

GSCASH

Gender Sensitization Committee against Sexual Harassment

Gender sensitization against Sexual harassment in campuses is a sine qua non of peaceful and respectful living. Sexual harassment can happen at work places, institutions, in the family or on the streets. Even in an enlightened institution like a university campus sexual harassment cannot be very uncommon.

With the aim of constituting a legally formalized Cell to address gender issues, the gender sensitization committee against sexual harassment (GSCASH) in Central University of Jammu has been constituted.

GSCASH Guidelines are in compliance with

- Ministry of Human Resource Development, University Grant Commission Notification 2016
 - University Grant Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015
 - UGC guidelines for ensuring gender neutrality, 2016
 - Ministry of Women and Child Development Guidelines for Gender Champions in Educational Institutions, 2016
- 1) Short title, application and commencement-These regulations may be called Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015
 - 2) Definitions-In these regulations, unless the context otherwise requires
 - (a) Aggrieved women/man/TG means in relation to workplace, a women/man/TG of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent
 - (b) 'Act' means the sexual harassment of women at workplace (Prevention, prohibition and redressal) Act 2013 (14 of 2013);
 - (c) 'campus' means the location or the land on which Central University of Jammu and its institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centers, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centre, canteens, bank counter, etc., are situated and also includes extended campus and covers within its scope places visited as a student of Central University of Jammu including transportation provided for the purpose of commuting to and from institution, the locations outside the institution on field trips, internships, study tour, excursions, short term placements, places under for camps,

cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of Central University of Jammu

- (d) 'Commission' means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);
- (e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- (f) 'employee' means a person as defined in the act and also includes, for the purposes of these Regulations trainee apprentice (or called by any on the name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short visits and camps;
- (g) 'Executive authority' means the apex body SPARSH of the CUJ, in which the general administration of the CUJ is vested;
- (h) HEI means CUJ with in the meaning of Clause(j) of sec (2), a college within the meaning of clause(b) of sub sec(1) of section 2(A) under UGC Act 1956

- (i) 'Internal Complaints Committee' (ICC) means Internal Complaints Committee to be constituted by CUJ under sub regulation (I) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH) should be reconstituted as the ICC. Provided that in the latter case CUJ shall ensure that the constitution of such a body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;

- (j) 'protected activity' includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation.

- (k) "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 non verbal 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 favours;
- (b) implied or explicit promise 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;

(l) “student means a person duly admitted and perusing a programme of study either through regular mode or distance mode, including short-term training programmes in Central University of Jammu.

Provided that a student who is in the process of taking admission in Central University of Jammu campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that Central University of Jammu, where any incident of sexual harassment taken place against such student;

Provided that a student who is a participant of any of the activities in Central University of Jammu other than the Central University of Jammu where such student is enrolled shall be treated, for the purpose of these regulations, as a student of that Central University of Jammu where any incident of sexual harassment taken place against such student;

(m) “ 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 Central University of Jammu, but a visitor to the Central University of Jammu in some other capacity or for some other purpose or reason ;

(n) “Victimisation”, means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour”

(o) “workplace” means the campus of a Central University of Jammu including-

- (a) 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 Central University of Jammu.

- (b) Any sports institute, stadium, sport complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in Central University of Jammu.
- (c) 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 of CUJ for undertaking such journey for study in Central University of Jammu.

Responsibilities of Central University of Jammu:

- (a) Wherever required, appropriately subsume the spirit of the above definition in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students and modify its ordinance and rules in consonance with the requirements of the Regulations;
- (b) Publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- (c) organize training programmes or as the case maybe, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the University, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enriched in the Act and under these regulations;
- (d) act decisively against all gender based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students and some male students and students of third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;
- (e) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (f) Reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (g) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro harassment.

(h) include in its prospectus and display prominently in conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment, contact details of the members of Internal Complaints Committee, complaints procedures on. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH) should be reconstituted as the ICC/ UCC;

Provided that in the latter case Central University of Jammu shall ensure that constitution of such a Body is as required for ICC/UCC under those regulations. Provided further that such a Body that be bound by the provisions of these regulations;

- inform employees and students of the recourse available to them if they are victims of sexual harassment;
- organize regular orientation or training programmes for the members of the ICC/UCC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- proactively move to curb all forms of harassment of employees and students and students whether is from those in a dominant power of hierarchical relationship within Central University of Jammu or owing to intimate partner violence or from peers or from elements outside of the geographical limits of Central University of Jammu.
- Be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like ICC/UCC to curb and prevent sexual harassment on its campus;
- treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- treat sexual harassment as a violation of the disciplinary rules (leading up to suspension and expulsion) if the perpetrator is a student;
- ensure compliance within the provisions of these regulations, including appointment of ICC/UCC, within a period of sixty days from the date of publication of these regulations;
- monitor the timely submission of reports by the ICC/UCC;

- prepare an annual status report with details on the number of cases filed and their disposals and submit the same to the Commission.

