH as defined above.

The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that

the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

All proceedings of the Committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

If the complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.

In the event that the Committee thinks that supplementary testimony is required, it would forward to the persons concerned a summary of its proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.

After concluding its investigation, the Committee shall prepare detailed report of its findings and recommendations and will submit to the university authorities for necessary action within a period of ten days. In the event that it finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken on the complaint.

VII. COMMUNICATION OF FINDINGS

VII (i) Within 3 working days of the receipt of the report and recommendations of the Committee, the Chairperson of GSCASH shall convene an Emergency meeting. Each member of GSCASH shall have the right to access the entire enquiry proceedings, or any part thereof, and to participate in GSCASH deliberations on the complaint. Within 2 working days of the enquiry, the Chairperson of GSCASH shall forward the report of the Committee, together with a summary of the opinions of the members of GSCASH (including dissenting opinions) to the Vice-Chancellor for consideration of appropriate University authorities - the Executive Council for faculty members and group 'A' officers, and the Vice-Chancellor, for students and other employees. After the GSCASH submits the findings to the competent authority, specifying its recommendations, the administration is entrusted with the duty of sending the final copy of the report to the complainant and the defendant for the purpose of appeal.

VII (ii) Within a reasonable period of time, and not in any case exceeding 30 days from the date of communication of its findings by GSCASH, the appropriate University authority shall convene a meeting with GSCASH, in which at least two-thirds of the Committee shall be present, to discuss the findings and recommendations made after the enquiry.

Where the Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Appropriate Authority through Vice Chancellor that no action is required to be taken in the matter.

Where the Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Appropriate Authority :

to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may be determined.

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to, the GSCASH may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The Appropriate Authority shall act upon the recommendation within sixty days of its receipt.

VIII. OBLIGATIONS OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES

The University authorities shall, through a notification each academic year, notify the names and contact details of the members of GSCASH, and the fact that GSCASH is the University body responsible for gender sensitisation and enquiries into complaints of sexual harassment.

The University authorities will ensure that the Policy is included in the Admission Brochure and 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: VFSTR University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.

In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed on boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels,

The University authorities and functionaries shall forward all complaints of sexual harassment to GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.

The University authorities shall maintain full confidentiality with respect to matters pertaining to GSCASH enquiries into complaints of sexual harassment. The University authorities shall extend all reasonable assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.

As is required by the Supreme Court Judgement, the University authorities and functionaries shall strive to create a workplace in which the functioning of GSCASH and/or the interests of justice are not subjected to undue “pressure from senior levels”.

As required by the Supreme Court Judgement, Saksham Guideline and Work Place Act the University authorities shall forward to the Government department concerned, the Annual Report of GSCASH together with a written report on the Action Taken by

them upon the decisions/recommendations of the GSCASH and/or the Appeals Committee.

IX. PENALTIES

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

IX (1) Penalties in Case of Academic Staff

- Warning, reprimand, or censure.
- Withholding of one or more increments.
- Removal from an administrative position at the Centre, School and/or University levels.
- Debarment from holding an administrative position at the Centre, School and/or University levels.
- Compulsory retirement.
- Dismissal from service.
- Further, the penalty awarded shall be recorded in his/her Confidential Record.

IX (2) Penalties in Case of Non-Teaching Staff

- Warning, reprimand, or censure.
- Withholding of one or more increments.
- Compulsory retirement.
- Dismissal from service.
- Further, the penalty awarded shall be recorded in his/her Confidential Record.

IX (3) Penalties in Case of VFSTRU Students

- Warning or reprimand.
- Withdrawal of hostel accommodation for a period up to one semester.
- Withdrawal of the right to an official character certificate from VFSTR University.
- Withdrawal of hostel accommodation for the entire period of study.
- Rustication from the University for a period up to two semesters.
- Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by VFSTR University
- Withholding of a degree awarded by VFSTR University. Further, the penalty awarded shall be recorded in his/her Personal File.

IX (4) Penalties in Case of Outsiders

- Warning, reprimand, or censure.
- A letter communicating her/his misconduct to her/his place of education, employment or residence.

- Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by VFSTR University.
- Any other action as may be necessary.

IX (5) Penalties in Case of Service Providers

- Warning, reprimand, or censure.
- A letter communicating her/his misconduct to her/his place of employment.
- Declaration of the campus as out of bounds for her/him.
- Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- Any other action as may be necessary.

In addition to the penalties specified under (1)-(5) above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant.

IX (6) Penalty in Case of a Second Offence

A second or repeated offence, may, on the recommendation of GSCASH, attract a major penalty.

X. OTHER FUNCTIONS

X (1) False Complaint/Deposition

If the Committee finds no merit in any complaint/deposition, it shall write to the Chairperson of GSCASH giving reasons for its conclusions.

Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the action to be taken to decide whether a show-cause notice shall be issued to the complainant/witness(es).

Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant/witness (es). The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant/witness (es) to explain, within seven days (in writing and/or in person), as to why disciplinary action shall not be taken against her/him.

Within four working days of receipt of any explanation from the complainant/witness (es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of GSCASH shall convene a Special Meeting to consider the explanation or any lack thereof.

In the event of no, insufficient, or unconvincing explanation, GSCASH shall forward its findings to the appropriate University Authority for further action.

Where the Committee, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Appropriate Authority to take action against the woman or the person who has made the complaint, in accordance with the provisions of the service

rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

Where 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 to the Appropriate Authority, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

X (2) Protection against Victimisation

If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry 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.

If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry 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.

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 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 for protection of the Committee Members.

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.

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

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

X (3) Provisions for Appeal

If the complainant or defendant is dissatisfied with the findings of the Committee she/he shall have the right to appeal to an Appeals Committee. A period of 7days from

the receipt of the findings will be given to file an appeal. Appeals may be lodged with the University authorities.

An Appeals Committee shall consist of:

- One person nominated by the Vice Chancellor as Chairperson of the Executive Council of VFSTR University from amongst its members,
- One former Chairperson of GSCASH or any former senior woman member of GSCASH nominated by the Vice-Chancellor. The nominee shall chair the Appeals Committee, and
- One woman faculty member of the Women Empowerment Cell, VFSTR University, or any other senior woman faculty member nominated by the Vice-Chancellor.

The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record.

On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.

The Appeals Committee shall report to the Vice Chancellor of VFSTR University its findings and recommendations on the nature of the action to be taken on the appeal within 15 days.

The University should take action within 30 days of the receipt of the findings of the Appeals Committee.

X (4) Amendment to the Rules & Procedures of GSCASH

Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy, and the Rules and Procedures.

Amendments shall be effected by a decision taken in a Special Meeting of GSCASH 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.

An amendment motion shall be adopted by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days. In the event of a tie occurring for the third time, the decision of the Chairperson shall be final.

X (5) Miscellaneous

The provisions of these Rules and Procedures shall be duly incorporated within any other Statute, Circular or Ordinance of the University as may be relevant, in keeping with the Supreme Court Judgment.

The proceedings under these Rules and Procedures shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.

The provisions of these Rules and Procedures shall not restrict the powers of the University or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.
