

7th Floor

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School of Languages

ANNEXURE - I

Item No. 6.8/EC/2.6.2005

**RULES AND PROCEDURES OF GENDER
SENSITISATION COMMITTEE AGAINST SEXUAL
HARASSMENT (GSCASH)**

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**JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI - 110 067**

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RULES AND PROCEDURES OF GENDER SENSITISATION COMMITTEE AGAINST SEXUAL HARASSMENT (GSCASH)

I. BACKGROUND OF THE RULES AND REGULATIONS

These are the Rules and Procedures of the Gender Sensitisation Committee against Sexual Harassment¹, which is the body constituted by Jawaharlal Nehru University, New Delhi (vide the Notification dated 16 April

¹ GSCASH draws its legitimacy principally from the guidelines laid down by the Supreme Court of India in the Vishaka (Annexure 1) and Apparel judgements (Annexure 2). Pursuant to Supreme Court's directive to the Central and all State Governments for the enforcement of the guidelines on prevention and deterrence of sexual harassment in the workplace, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), Govt. of India, vide the Office memorandum dated 13 February 1998, notified these guidelines to all Ministries and Departments of the Government of India and State Governments (Annexure 3). JNU was notified of these by the Department of Woman & Child Welfare, the National Commission for Women (NGW), The University Grants Commission, and the Labour Ministry (Annexure 4). In all these instances GSCASH has framed the University's official response.

The existence and terms of reference of GSCASH have been reported to, and sanctioned by, both the Executive Council and the Academic Council of JNU. Resolution No. 5.5 of the Executive Council on 6.5.1998 (Annexure 5) resolved that Jawaharlal Nehru University should Institute a Standing Committee to look into any grievance/complaint relating to sexual harassment and make appropriate recommendations to Vice-Chancellor for the redressal thereof." Although the resolution suggested a different composition of this Standing Committee, the 8 March 1999 composition was sanctioned by the then Chairperson of the University Grants Commission, Prof. A.S. Desai, in her letter dated 17.12.1998 addressed to faculty members of the Gender Studies Forum (Annexure 6). The University wrote to the UGC on 14.10.1998 (Annexure 7) conveying the opinion in support of the 8 March 1999 composition of GSCASH, and after this was obtained, GSCASH was (Annexure 8) instituted.

It is to be noted that in terms of the Vishaka judgment the jurisdiction of GSCASH can extend only to the workers of JNU, and that it is JNU (and the UGC) that has vested it with the responsibility of dealing with complaints of sexual harassment involving students and employees.

1999), on the recommendations of the Working Group on Sexual Harassment, headed by Prof. Karuna Chanana, appointed by the Vice-Chancellor on September 5, 1997. This body shall implement the Jawaharlal Nehru University Policy Against Sexual Harassment (vide the Circular dated 25 February 1999) as also the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997, on the prevention and deterrence of sexual harassment at the workplace. It may be pointed out that although these Rules and Procedures follow the spirit of the Vishaka judgement, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education. The Rules and Procedures notified here are based on the approval accorded to these by the Executive Council.

"Sexual harassment"² in this context, (as is described in the Supreme Court Judgement, and the Policy), 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,

² The definition of sexual harassment is to be read non-restrictively, and in conjunction with definition of sexual harassment in the JNU Policy and the Vishaka judgment. Delivering the judgement, the Chief Justice observed that each incident of sexual harassment "results in violation of the fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. It is a clear violation of the rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'. Such violations, therefore, attract the remedy under Article 32 for the enforcement of these fundamental rights of women."

employment, participation, or evaluation of a person's engagement in any academic or campus activity.

- 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, 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.

II. SHORT TITLE AND SCOPE

These Rules and Procedures of the Jawaharlal Nehru 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 Jawaharlal Nehru University, New Delhi, as also to residents, service providers, and outsiders, who may be within the territory of JNU at the time of commission of the act attracting GSCASH Rules, on the Jawaharlal Nehru University campus, to the extent specified in these Rules and Procedures.

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

- II(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.
- II(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.

- !!(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.

These Rules and Procedures contain a large number of important terms which have a specific meaning. Definition of all these terms is contained in the Appendix in addition to those given here.

III. COMPOSITION AND PROCEDURES OF GSCASH

III.1. **Composition**

GSCASH shall have a membership of thirteen persons. The composition of these members is given below while the bodies which shall elect or nominate these members are given in the next section. The number of women members should not be less than half³.

³ The Vishaka judgment : "The Complaints Committee should be headed by a woman and not less than half of its members should be women." It is an established interpretation that the guidelines do not entail that the Complaints Committee, or any sub-committee of it, necessarily be exactly 50% woman. This interpretation is inherent in the Office Memorandum dated 13 February 1998 (Annexure 3) issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), which provides that not less than half the members of the Complaints Committee should be women.

It is also to be noted that the Supreme Court's guidelines about the composition of the Complaints Committee derives from its recognition that the workplace is part of society, and discriminatory norms against women are as prevalent in this arena as they are in society at large. As a consequence, complaints of sexual harassment and/or other forms of gender discrimination are normally not addressed. THE VISHAKA PROVISIONS FOR A BODY THAT IS AT LEAST 50% WOMAN IS INTENDED TO INDUCE EMPLOYERS TO REDRESS GENDER DISCRIMINATION IN THE DELEGATION OF POWER AND RESPONSIBILITIES IN THE WORKPLACE. ANY OBJECTION TO THIS PROVISION (WHICH MAY RESULT IN THE COMPOSITION OF

- III.1(i) Two faculty members (at least one woman) specially elected to serve on GSCASH.
- III.1(ii) Two students (at least one woman) specially elected to serve on GSCASH.
- III.1(iii) One Officer and one staff member specially elected to serve on GSCASH.
- III.1(iv) Two Wardens (at least one woman)
- III.1(v) One representative each of the Jawaharlal Nehru University Students' Union (JNUSU) and Jawaharlal Nehru University Teachers' Association (JNUTA).
- III.1(vi) One eminent woman academician from outside the University.
- III.1(vii) One woman representative of an NGO with special experience in issues of sexual harassment.
- III.1(viii) One woman Counseller⁴.

A PARTICULAR GSCASH, OR ANY OF ITS SUB-COMMITTEES, AS BEING A 100% WOMEN IS THEREFORE A PERVERSION OF THE LETTER AND SPIRIT OF THE JUDGMENT. The Vishaka judgment makes no specific recommendations regarding how Complaints Committee are to be constituted. The composition envisaged by JNU was the result of a wide-ranging debate and consultation, first, by the Working Group and later, by the Unions and Associations of JNU. The current composition of GSCASH is a result of the resignation of the Gender Studies Forum, and a clarification (by the R. Ghosh Committee) of the ambiguity in the earlier notifications about the elected representation of JNU staff and officers.