Supportive Measures-(1) The rules, regulations or any such other instrument by which ICC/UCC shall function have to be updated or revised from time-to-time, as court judgment and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

(2) The executive authority of Central University of Jammu shall mandatorily extend full support to see that the recommendations of the ICC/UCC are implemented in timely manner. As possible institutional resources must be given to the functioning of the ICC/UCC, including office and building infrastructure (computers, photocopiers, audio video equipments, etc.), staff (typists, counseling and legal services) as well a sufficient of financial resources.

(3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees shall be sensitive to such vulnerabilities and special needs.

(4) Since research students and doctoral candidates are particularly vulnerable Central University of Jammu shall ensure that the guidelines for ethics for Research Supervision are put in place.

(5) Central University of Jammu shall conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy

(6) All Academic Staff Colleges (now known as Human Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) shall incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.

(7) Orientation courses for administrators conducted in CUJ must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the CUJ community.

(8) Counseling services shall be institutionalized in CUJ and must have well trained full-time counselors.

(9) CUJ shall have adequate lighting as a necessary aspect of infrastructure and maintenance.

(10) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.

(11) CUJ shall ensure reliable public transport, especially with in large campuses between different sections of the CUJ hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport may be considered by CUJ to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.

(12) CUJ shall accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.

(13) Concern for the safety of women students, male/TG must not be cited to impose discriminatory rules for all in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students including all gender.

(14) Adequate health facilities are equally mandatory for all HEIs. CUJ shall specially take care of women and medical facility shall be given to all genders.

(15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitization and remain autonomous of the functioning of antisexual harassment committees and ICCs/UCCs. At the same time they shall extend their activities to include gender sensitization programmes in consultation with ICCs /UCCs and help to disseminate anti sexual harassment policies on campuses on a

regular basis. The 'cultural' space and the 'formal academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.

(16) Hostel Wardens, Provosts, Principals, Vice Chancellors. Legal Officers and other functionaries are within the domain of accountability through amendments in the rules or Ordinances where necessary.

3.2 Supportive Measures-(1) The rules, regulations or any such other instrument by which ICC/UCC shall function have to be updated or revised from time-to-time, as court judgment and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

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Grievance Redressal Mechanism-

(1) The apex body of GSCASH constitutes an Internal Complaints Committee (ICC)/UCC with an inbuilt mechanism for gender sensitization against sexual harassment.

Responsibilities of internal complaints committee ICC/UCC- The Internal Complaint Committee /University Complaint Committee shall –

- a) Provide assistance if an employer 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 minimise the need for purely punitive approaches that lead to further resentment, alienation and 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 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 protective activity

6. The process for making complaint and conducting enquiry- The ICC/ UCC shall comply with the procedure prescribed in these regulations and the Act for making a complaint and inquiring into the complaint in a time bound manner. The CUJ shall provide all necessary facilities to the ICC/ UCC to conduct the inquiry expeditiously and with required privacy.

7. Process of making complaint of sexual harassment- An aggrieved person is required to submit a written complaint to the ICC/ UCC within 3 three months from the date of incident and in case of a series of incidents within a period of three months from the date of last incident.

Provided that where such complaint cannot be made in writing, Presiding Officer or any member of the ICC/ UCC shall render all reasonable assistance to the person for making the complaint in writing.

Provided further that the ICC/ UCC may , for the reasons to be accorded in the writing , extend the time limit not exceeding three months. If it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

Friends, Relatives, Colleagues, Co-students, Psychologists, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make complaint on account of physical or mental in capacity of death

Interim redressal – CUJ shall -

- 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 ICC/UCC.
- b. Grant leave to the complainant 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 the offenders are warned to keep a distance from the aggrieved and wherever necessary if there is a definite threat; restrain their entry in to 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.

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

2) Where the respondent is a student depending upon the severity of the offence the CUJ may

- a. withhold privileges of the student such as access to the library, auditoria, halls of residence, transpiration, 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 demal of readmission, if the offence so warrants.
- d. award reformative punishments like mandatory counselling and or performance of community services.

The aggrieved person is entitled to the payment of compensation. The CUJ shall issue direction for payment of the compensation recommended by the ICC/UCC 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 installments.

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