

## GSCASH

Details



### Proforma for Filing of Complaint

## Gender Sensitisation Committee against Sexual Harassment (GSCASH)

### Rules and procedures of the GSCASH

These are the Rules and Procedures of the Gender Sensitisation Committee against Sexual Harassment, which is the body constituted by University of Hyderabad in consonance with the Sexual Harassment of Women at the Workplace (Prevention, prohibition and redressal) Act 2012. University of Hyderabad is committed to providing a place of work and study free of sexual harassment, intimidation, and/or exploitation.

GSCASH is the University's instrument for addressing issues/grievances/cases of sexual harassment and recommending their redressal. This is in keeping with Article 21 of the Constitution of India which assures every individual the right to live with human dignity, free from exploitation. The State, therefore, is under a constitutional obligation to see that there is no violation of the fundamental right of any person. It is in this spirit that the policy of University of Hyderabad is formulated to prevent sexual harassment of women on the campus. The policy extends to all students, faculty, staff, officers, residents and visitors of the University. The Committee will take cognizance of all forms of sexual harassment towards women and will promote gender sensitisation. This is also in tune with the concern expressed by the University Grants Commission about ensuring safe environment for women students and employees in educational institutions.

### Scope of the Committee

These Rules and Procedures of the University of Hyderabad Gender Sensitisation Committee Against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these Rules and Procedures of GSCASH shall apply to all students, academic staff, and non-teaching staff on active rolls of the UOH, as also to residents, service providers, workers and outsiders who may be within the territory of UOH at the time of commission of the act attracting GSCASH Rules. These rules and procedures shall be applicable to all complaints of sexual harassment made:

By a student against a member of the academic/non-teaching staff/a co-student/resident/service provider/worker

By a member of the academic/non-teaching staff/family member against a student/another member of the academic or non-teaching staff/resident in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

By a resident against a student/member of the academic/non-teaching staff /service provider

By a service provider/worker against a student/member of academic/non-teaching staff/resident/outsider

By an outsider against a student/member of the academic/non-teaching staff/resident/service provider if the sexual harassment is alleged to have taken place within the campus.

By a student/academic/non-teaching staff/ resident/service provider/worker against an outsider if it occurs on the campus

### Definition of Sexual Harassment

Sexual harassment includes any one or more of the following **unwelcome acts** or behaviour(whether directly or by implication) namely

physical contact and advances

a demand or request for sexual favours

making sexually coloured remarks

any unwelcome messages through telephone or internet

showing pornography

any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

### Other Definitions

Academic staff includes Professors, Associate Professors, Assistant Professors and such other persons as may be designated as such for imparting education/instructions or for giving guidance or rendering assistance to students for pursuing any course of study. It includes any person or the staff of the council who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, guest, consultancy, or on special duty or

deputation. It also includes persons employed on a casual or project basis. Persons on the academic staff of any of the institutions associated with UOH or participating in any workshop/seminar/training/conference/ consultancies are covered by these rules during the stay or official stay with UOH.

Non-Teaching Staff includes any person on the staff of the UOH who is not included in the category of academic staff. It shall also include administrative staff, technical staff, officers, consultants, support staff, contractual workers and daily wagers only to the extent that they are performing UOH related activities.

Student includes any person who is enrolled for any course, whether full time or part time, with UOH 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 UOH for short-term courses at UOH.

Campus includes all places of work at the University of Hyderabad. It includes all places of instruction, research and administration, as well as hostel, health centre, sports grounds, parks, streets, lanes and canteens, etc. on the UOH campus.

Employee includes a person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are expressed or implied, and includes any person employed as a temporary, casual, piece-rated or contract worker, such as construction workers, probationer, trainee, apprentice or by any other name called. It also includes any person who is a temporary resident of any of the accommodations or premises allotted by UOH.

Third party includes the NGO representative serving on or empanelled by GSCASH.

NGO includes any Non-Governmental Organisation registered under the Societies' Registration Act or as a public charitable trust recognised 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 UOH; 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 UOH.

Outsider includes any person who may be an old student or non-boarder, who is not a student, resident, or member of the academic or non-teaching staff of UOH. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residences in the UOH campus.