At the heart of GSCASH's popular composition lies the recognition that the prevention and deterrence of sexual harassment requires the involvement of the entire campus community. Through the procedure of elections, each GSCASH is therefore, in itself, an expression of the community's rejection of sexual harassment and gender inequality. Election ensures accountability and time-bound redressal, and makes the institution less likely to be misused—to date, GSCASH has acquitted more persons than it has found guilty.⁴ In the 4 terms of its functioning, the popular composition of the Committee has only strengthened its effectiveness and acceptance. Its decisions have rarely met with outcry, and it plays a major role in complainants recovery from the trauma of sexual harassment.

⁴ This provision is in service of the Vishaka guidelines by which a Complaints (Enquiry) Committee into a complaint of sexual harassment must have access to counseling services.

III.2. The Process for Formation of GSCASH

- III.2(i) The election for the specially elected representatives of students, teachers, staff, and officers (those referred to in III.1(i-iii) above) shall be conducted by the bodies responsible for conducting the elections to the Executives of the respective Unions and Associations. The electoral procedure shall be completed by the month of December each year.
- III.2(ii) The representatives of the Wardens (those referred to in III.1(iv) above) shall be chosen by the Wardens under Inter-Hall Administration (JNU) and they will assume office by March each year.
- III.2(iii) The representatives of the Jawaharlal Nehru University Students' Union and the Jawaharlal Nehru University Teachers' Association, (referred to in III.1(v) above) shall be nominated by the respective Executive Committees, and they will assume office by January each year.
- III.2(iv) GSCASH shall empanel a pool of counsellors, eminent women academics, and NGOs⁵, as defined in Appendix, Section (v), (vi) and (ix), respectively. However, only one NGO representative, one eminent woman academic and one counsellor shall be invited by GSCASH to attend its meeting at one time.
- III.2(v) The panel of NGOs, eminent women academics, and counsellors, shall be updated by GSCASH from time to time. GSCASH will strive to maintain continuity in the membership of third party members and counsellors on GSCASH. A decision to remove from the panel a serving or empanelled third party or counsellor shall

⁵ As noted earlier, the volume of complaints received by GSCASH necessitate it to have access more than one NGO and eminent woman academic.

only be taken in a Special meeting defined in Part III, Section 10(vi).

III.3. Term of Office of GSCASH Members

The tenure of each member of GSCASH, barring the third parties and the counsellor, shall be twelve months, but with roughly half the members changing every six months. This may be achieved by having two points of time separated by six months when half the members could be inducted.

The possibility of a person becoming a member for a second term should not be ruled out, provided the member concerned is willing to be a candidate for election a second time.

III.4. Chairperson/Acting Chairperson of GSCASH

The Chairperson of GSCASH shall be a woman faculty member, and shall be elected by the members of GSCASH from amongst themselves. Further, while selecting a woman faculty member from amongst themselves, in keeping with the democratic spirit of GSCASH, it should select a woman faculty member elected by the University teaching community under III.1(i) rather than any other woman faculty member of GSCASH.

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.

III.5. 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.

III.6. Disqualification of an NGO

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, an NGO representative on GSCASH if such appointment, nomination, designation, election or continuation is inconsistent with the provisions of Appendix, Section (ix).

III.7. 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 Chairperson of GSCASH from three consecutive meetings, her/his office shall thereupon become vacant.

III.8. 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.

III.9. Filling a Vacancy in GSCASH

If a vacancy arises in GSCASH, GSCASH shall coordinate with the relevant body through its President/Secretary to arrange for the filling up of the vacancy in the particular category, in accordance with the procedure outlined in III.2, within eight weeks, 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.

It may be noted that no act or proceedings of GSCASH shall be invalidated merely by reason of the existence of a vacancy or vacancies.

III.10. Meetings of GSCASH

- III.10(i) GSCASH shall meet at least five times a semester or at such intervals as may be necessary but always the duration of gap between two successive meeting shall not exceed 30 days.
- III.10(ii) Members shall be intimated of meetings in writing or by electronic communication.
- III.10(iii) Minutes of all meetings shall be recorded, confirmed and adopted.
- III.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 members of GSCASH. Motions shall be carried by a simple majority of those present and voting.
- III.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 members of GSCASH. Motions shall be carried by a simple majority of those present and voting.
- III.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 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.
- III.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. There shall be no requirement of quorum for an adjourned Emergency Meeting. 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.

But in cases where there is no quorum at an adjourned Emergency Meeting, or most of the absentee members are of one sex leaving the members present at a meeting being mainly of the other sex, no major decision may be taken by GSCASH, or any Committee under the GSCASH umbrella, until all the members, and failing that at least 2/3rd members of each sex are present. A major decision refers to determining the guilt or innocence of a person accused of sexual harassment against whom an enquiry has been conducted.

In case of continued absence of some member, another person from the same category and same sex may be asked by the Chairperson, GSCASH to join as a member of the Committee before any major decision is taken.

III.10(viii) GSCASH shall hold at least two annual public meetings where it shall report to the university community about its activities. Of these, at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of GSCASH.

III.11. Vacations Committee

In the period when the University is on vacation, GSCASH shall strive to ensure the discharge of its duties and functions, in accordance with the procedure outlined herein:

III.11(i) GSCASH shall designate from within itself a Vacations Committee(s), for the period when the University is in vacation, of not less than five members. Half of the members of the said Committee shall be women.

III.11(ii) The Vacations Committee shall elect from within itself a Convener, who shall be a woman faculty member, and shall exercise all the

powers and functions of the Chairpersons of GSCASH outlined herein.

- III.11(iii) By May 12 and December 5 each year, GSCASH shall intimate the campus community by public notice the contact details including telephone/mobile Nos. of the members of the Vacations Committee.
- III.11(iv) The Vacations Committee shall designate from within itself a monthly Complaints Screening Committee, which shall function in accordance with the procedures outlined in IV.3.
- III.11(v) In the event of an enquiry proceedings being necessitated, the Vacations Committee shall call a Special Meeting for the constitution of an Enquiry Committee, in accordance with the provisions of IV.4.
- III.11(vi) Save for reasons that the Vacations Committee considers urgent, further action on the complaint shall take place after the end of a vacation, in an Emergency Meeting, called by the Chief Enquiry Officer within three working days of the commencement of the semester.
- III.11(vii) In case of a need for immediate disciplinary action, the reasons for which the Chief Enquiry Officer shall state in writing, the Convener of the Vacations Committee shall call a Special Meeting to discuss, take a decision on the recommendations of the Enquiry Committee, and initiate further action on the complaint, in accordance with the procedures outlined in Part IV, Section 4.

III.12. Annual Report of GSCASH

As required by the Supreme Court Judgement, 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 on the recommendations of the GSCASH and the Appeals Committee.

IV. 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 5 September 1997. GSCASH shall have four functions:

IV.1.1 Gender Sensitisation and Orientation⁶

IV.1(i) GSCASH will ensure the prominent publicity of the 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 centers, etc.