Resident includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by UOH, irrespective of whether he/she is the person to whom the accommodation is officially allotted.

Service provider includes any person who runs or manages commercial enterprises, or provides services such as cable tv workers, milk and newspaper distributors on the campus, construction workers. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes,

University administration shall refer to the Vice-Chancellor of UOH, by virtue of her/his being the head of the Executive Council of UOH, as well as any such person to whom such power may be delegated and/or any person who is entrusted with any powers and functions to act on behalf of the University. For faculty members and group 'A' officers, the appropriate University authority is the Executive Council, and for students and other employees, it is the Vice-Chancellor.

University functionaries includes any person appointed, designated or nominated by the University administration to a position of service in UOH, and includes, but is not limited only to, the following: Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar, the Finance Officer, the Controller of Examinations, University Engineer and others.

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 UOH and Chief Warden shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as the Chief Warden of all the hostels of the University.

Hostile environment is an environment created by unwelcome sexual behaviour or behaviour directed at an employee because of that employee's sex that is offensive, hostile and/or intimidating and that adversely affects that employee's ability to do his or her job. For example, pervasive unwelcome sexual comments or jokes that continue even though the recipient has indicated that such a behavior is unwelcome.

### **Term and Composition of GSCASH**

The term of each Committee shall be two years. The previous Committee will however continue till the new Committee is constituted. In the event of the expiry of the term of GS Committee against Sexual Harassment during the pendency of an enquiry then for purposes of that complaint, the previous Gender Sensitisation Committee against Sexual Harassment will be regarded as a valid Committee, till the submission of the Enquiry Report to the University administration.

GSCASH shall have a membership of 15 people of whom at least half the members shall be women.

Four faculty members specially elected/nominated by their respective schools to serve on GSCASH. Members to be elected or nominated shall be from different schools and the schools will be represented by rotation.

One of these members shall be an SC/ST representative

One of these members shall be on OBC/Minority representative

Three students, one Research Scholar, one Masters student and one Integrated Masters student, specially elected to serve on GSCASH.

One of these students shall be an SC/ST representative and at least two shall be women

One woman officer and one woman non-teaching staff member specially elected/ nominated by their respective Unions to serve on GSCASH.

Chief Warden

Dean Students Welfare

Representative, UOH Students' Union

Representative, UOH Teachers' Association

One woman representative of an NGO

One woman counsellor (legal or psychological expertise)

Chairperson shall be elected by the GASCASH from among its members

### **Functions of GSCASH:**

CASH has two major functions: Preventive and Remedial

#### **Preventive**

To work towards creating an atmosphere promoting equality, non discrimination and gender sensitivity.

To promote and facilitate measures to create a work and study environment that is free of sexual harassment.

#### **Remedial**

To receive and take cognizance of complaints made about sexual harassment at the university and give every complaint serious consideration.

Crisis Management, Mediation and Counselling

To conduct enquiries into the complaints, place findings and recommendations regarding penalties against the harasser in accordance with the rules and procedures laid down by the GSCASH, before the University Administration

#### **Rules and Procedures**

All meetings of the Committee will be called by the Chairperson and a notice of at least 5 working days must be given for the meeting while in exceptional cases emergency meeting may be convened as per the requirement.

No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Committee.

Any Committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.

If the GSCASH decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.

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

The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.

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 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. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.

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

All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.

**Exception:** A complainant has the right to go public about the complaint of sexual harassment if she so desires. If the Complainant goes public before filing the complaint with the Committee against Sexual Harassment, the same shall not prejudice the Committee members

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, the Convenor of the Committee shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.

All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned Committee against Sexual Harassment and the same shall not be made available pursuant to an application under the Right To Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the Committee Against Sexual Harassment in a fiduciary relationship and the non disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005.

### **Election of Chairperson**

The Chairperson of GSCASH shall be a woman faculty member, and shall be elected by the members of GSCASH from amongst themselves. In the event of the Chairperson of GSCASH being unable to discharge her duties for a period exceeding 21 days (barring the period when the University is on vacation), GSCASH shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of GSCASH for that period. 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.