IV.1(ii) GSCASH will organize programmes for the gender sensitization of the campus 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.

IV.1(iii) GSCASH will conduct at least one major activity per semester involving large sections of the campus community.

IV.2. Crisis Management and Mediation⁷

IV.2(i) GSCASH will assist in the mediation of crises arising out of incidents of sexual harassment and sexual assault on the campus.

IV.2(ii) GSCASH will coordinate with the campus security services to devise ways and means by which a system of crisis management that is both 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 crises arising out of incidents of sexual

⁶ The Vishaka judgment : "Express prohibition of sexual harassment as defined above at the work place[is]... notified, published and circulated in appropriate ways." ... "Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner."

⁷ The Vishaka judgment : "Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action. Where such conduct amounted to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority."

harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.

IV.2(iii) GSCASH will, through a circular at the beginning of each semester, enlist and activate an adequately representative team of volunteers. GSCASH shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.

IV.2(iv) GSCASH will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitization, crisis mediation and management duties of GSCASH, but shall not, participate in the task of formal redressal of complaints under these Rules and Procedures.

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 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.

IV.3. Registration of Complaints

Wherever, despite the preventive and mediatory efforts of GSCASH, incidents of sexual harassment do take place, registration of complaints about such incidents shall follow a two-stage procedure. At the first stage there shall be a preliminary system for filing of complaints and subsequently there shall be follow-up by a Complaints Screening Committee. Both these stages are spelt out in the outline given below.

IV.3(A) Complaints Filing Process

IV.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,

of a member of the academic or non-teaching staff. Third party⁸ complaints and witness complaints shall be entertained.

IV.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, union/association representatives, administrative superior, 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.

IV.3(A)(iii) Upon receipt of the complaint, the GSCASH member to whom the complaint is made shall forward the same to the Complaints Screening Committee. As far as possible the attempt should be to explore whether mediation or conciliation can provide a suitable solution of the case. This would be desirable in so far as it can spare the trauma of formal procedures for both the complainant and the accused. In cases where there is a possibility of success of such an effort, the time span between receipt of first information about an incident and bringing it formally to the notice of GSCASH by the faculty or other concerned person, may be enhanced beyond two days but to a period less than a week from the date of the initial complaint.

IV.3(A)(iv) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Screening Committee or the GSCASH member receiving the complaint, on Form 1, prescribed for the purpose (Schedule 2), and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

⁸ Explanation : Third-party complaints may only be pursued if there is enough evidence (eye-witness/material evidence) to establish a prima facie case of sexual harassment, and/or the complainant himself/ herself agrees to testify.

IV.3(B) Time Frame for Filing a Complaint

Normally, a complaint should be lodged within six weeks. However, if there are certain extenuating circumstances which may have deterred a victim from filing a complaint within six weeks, such circumstances may be considered by the GSCASH. If reasons are found to be sufficiently strong and convincing, the maximum limit for filing the complaint may be relaxed up to six months by GSCASH. Reasons for granting such an extension should invariably be recorded in writing.

IV.3(C) Complaints Screening Committee

IV.3(C)(i) Composition

GSCASH shall designate by rotation three persons from amongst its members for a period of one month to receive and screen complaints, henceforth called the Complaints Screening Committee.⁹ The names and contact details of these members shall be given widespread publicity by GSCASH.

IV.3(C)(ii) Functions

- (a) The Complaints Screening Committee shall receive and record complaints of sexual harassment on Form II (Schedule 2) prescribed for the purpose.
- (b) It shall carefully study the complaint, and may hear both the complainant, the accused and/other involved parties to determine whether an enquiry by GSCASH is to be instituted. The process of screening of complaints would be kept as simple as possible, complainant-friendly and quick in terms of its decision as to whether the matter needs to be referred to the Enquiry Committee or should be taken care of

⁹ The Complaints Screening Committee procedure is essential to the just functioning of GSCASH, as in a number of instances, complaints received by GSCASH may not instantiate a complaint of sexual harassment as defined by law. The procedure also recognizes that an enquiry can be as traumatic for an accused as a complainant, and the institution of an enquiry without determining a prima facie case can lead to adverse consequences and a hostile working environment for the accused.

by counseling/mediation. Recourse to calling of witnesses would therefore be avoided at the complaints registering stage to the maximum extent possible.

- (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.¹⁰
- (d) GSCASH may issue an order of restraint to the accused in accordance with the procedure outlined below in Section (D).
- (e) The Complaints Screening Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of GSCASH as soon as possible.
- (f) The Complaints Screening Committee shall be responsible for making counseling services available to a person requesting for it.

- IV.3.(C)(iii)
- (i) The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.
 - (ii) The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the accused, or any person on her/his behalf, on the complainant. In such an instance, the enquiry proceedings shall continue in accordance with the procedure outlined in Clauses 20 and 21.

¹⁰ This provision has its basis in the guidelines laid down by the Law Commission on the rape law, so as to restrict attempts to impugn the credibility of the complainant on grounds of her alleged "bad character".

IV.3(D) Restraint Order

- IV.3(D)(i) A restraint order in terms of GSCASH Rules shall provide, on Form IV prescribed for the purpose (Schedule 2), a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the accused 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.
- IV.3(D)(ii) The complainant or any other person should intimate in writing, the Complaints Screening Committee, the Chairperson of GSCASH and/or the Enquiry Committee of any violation of the order of restraint by the accused, or any persons acting on her/his behalf.
- IV.3(D)(iii) Should the Complaints Screening Committee, the Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the accused in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an ex parte decision on the complaint.
- IV.3(D)(iv) The Enquiry Committee and GSCASH shall consider all violations of the restraining order when determining the nature of offence of an accused found guilty of sexual harassment.

IV.4. Formal Enquiry¹¹

Once the Complaints Screening Committee has decided that the complaint merits further investigation, GSCASH shall conduct formal

¹¹ The Vishaka judgment : "Where or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints."

enquiry and provide its resources to ensure the complainant's safety on the campus during this period. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting to constitute the Enquiry Committee. GSCASH shall designate from within the members of such committee the Chief Enquiry Officer who shall be a woman.

IV.4(A) Composition of the Enquiry Committee

The composition of the Enquiry Committee shall conform to the guidelines indicated below:

- a. The Enquiry Committee shall consist of not less than three persons and not more than five persons, including one third party.
- b. It shall have at least 50% women. The number of women members should not be less than half but be as near 50% as possible.¹²
- c. It shall include at least one third party, i.e., the NGO representative or an eminent woman academic.
- d. It shall include the constituency of the complainant and the accused (i.e. if the complaint is filed by a student against an academic staff member, then

¹² The Vishaka judgment : "The Complaints Committee should be headed by a woman and not less than half of its members should be women." It is an established interpretation that the guidelines do not entail that the Complaints Committee, or any sub-committee of it, necessarily be exactly 50% woman. This interpretation is inherent in the Office Memorandum dated 13 February 1998 (Annexure 3) issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), which provides that not less than half the members of the Complaints Committee should be women.

It is also to be noted that the Supreme Court's guidelines about the composition of the Complaints Committee derives from its recognition that the workplace is part of society, and discriminatory norms against women are as prevalent in this arena as they are in society at large. As a consequence, complaints of sexual harassment and/or other forms of gender discrimination are normally not addressed. THE VISHAKA PROVISIONS FOR A BODY THAT IS AT LEAST 50% WOMAN IS INTENDED TO INDUCE EMPLOYERS TO REDRESS GENDER DISCRIMINATION IN THE DELEGATION OF POWER AND RESPONSIBILITIES IN THE WORKPLACE. ANY OBJECTION TO THIS PROVISION (WHICH MAY RESULT IN THE COMPOSITION OF A PARTICULAR GSCASH, OR ANY OF ITS SUB-COMMITTEES, AS BEING A 100% WOMEN IS THEREFORE A PERVERSION OF THE LETTER AND SPIRIT OF THE JUDGMENT.

the Enquiry Committee shall include one student and one academic staff member).

- e. No person who is a complainant, witness, or an accused in the complaint at hand shall be part of an Enquiry Committee into a complaint.
- f. The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections III.5 to III.8.
- g. Members of GSCASH who are representatives of unions/associations of which the complainant and/or the accused are also members, shall not be eligible to serve on an Enquiry Committee.
- h. GSCASH may, at its own discretion co-opt any person(s) with demonstrable sensitivity to gender issues to be a part of an Enquiry Committee, provided that the majority of members are the members of GSCASH. Such a person shall also not serve as the Chief Enquiry Officer.

IV.4(B) Functions of the Enquiry Committee

- a. The Enquiry Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice to the extent permitted by the need to observe gender sensitivity.¹³

¹³ The Vishaka judgement does not lay down guidelines on the procedures to be employed in sexual harassment enquiries. As an instance of a domestic enquiry, GSCASH Enquiry Committee's are not bound by the strict principles of natural justice. As The Central Vigilance Commission observes in its manual, a domestic inquiry is not a court of law—"In departmental proceedings the rules of evidence laid down in the Evidence Act are, strictly speaking, not applicable and the Inquiry Officer, the Presenting Officer and the charged public servant are not expected to act like judges or lawyers. (Ch. 11, para 10.1)". Similarly, the Supreme Court, in its ruling on Hira Nath Mishra and others vs. the Principal Ranchi Medical College (1973 SC Case 805), has observed that "The doctrine of natural justice cannot be imprisoned within strait-jacket of a rigid formula and its application depends upon several factors".

GSCASH has, however, sought to adhere to the strict principles of natural justice, as defined for the accused in domestic inquiries by the Supreme Court, in Khem Chand vs. Union of India (SC 300, 1958): If the opportunity to show cause is to be reasonable one it is clear that he should be informed about the charge or charges level against him

In arriving at a decision, the Committee shall take cognizance of all aspects of the incident, including the time, place and the context of the alleged incident of sexual harassment.

- b. The Enquiry Committee shall act on any violation of the order of restraint issued to the accused in accordance with the procedure outlined in Part IV, Section 3(D).
- c. The Enquiry Committee shall submit a detailed report to GSCASH in which it shall communicate its findings based on its investigations.
- d. The meeting of the GSCASH should pronounce:
 - (i) Whether the accused is guilty or not-guilty.
 - (ii) If found guilty, the Committee should indicate whether it considers the offence to be:
 - a major offence;
 - Or a serious offence;
 - Or a minor offence.

An intermediate category, i.e., 'serious offence', has been introduced since there may be cases which are more serious than minor ones but not of such a character as to be called major sexual offences which would include aberrations leading to murder, rape, physical assault/injury, etc.

IV.4(C) Procedure to be Followed by the Enquiry Committee

and the evidence by which it is sought to be established, for its is only then that he will be able to put forward the defense.

If the purpose of these provisions is to give the Government servant an opportunity to exonerate himself from the charge and if this opportunity is to be a reasonable one he should be allowed to show that the evidence against him is not worthy of credence or consideration and that he can only do if he is given a chance to cross-examine the witnesses called against him and to examine himself for any other witnesses in support of his defense.

In addition to showing that he has not been guilty of any misconduct so as to merit any punishment it is reasonable that he should also have an opportunity to contend that the charges proved against him do not necessarily require the particular punishment proposed to be meted out to him.

- a. The Enquiry 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 Enquiry Committee shall provide in writing.
- b. The Enquiry Committee shall provide reasonable opportunity to the complainant and the accused for presenting and defending her/his case.
- c. The Enquiry 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.
- d. The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the accused.
- e. The Enquiry Committee may consider as relevant any earlier complaints against the accused. 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.
- f. The Enquiry Committee shall have the right to summon, as many times as required, the accused, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- g. The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an *ex parte* decision¹⁴ on the complaint, should the accused fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Chief Enquiry Officer.
- h. The Chief Enquiry Officer shall be responsible to make the accused and the victim aware that counseling services can be made available if so desired.
- i. Within two days of the institution of enquiry proceedings by GSCASH, the Enquiry Committee shall prepare a charge sheet containing specific charges and shall hand over the same to the complainant as well as to the accused, on Form III prescribed for the purpose (Schedule II). It shall

¹⁴ In accordance with the procedure laid down by the Central Vigilance Commission for domestic enquiries.

also intimate the accused and the complainant the contact details of all members of the Enquiry Committee.

- j. On receipt of the first intimation of the enquiry, and not more than two days after such date, the complainant or the accused may make a written request to GSCASH to be informed of her/his rights. In such an event, the Chief Enquiry Officer shall convene a meeting of the Enquiry Committee specifically for this purpose.
- k. Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the accused shall submit to the Chief Enquiry Officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.
- l. On receipt of the first intimation of the enquiry, and not more than two working days after such date, the complainant and/or the accused shall inform the Chief Enquiry Officer whether they shall wish to exercise the rights afforded in Sections (o) – (q) below.
- m. The Chief Enquiry Officer shall convene the first hearing of the enquiry. The accused, 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.
- n. If the complainant, accused, or witness desire to appear before the Enquiry Committee accompanied by one companion of their choice, they shall communicate to the Chief Enquiry Officer 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.
- o. The complainant and the accused, or any one person on her/his behalf, shall retain the right to be present at the recording of statements and evidence of all witnesses by the Enquiry Committee. Such a person shall have only observer status. The name of the nominee shall be communicated in writing to the Chief Enquiry Officer within two working days of the receipt of the first intimation about the enquiry. Any other

person nominated as observer by the complainant and/or the accused on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of Jawaharlal Nehru University. No person who has been found guilty of sexual harassment shall be accepted as a nominee.