### **Disqualification of Chairperson and Members**

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of GSCASH if there is any complaint concerning sexual harassment pending against her/him, or if she/he has been found guilty of sexual harassment/serious misconduct.

### **Vacancy of a Member Owing to Absence without Intimation**

If a member elected or nominated or designated to GSCASH remains absent without written intimation to the GSCASH for three consecutive meetings, her/his office shall thereupon become vacant.

### **Resignation of a Member**

A member of GSCASH may resign her/his office at any time by tendering her/his resignation in writing to the Chairperson of GSCASH. Such a person shall be deemed to have vacated her/his office as soon as GSCASH has accepted the resignation.

### **Filling a Vacancy in GSCASH**

If a vacancy arises in GSCASH, GSCASH shall coordinate with the relevant body to arrange for the filling up of the vacancy in the particular category barring the period during which the University is on vacation. If the vacancy remains unfilled after the specified period, the Vice-Chancellor may, in consultation with GSCASH, fill up the vacant positions by appropriate nominations for the residual period. No act or proceedings of GSCASH shall be invalidated merely by reason of the existence of a vacancy or vacancies.

### **Meetings of GSCASH**

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. Members shall be intimated of meetings in writing or by electronic communication. Minutes of all meetings shall be recorded, confirmed and adopted.

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.

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. Motions shall be carried by a simple majority of those present and voting.

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. Motions shall be carried by a two-thirds majority of the members present and voting. 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.

Internal members of the Committee can conduct the preliminary enquiry (where necessary) and take an interim decision in an emergency. External members have to be present while taking a decision regarding a complaint and recommending penalties against the defendants if proven guilty.

### **Procedure for Registering Complaints**

All complaints must be brought by the complainant in person.

The following exceptions will be admitted:

In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the Committee will examine whether an enquiry, intervention or some other assistance is needed.

In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to enquire into it as per the procedure specified.

Where the Committee takes suo moto notice.

Complaints can be lodged directly with any member of the GSCSH, or through existing channels for lodging grievances, such as the UOH administration, academic and non-academic staff association 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 the Committee within two working days of its receipt by her/him.

The complaint may be oral or in writing. If the complaint is oral, it shall be documented in writing by the GSCASH member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The members of the Committee shall maintain confidentiality about the proceedings conducted by them.

Suspension/ transfer of the alleged harasser from his official position can be considered during the pendency of the enquiry if his presence is likely to interfere with the enquiry.

The victim of sexual harassment will have the option to seek transfer of the perpetrator or her own transfer where applicable.

All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.

The proceedings under these Rules and Procedures of GSCASH shall not, in any way, be affected by any other proceedings against the defendant taken up 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 of GSCASH 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.

### **Procedure to be followed by the Committee**

On receipt of a complaint the Committee shall record it to writing. Within ten days of the receipt of a complaint, the Committee must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose. Due attention must be paid to confidentiality of the complainant and the defendant and no mention of their details may be made in the record.

The Committee shall enquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity. The Committee is empowered to take steps to settle the matter under the new Act to the satisfaction of the complainant before initiating a formal enquiry into the matter.

The complainant/ will be allowed to be accompanied by one representative during the enquiry. They shall communicate to the Convenor of the Committee the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.

During the enquiry proceedings the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.

Prior to the institution of enquiry proceedings,

The Committee shall prepare a document containing a summary 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 and the defendant. The defendant shall be given all this information in the prescribed format along with a copy of the Rules and Procedures of this Policy.

The Committee must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 5 days to respond to the charge sheet.

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

The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee 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.

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 right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.

The venue of the enquiry should take into consideration the convenience and security of the complainant.

The Committee should be sensitive to covert forms of harassment that may be faced by the complainant.

The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee.

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 once prepared 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 a member of UOH. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Committee specifically if they wish to exercise this right. 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. However such cross-examination shall be conducted in the form of written questions and responses via the Committee only. The defendant shall have no right to directly cross examine the complainant or her witnesses.

The defendant/complainant may submit to the Committee, a written list of questions that he/she desires to pose to the complainant/witness. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the defendant.