- p. The responsibility of ensuring the attendance of the nominee shall rest upon the complainant/accused, and no hearing or proceedings of the Enquiry Committee shall be adjourned or postponed due to the inability of the nominee to be present at the said hearing. Should the complainant/accused wish to be present himself/herself at the aforesaid proceedings (with valid ground), and at the same time not wish to nominate an observer, the complainant/accused shall inform the Enquiry Committee of the same at least twenty-four hours in advance, so that the aforesaid proceedings may be postponed for a period not exceeding three days.
- q. The complainant and the accused shall retain the right of cross-examination of all witnesses. The Chief Enquiry Officer shall inform the accused/complainant of the date, time and venue of such cross-examination.
- r. The accused/complainant shall submit to the Chief Enquiry Officer, a written list of questions that she/he desires to pose to the witness. The Enquiry Committee 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 accused 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 in Part III, Section 3(C) herein.¹⁵

¹⁵ This provision is solely in the interests of gender-sensitivity. As the Central Vigilance Commission observes in its manual, a domestic inquiry is not a court of law, and it is the duty of the Inquiry Officer to protect witnesses from harassment: "The Inquiry Officer may also disallow questions if the cross-examination is of inordinate length or

- s. The complainant and the accused shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Enquiry 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.
- t. All proceedings of the Enquiry 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.
- u. All persons heard by the Enquiry Committee, as well as observers, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the penalties outlined in Part VI.
- v. If the complainant desires to tender any documents by way of evidence, the Enquiry Committee shall supply true copies of such documents to the accused. Similarly, if the accused desires to tender any documents in evidence, the Enquiry Committee shall supply true copies of such documents to the complainant.
- w. In the event that the Enquiry Committee thinks that supplementary testimony is required, the Chief Enquiry Officer shall forward to the

oppressive or if a question is irrelevant. It is the duty of the Inquiry Officer to see that the witness understands the question properly before giving an answer and of protecting him against any unfair treatment." (Ch. 11, para 10.4).

In its interpretation of the Vishaka judgment, GSCASH believes that it is duty-bound to ensure that the enquiry procedure itself does not risk the health and safety of the complainant and/or his/her witnesses. Such risks may well be inflicted on the posing of a gender-insensitive question, and precisely because a domestic enquiry is not a judicial proceeding, GSCASH is entitled to bring into effect procedures that will serve to minimize the risk. GSCASH's provisions in this regard derive from the spirit of the Supreme Court's observations in the Apparel judgment, where it has expressed displeasure at the harassment the complainant was subjected to during cross-examination by the accused.

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

IV.4(D) Faculty Members – Special Procedure for Cross Questioning

In case of an enquiry against a faculty member, in the light of the principle of peer group evaluation seen in conjunction with the need to permit transparency of proceedings, although cross questioning at a meeting of the Enquiry Committee may not be permitted, but the non-faculty members on the Enquiry Committee can hand over their questions to the Chief Enquiry Officer, who shall have to call another meeting of the Enquiry Committee for putting these questions to the teacher concerned.

IV.4(E) Sequential Appearance of the Complainant and the Accused:

- (i) Face-to Face encounter of the victim and the accused shall not take place;
- (i) Once the Enquiry Committee has held a meeting to listen to the complaint, the allegations made by the complainant shall be passed on to the accused at a separate meeting held to consider the version of the incident which the accused has to present. The oral deposition of the complainant should be accompanied by a written version of the incident as perceived

by the complainant. If the accused does not agree with the allegations made by the complainant or the complainant's version of the incident communicated to him by the Enquiry Committee, the accused should be given the opportunity to refute before the Enquiry Committee the points made by the complainant. The refutation, in turn, could be passed on to the complainant for her/his comments.

In this way, while face to face encounter between the complainant and the accused can be avoided, cross-examination is not eliminated. It is permitted but through a written exchange of allegations and rebuttals, in the light of which the Enquiry Committee should form its own opinion

based on this exchange as also other evidence and witnesses' statements.

V. REDRESSIVE ACTION

V(i) After this stage, GSCASH should pass on the findings of the Enquiry Committee to the Vice-Chancellor for taking appropriate redressive action based on the facts submitted by GSCASH. The nature of disciplinary action will be determined by the appropriate authorities. In case of a faculty member and group 'A' officers the appropriate authority for final decision regarding disciplinary action is the Executive Council, which shall consider the recommendations of the Vice-Chancellor. In case of students and other employees, Vice-Chancellor shall be the final decision taking authority.

V(ii) After the GSCASH submits the Report of the Enquiry Committee to the Vice-Chancellor, if it is found that there are certain lacunae in the Report despite providing for mechanisms to avoid such a possibility (which are discussed later on), in case a student or an employee is involved, the Vice-Chancellor may ask the Enquiry Committee to reconsider its Report. However, in case of involvement of a faculty member or a group 'A' officer the appropriate authority which shall have the power to refer back the Report for a Review shall be the Executive Council.

VI. 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.¹⁶ Although the award of penalty in specific

¹⁶ The Vishaka judgment : "The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/ regulations prohibiting

cases is outside the scope of GSCASH, the range and type of possible penalties from which the University authorities may pick up the one suitable for individual cases is given below in a hierarchical sequence for all five categories of persons, namely:

(1) Academic Faculty; (2) Non-Teaching staff; (3) Students; (4) Outsiders; (5) Service Providers.

The penalties listed below, although fairly exhaustive, are only an indicative guide and shall not constrain the University authorities from considering some other penalty to suit the specifics of individual cases. The penalties listed below are in a rising order of severity.

VI(1) Penalties in Case of Faculty:

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments for a period not exceeding one year.
- c. Removal from an administrative position at the Centre, School and/or University levels.
- d. Disbarment from holding an administrative position at the Centre, School and/or University levels.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

sexual harassment and provide for appropriate penalties in such rules against the offender.”

The penalties and their classification have been determined by consulting the service conditions, the past practices in awarding penalties in JNU, and the norms of conduct expected from the constituents of the campus community.

VI(2) Penalties in case of Non-Teaching Staff:

- a. Warning, reprimand, or censure.
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Suspension from service for a limited period.
- e. Compulsory retirement.
- f. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

VI(3) Penalties in case of JNU Students:

- a. Warning or reprimand.
- b. Transfer to another hostel.
- c. Withdrawal of hostel accommodation for a period up to one semester.
- d. Withdrawal of the right to an official character certificate from Jawaharlal Nehru University.
- e. Withdrawal of hostel accommodation for the entire period of study.
- f. Rustication from the University for a period up to two semesters.
- g. Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Jawaharlal Nehru University.
- h. Withholding of a degree awarded by Jawaharlal Nehru University.

Further, the penalty awarded shall be recorded in his/her Personal File.

VI(4) Penalties in case of Outsider Students:

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- c. 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 Jawaharlal Nehru University.

- d. Any other action as may be necessary.

VI(5) Penalties in Case of Service Providers

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

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

VI(6) Penalty in Case of a Second Offence

In case of a person committing a sexual offence for the second time, the penalty shall normally be stiffer than on the first occasion. But the stiffness of penalty on second occasion shall also be in relation to gravity of the second offence.

VII. CONFIDENTIALITY AND THE CHANNELS OF COMMUNICATION BETWEEN THE UNIVERSITY AND GSCASH

GSCASH strongly underlines the need for maintaining confidentiality regarding proceedings involving sexual harassment. It is the duty of all involved in the processes of GSCASH to abide by this dictum in all earnestness. The requirement of evolving effective ways to maintain maximum possible confidentiality needs to be stressed here.

While emphasizing the need for maintaining maximum confidentiality, it needs to be borne in mind that for smooth functioning of the mechanisms for restraining sexual harassment on the campus, there has to be complete rapport between GSCASH and Vice-Chancellor / Rector.

In pursuit of the objective of curbing sexual harassment and for undertaking expeditious redressive action, Vice-Chancellor/Rector should be kept informed at each important stage in the functioning of GSCASH whenever a case of sexual harassment takes place. Consultation at each important stage should take place between the Vice-Chancellor / Rector and GSCASH Chairperson. At such consultative meetings Vice-Chancellor / Rector and GSCASH Chairperson may be accompanied by additional persons but not more than one or two on either side.

The important stages/occasions at which such consultation/communication should take place are:

- (a) When a complaint is lodged and there is prima facie evidence that the complaint is not a frivolous one, or even if no complaint is lodged but an event involving sexual harassment comes to the notice of GSCASH;
- (b) When a case is referred to the Enquiry Committee;
- (c) When the Enquiry Committee submits its verdict to the GSCASH;
- (d) If a complaint is also filed simultaneously with the police or lodged in a Civil Court within the knowledge of GSCASH, this should be brought to the attention of the Vice-Chancellor / Rector;
- (e) If an event involving sexually deviant behaviour takes place in a hostel or elsewhere on the campus within the knowledge of GSCASH, the Vice-Chancellor / Rector should be informed about it even if no formal complaint is lodged.

The relevant information at the above mentioned stages should be passed on to the Vice-Chancellor / Rector, not simply through oral consultation / communication process but in writing as well since documentary evidence can become important if some case ultimately results in recourse to legal redressal. One, however, hopes that such situations would normally not arise.

VIII. OTHER MATTERS CONCERNING MODUS OPERANDI OF GSCASH

VIII(1) False Complaint :

- i. If the Complaints Screening Committee or the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of GSCASH giving reasons for its conclusions.
- ii. Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the recommendations of the Complaints Screening Committee or Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant.
- iii. Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant. The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant to explain, within seven days (in writing and/or in person), as to why disciplinary action shall not be taken against her/him.
- iv. Within four working days of receipt of any explanation from the complainant 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.
- v. In event of no, insufficient, or unconvincing explanation, GSCASH shall pass on the papers concerning the complaint to the University Authority who shall impose sufficiently strong penalty in order to exclude the possibility of lodging a motivated complaint for maligning some person's character.

VIII(2) Protection Against Victimization¹⁷

- i. If the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused shall not supervise any

¹⁷ The Vishaka judgment : 'In particular, [the employer] should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.'

- academic activity of the student; including but not limited to, evaluation and examination, re-examination, and supervision of research.
- ii. If a witness named by the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
 - iii. If both the complainant and the accused are members of the academic and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
 - iv. If witnesses named by the complainant and the accused are members of the academic and/or non-teaching staff of the University, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
 - v. If the accused is an outsider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.
 - vi. If the accused is a resident/service provider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the order of restraint issued in accordance with the procedures in Clause 20 shall be in force at all times.

VIII(3) Provisions for Appeal¹⁸ :

- i. In the event of the GSCASH not taking action on a complaint, or if the complainant or accused is dissatisfied with the disciplinary action taken by

¹⁸ The Appeals Committee will have to frame its own Rules & Procedures.

the University authorities, she/he shall have the right to appeal to an Appeals Committee.

ii. An Appeals Committee shall consist of:

- a. One person nominated by the Executive Council of Jawaharlal Nehru University from amongst its members,
- b. 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.
- c. One woman faculty member of the Group of Women Studies, School of Social Sciences, Jawaharlal Nehru University, or any other senior woman faculty member nominated by the Vice-Chancellor.
- d. Further, since the above two categories shall be woman members, the member to be nominated by the Executive Council must be a male member of the Executive Council.

Appeals may be lodged with the University authorities (see Appendix item xviii).

- iii. 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 laid down in the Rules and Procedures.
- iv. The Appeals Committee shall report to the Executive Council of Jawaharlal Nehru University its findings and recommendations on the nature of the action to be taken on the appeal.

VIII(4) General Service Rules :

Service rules of the University should incorporate acts of sexual harassment as a possible ground for disciplinary measures in case such a charge is substantiated after an enquiry. Similarly, in case of students, the

Brochure/Handbook provided to them at the time of admission should contain a reference to the existence of a framework of rules in JNU for curbing sexual harassment.

VIII(5) Special Provision for Physically Challenged Persons :

In case a physically challenged person happens to be a victim of sexual harassment, the procedure for providing succor to the person concerned would be more expeditious. In such cases, the victim may directly approach the Vice-Chancellor. Depending upon gravity of the incident involved, the Vice-Chancellor, in consultation with Chairperson of GSCASH, may take necessary action to reduce the steps involved in the complaints and enquiry procedure as laid down in the Rules and Procedures document.

VIII(6) Obligations of University Authorities and Functionaries :

- i. The University authorities and functionaries shall accord full cooperation to GSCASH in its execution of its functions of gender sensitization and orientation, crisis management and mediation, and enquiry and formal redressal of complaints.
- ii. The University authorities will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration.
- iii. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: Jawaharlal Nehru University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.
- iv. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed before boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels, etc.

- v. The University authorities and functions shall provide legal, medical and counseling assistance to those victims who have to take recourse to the law.
- vi. 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.
- vii. The University authorities and functionaries shall provide all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.
- viii. As required by the Supreme Court Judgement, 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 the Appeals Committee.

VIII(7) Dissident Views :

If a member of GSCASH does not agree with a majority decision of GSCASH, she / he should have the right to submit a dissenting point of view along with reasons/evidence, etc.

VIII(8) Amendment to the Rules & Procedures of GSCASH

- i. Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the 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.
- ii. Amendments shall be effected by a decision taken in a Special Meeting called for the purpose.
- iii. The proposed amendment(s), together with the objects and reasons therefore, 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.

- iv. 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.

VIII(9) Miscellaneous

- i. 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 Judgement.¹⁹
 - i. The proceedings under these Rules and Procedures shall not, in any way, be affected by any other proceedings against the accused preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.²⁰
 - ii. The provisions of these Rules and Procedures shall not restrict the powers of the University or the complainant to proceed against the accused for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

¹⁹ The Vishaka judgment : In the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights and it is further emphasized that this would be treated as the law declared by this Court under Article 141 of the Constitution.