Nothing precludes the GSCASH from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings. If a new fact or evidence is brought to the notice of the Committee Against Sexual Harassment after submission of the Enquiry Report to the appropriate disciplinary authority, then in the event of the constitution of the reconvened Committee, at least half of the members of the present Committee shall be those who originally enquired into the said complaint.

The Committee shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that often the aggrieved woman may not be able to submit/ present direct or corroborative evidence.

The Committee shall not permit any evidence or examination based on the aggrieved woman's character, personal life, conduct, personal and sexual history.

The Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organization/workplace, the employer-employee equations and other power differences while appreciating the evidence.

The Committee shall inform the complainant/s that she may give her answers to questions of a sensitive nature in writing at the enquiry proceedings during cross examination.

#### **Enquiry to be completed within 90 days: -**

The Committee shall strive to complete the enquiry in the shortest possible time, preferable within three months from the date on which the complaint is referred to and not exceeding it.

#### **Findings of the Committee:**

After concluding its enquiry, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee.

The Committee shall provide a report of its findings to the employer within 10 days of completion of inquiry and such report shall be made available to the concerned parties.

No observations regarding the work and behaviour of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant.

An opportunity made be given to the parties to be heard on the findings before a recommendation is made.

Upon the completion of an enquiry, the said Committee may in a detailed and reasoned manner pass any of the following orders:

If the Committee finds no merit in the complaint, it shall write to the competent authority giving reasons for its conclusions.

The concerned Committee may then dismiss the complaint which was subject of the Inquiry.

In the event that the Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken taking into consideration the gravity of the offence of which he has been found guilty and the impact on the complainant. The disciplinary action will commensurate with the nature and impact of the sexual harassment. It shall also recommend whether after disciplinary action has been taken, the University Administration should publicize the identity of the offender, the misconduct and the disciplinary action taken.

The penalties listed below are indicative, and shall not constrain the UoH administration from considering others,

in accordance with the rules governing the conduct of all members of the UoH.

**In the case of academic/administrative/technical/non-teaching staff/management, the recommended disciplinary action could be one or more of the following:**

Warning

Written apology

Bond of good behaviour

Gender sensitization

Counselling

Adverse remarks in the Confidential Report

Debarring from supervisory duties

Suspension

Denial of membership of statutory bodies

Denial of re-employment

Stopping of increments/promotion

Reverting, demotion

Transfer

Dismissal

Withdrawal of residential facilities and prohibition from entry on the campus etc.

Any other relevant mechanism.

**In case of students, the recommended disciplinary action could be:**

Warning

Written apology

Bond of good behaviour

Gender sensitization

Counselling

Debarring entry into a hostel/ campus

Withholding results

Debarring from exams

Debarring from contesting elections

Debarring from holding posts

Suspension for a specified period

Expulsion/ Rustication

Denial of admission

Declaring the harasser as "persona non grata" for a stipulated period of time

Any other relevant mechanism.

(NOTE: The reasons for the action have to be provided in writing. **Action will be taken against person(s) who try to pressurize the complainant in any way).**

**Penalties that could be recommended 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 UoH.

Any other action as may be necessary.

#### **Penalties that could be recommended 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 above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant.

#### **Penalty that could be recommended in case of a second offence**

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

#### **Where Sexual Harassment amounts to criminal offence:**

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the Committee Against Sexual Harassment to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

#### **Report of the Committee**

The report of the Committee shall be deemed to be an inquiry report under the Central Civil Services (Conduct) Rules, 1964 or any other rules governing the concerned educational institution.

Within 5 working days of the preparation of the report of the Committee, the Chairperson of the GS Committee against Sexual Harassment shall convene a meeting. Each member of the Committee against Sexual Harassment shall have the right to access the entire enquiry proceedings, or any part thereof. The GS Committee against Sexual Harassment will discuss the Report and recommendations for disciplinary action, if any. Within five working days of the adoption of the report, the Chairperson of the Committee against Sexual Harassment shall forward the Enquiry Report, together with a summary of the opinions to the University Administration.

#### **Annual Report of GSCASH**

As required by the Supreme Court Judgement, the University administration shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on the action taken by them on the recommendations of the GSCASH.