²⁰ The Vishaka judgment : These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

APPENDIX-I : DEFINITIONS

- i. "Academic staff"²¹ includes any person on the staff of the University who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis. It shall not however include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.
- ii. "Appeals Committee" as defined in Part VIII, Section 3.
- iii. "Campus" includes all places of work and residence in the New Delhi campus of Jawaharlal Nehru University. It includes all places of instruction, research and administration, as well as hostels, guest houses, public places and places of residence allotted and administered by Jawaharlal Nehru University, including the premises in the Jawaharlal Nehru University City Centre.
- iv. "Complaints Screening Committee" as defined in Part IV, Section 3(C).
- v. "Counsellor"²² includes any person empanelled by GSCASH and/or appointed by the University authorities, who has proven expertise in social/and personal counselling on matters arising out of incidents of sexual harassment.
- vi. "Eminent woman academic"²³ includes a senior woman academic who is not a member of either the academic or the non-teaching staff of

²¹ This definition of academic staff is in service of the Vishaka judgment by which the employers must offer protection from sexual harassment to any woman in the workplace "whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise."

²² This provision is in service of the Vishaka guidelines by which a Complaints (Enquiry) Committee into a complaint of sexual harassment must have access to counseling services.

²³ This provision is laid down in the Working Group Report. The role of this person is to support the Enquiry function of GSCASH, in service of the Vishaka judgment by which an Enquiry Committee into a complaint of sexual harassment, "so as to prevent the possibility of any undue pressure or influence from senior levels", should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment," GSCASH's experience has shown that both types of third parties are necessary as the volume of complaints makes it impossible for any NGO to perform this function.

Jawaharlal Nehru University, and who has experience in working for gender equality.

- vii. "Enquiry Committee" as defined in Part IV, Section 4.
- viii. "GSCASH" shall refer to Gender Sensitisation Committee Against Sexual Harassment of the Jawaharlal Nehru University.
- ix. "NGO"²⁴ includes any Non-Governmental Organisation registered under the Societies' Registration Act in India 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 Jawaharlal Nehru 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 Jawaharlal Nehru University.
- x. "Non-teaching Staff"²⁵ 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 wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor. It shall not include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.
- xi. "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of Jawaharlal Nehru University. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residence in the Jawaharlal Nehru University campus.
- xii. "The Policy" shall refer to the Jawaharlal Nehru University Policy against Sexual Harassment, as notified in the Circular dated 25 February 1999. (Schedule 1).

²⁴ See note 24.

²⁵ See note 22.

- xiii. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Jawaharlal Nehru University, irrespective of whether she/he is the person to whom the accommodation is officially allotted. It shall not include any such person who is in temporary or permanent residence in the campus of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees. It shall also not include any person who is in temporary or permanent residence in an autonomous institution that has its premises or residences in the Jawaharlal Nehru University campus.
- xiv. "Service provider" includes any person who runs or manages commercial enterprises, or provides services, on the campus. 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, Delhi Vidyut Board, Department of Posts & Telegraph, Kendriya Bhandar, Mahanagar Telephone Nigam Ltd., DTC, CGHS, and any other such similar service.
- xv. "Student" includes any person who is enrolled for any course, whether full time or part time, with Jawaharlal Nehru University, New Delhi 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 Jawaharlal Nehru University or short term courses at JNU. It shall not, however, include any student enrolled in a course in an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.
- xvi. "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 13 August 1997 in its ruling on the Writ Petition (Criminal) *Vishaka vs. State of Rajasthan*.
- xvii. "Third party" shall include the NGO representative or the eminent woman academic serving on, or empanelled by, GSCASH.
- xviii. "University authorities" shall refer to the Vice-Chancellor of Jawaharlal Nehru University, by virtue of her/his being the head of the Executive Council of Jawaharlal Nehru 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 Vice-Chancellor under the Jawaharlal Nehru University Act 1969, or Statutes, Ordinances or Rules thereunder.

- xix. "University functionaries" includes any person appointed, designated or nominated by the University authorities to a position of service in Jawaharlal Nehru University and includes, but is not limited only to, the following: Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, Provosts, Wardens, Security Personnel, Health Professionals, as well as persons discharging administrative responsibilities, such as the Registrar and the Finance Officer.
- xx. "Vacations" shall refer to the periods May 13 to July 21 and December 6 to January 5.
- xxi. "Vacations Committee" as defined in III.11 herein.
- xxii. "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 Jawaharlal Nehru University.

APPENDIX-II

SCHEDULE 1

Jawaharlal Nehru University
Policy against Sexual Harassment

JAWAHARLAL NEHRU UNIVERSITY
Office of the Rector

RAHMA KHAN
Rector

25 February 1999

CIRCULAR

The Executive Council of the University at its meeting held on 6.5.1998 had considered and adopted a report of the Working Group on Sexual Harassment, chaired by Prof. Karuna Chanana. A component of the scheme approved entailed the adoption and announcement of a sexual harassment policy by the University. The said policy has since been evolved and is hereby announced:

"Sexual Harassment Policy of Jawaharlal Nehru University"

Jawaharlal Nehru University is committed to providing a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that all students, faculty, staff, karamcharis and officials will treat one another and visitors to the University with respect. All members of the University community, including those who are in temporary or short term positions are subject to this policy. Anyone violating this policy is subject to disciplinary action.

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. The University recognises that confidentiality is important. The University will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Reprisals against an individual who in good faith reports, or provides information in an investigation, about behaviour that may violate this policy, are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

JNU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this policy is not intended to stifle teaching methods or freedom of expression. Sexual Harassment, however, is not the proper exercise of academic freedom, nor can it be protected as freedom of expression. It compromises the integrity of the University and its traditions of intellectual freedom, and it also violates the principle of the equality and dignity of all its members.

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favours, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity, or when the conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic work or living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms - subtle and indirect, or blatant and overt. For example,

- It may be conduct towards an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behaviour or work performance.
- It may consist of repeated actions or may even arise from a single incident.

What to do if you feel you are being sexually harassed

Know your rights - Sexual harassment is illegal, both the law of the land and JNU prohibit sexual harassment.

Speak up - if you can, tell the person to stop. State clearly and firmly that you want a particular behaviour to cease.

Get information and support - If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the University. Keep records that might be useful for pursuing the case.

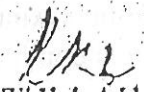
What not to do

Do not blame yourself. Sexual harassment is not something one brings on oneself. It is not a consequence of certain ways of dressing or acting. It is a violation of an individual's right to work and live with dignity.

Do not ignore it. Ignoring sexual harassment does not make it go away. The harasser may misinterpret a lack of response as approval of the behaviour.

Do not delay. Delay in action increases the probability that unwanted behaviour will continue or escalate.