#### **Action to be taken by University Administration**

Upon receipt of the Enquiry Report the University Administration will promptly act on the Enquiry report. If the disciplinary authority disagrees with or wishes to modify the recommendations made by the Committee against Sexual Harassment it may do so by recording the reasons in writing. The same shall also be communicated in writing to the concerned Committee against Sexual Harassment.

A copy of the Enquiry Report shall be given by the disciplinary authority to the complainant and the defendant.

The University Administration **shall take disciplinary action within 1 month of receipt of the Report from the Committee against Sexual Harassment.**

No person accused of an act of Sexual Harassment under this policy shall be part of the decision making process referred to this section.

#### **Obligations of University of Hyderabad Administration**

Ensure a safe environment free from Sexual Harassment including prevention and deterrence of Sexual Harassment.

Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment.

Maintain a proactive program to educate all members as to the definition of sexual harassment and procedures for redressal.

Undertake workshops and training programmes at regular intervals for sensitizing the members.

Prominently display notices in various places spreading awareness about the issue of “Sexual Harassment on Campus” and giving information for the redressal mechanism that has been put in place and encouraging its members to file their grievances.

Facilitate initiation of proceedings under this Policy through the institution of GSCASH to redress the instances of sexual harassment.

The University administration 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 administration will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration. The University administration will ensure that recruitment announcements to all academic and non-teaching positions include the following statement as notification of the Policy: UOH 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 administration 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, etc.

The University administration and functionaries shall provide legal, medical and counselling assistance to those complainants who have to take recourse to the law.

The University administration 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 administration will convey the action taken on the basis of recommendations of GSCASH regarding any complaint to the GSCASH as soon as the action is implemented.

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

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

### **Networking**

Each Department/Centre/School/hostel will have a two member Committee(number can be more where possible) of elected/nominated faculty and students.

GSCASH may liaison with the concerned Committees for awareness, orientation, sensitization and other preventive work, as and when deemed necessary by the Committees.

If necessary, assistance may be sought from the Head/Dean/Director of the Department/School/Centre and other similar persons in administration.

At least one member of GSCASH should be invited to be part of decision-making bodies such as School Board, Academic Council, Executive Council.

GSCASH should establish networks with legal experts, legal aid centres, counselling centres, health centres, police stations, Crimes against Women cells, women’s groups in the city and other organisations such as the National/State Commission for Women and National/State Human Rights Commission.

### **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.

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, he will not be allowed to reside/provide service on Campus.

#### **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 Sexual Harassment of Women at the Workplace (Prevention, prohibition and redressal) Act 2012

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 earned 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.

#### **Internal Complaint Committee members:**

- |   |                            |
|---|----------------------------|
| 1. Prof. V. Sita (School of Management Studies)       | Presiding Officer          |
| 2. Dr. Ragiba Makandar (Department of Plant Sciences) | Member                     |
| 3. Dr. Sapna Singh (School of Management Studies)     | Member                     |
| 4. Dr. C.T. Anitha (School of Medical Sciences)       | Member                     |
| 5. Prof. P. Prakash Babu, (Dean, Students' Welfare)   | Ex-officio Member          |
| 6. President, UoH Teachers' Association               | Ex-officio Member          |
| 7. Prof. Y. Vishnupriya, (Dean, Faculty of Law, OU)   | Third party representation |
| 8. Smt. B.Girija, (CEO, Niraya (NGO)                  | Third party representation |
| 9. Dr. (Mrs.) P. Rajasree (CMO, Health Centre)        | Member                     |
| 10. Dr. (Mrs.) V. Uma (Dy. Librarian, IGM Library)    | Member                     |
| 11. Mr. Kuldeep Singh (President, UHSU)               | Ex-officio Member          |
| 12. Ms. Firdaus Soni, (Ph.D Sociology)                | Student Representative     |
| 13. Ms. Bishnupriya Bagh, (M.A Economics)             | Student Representative     |
| 14. Ms. M.Tushara, (IMA Political Science)            | Student Representative     |

#### **Contact details of ICC Members**

#### **CASH Newsletter - May 2016**