Do not hesitate to ask for help. Speaking up may prevent others from being harmed as well.


RAHMATULLAH KHAN

To
All Heads of Centres
All Deans of Schools
All Heads of Departments
All residents
All Hostel Notice Boards
All Hostels Notice Boards

APPENDIX-III

SCHEDULE 2 PRESCRIBED FORMS FOR GSCASH ENQUIRY AND REDRESSAL PROCEDURES



FORM I

Proforma for Recording Complaints of Sexual Harassment

I. COMPLAINANT STUDENT/RESIDENT/ACADEMIC STAFF/NON-TEACHING STAFF/OUTSIDER/SERVICE PERSON

Name _____ Age _____ Sex _____
 Address _____ Centre/School _____
 ☎ _____ email: _____

II. ACCUSED(S) STUDENT/RESIDENT/ACADEMIC STAFF/NON-TEACHING STAFF/OUTSIDER/SERVICE PERSON

If the contact details are not known, please give physical description.

- Name _____ Age _____ Sex _____
 Address _____ Centre/School _____
 ☎ _____ email: _____
- Name _____ Age _____ Sex _____
 Address _____ Centre/School _____
 ☎ _____ email: _____
- Name _____ Age _____ Sex _____
 Address _____ Centre/School _____
 ☎ _____ email: _____

III. THE COMPLAINT

1. Is the accused known to the complainant?
2. Is this the first incident of this kind? If yes, skip 3 and 4.
3. Were exactly the same person(s) involved? If no, specify further.
4. Was the first incident reported? To whom? When? What action, if any, was taken?
5. Approximate date(s), time(s) and location(s) of incidents (starting from the most recent):

Complaint recorded by

Signature: _____

Name: _____

Date: _____

Place: _____

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GENDER SENSITISATION COMMITTEE AGAINST SEXUAL HARASSMENT
JAWAHARLAL NEHRU UNIVERSITY
New Delhi - 110 067, India.

FORM II
Complaints Screening Committee
To the Complainant

Dear

The GSCASH Complaints Screening Committee is examining the complaint of sexual harassment against _____ (name(s) of accused(s)) that you lodged with the GSCASH on _____ (date). The complaint refers to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incidents took place) in _____ (locations), where the accused(s) allegedly _____.

The GSCASH Complaints Screening Committee would like to meet with you on _____ at _____ a.m./p.m. in the GSCASH Office to decide further action on the complaint.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the GSCASH grievance redressal procedures, the GSCASH issues an order of restraint to every accused person(s) _____ (name(s) of accused(s)) has been issued this order on _____ (date). Any violation of the restraint order must be reported to the GSCASH immediately. For any clarifications regarding the GSCASH procedures, or for a change in the time or date of your appointment with the GSCASH Complaints Screening Committee, please contact the undersigned. I enclose a copy of the Rules & Procedures of the GSCASH for your information.

Yours truly,

(O) _____ (R) _____

Complaints Screening Committee

Date: _____



FORM III

Complaints Screening Committee
 To the Accused

Dear _____

A complaint of sexual harassment against you has been lodged with the GSCASH by _____ (name(s)) of _____ complainant(s) on _____ (date). The complaint refers to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incidents took place) in _____ (locations), where you allegedly _____ The GSCASH Complaints Screening Committee is at present examining the complaint, and would like to meet with you on _____, at _____ a.m./p.m. in the GSCASH Office to decide further action on the complaint.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the GSCASH formal redressal procedures, the GSCASH issues an order of restraint to every accused person(s). You are requested to abide by the conditions laid down in this order. For any clarifications that you may require about the complaint or GSCASH procedures, please contact the undersigned. I enclose a copy of the Rules & Procedures of the GSCASH for your information.

Yours truly,

 (O) _____ (R) _____

Complaints Screening Committee

Date: _____



FORM IV

Order of Restraint (in duplicate)

Issued to _____ on _____ by _____

During the pendency of the GSCASH's investigative and enquiry procedures into the complaint of sexual harassment made by _____ against you, you are enjoined to respect the human rights and the confidentiality of the complainant, his/her family, friends, and witnesses.

You shall not commit any act (either directly or by implication) that invades the complainant's privacy, threatens his/her security, violates his/her human rights, or adversely affects his/her living, working, and/or educational environment.

You (or any person on your behalf) shall not make any attempt to contact the complainant, or any person in his/her confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, specially those that pertain to his/her complaint of sexual harassment against you.

You (or any person on your behalf) shall respect the complainant's right to full confidentiality on all matters, specially those pertaining to his/her complaint of sexual harassment against you. You (or any person on your behalf) shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about the complainant's personality, character, or motivations in any of his/her actions, including those involved in his/her lodging a complaint of sexual harassment against you.

A violation of this order of restraint may prove prejudicial to your case and it may also induce the GSCASH to recommend immediate disciplinary action against you, in accordance with the provisions of Clause 20 of the GSCASH Rules & Procedures, which state that:

- ii. The complainant or any other person shall intimate in writing any member of the Complaints Screening Committee, the Chairperson of GSCASH and/or the Enquiry Committee of a violation of the order of restraint by the accused, or any persons acting on his/her behalf.
- iii. Should the Complaints Screening Committee, the Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the accused in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him, and/or report the offence to the University authorities recommending appropriate action. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an ex parte decision on the complaint.
- iv. The Enquiry Committee and GSCASH shall consider all violations of the restraining order when determining the penalties to be awarded to an accused found guilty of sexual harassment.

Please affix your signature in the space provided below to confirm that you have received the above restraint order and are informed of its provisions.

Signature: _____

Date: _____

Name: _____

Address: _____



FORM V
 Complaints Screening Committee
 Letter to Witnesses Named by the Complainant/Accused

Dear _____

A complaint of sexual harassment against _____ (name(s) of accused(s)), has been lodged with the GSCASH by _____ (name(s) of complainant(s)) on _____ (date). The complaint refers to an incident(s) that allegedly took place on/in _____ (date/period in which the alleged incident(s) took place) in _____ (location(s)), where the accused(s) allegedly _____

The GSCASH Complaints Screening Committee is at present examining the complaint. _____ has requested that we solicit your co-operation to corroborate/clarify certain aspects of his/her testimony. We would therefore like to meet with you on _____, at _____ a.m./p.m. in the GSCASH Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of GSCASH for information.

Yours truly,

(O) _____ (R) _____

Complaints Screening Committee

Date: _____

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GENDER SENSITISATION COMMITTEE AGAINST SEXUAL HARASSMENT
JAWAHARLAL NEHRU UNIVERSITY
New Delhi - 110 067, India.

FORM VI
Enquiry Committee
Summons to the Complainant

Dear

This is with reference to the complaint of sexual harassment against _____ (name(s) of accused(s)) that you lodged with the GSCASH on _____ (date). The GSCASH Complaints Screening Committee has recommended the institution of a formal enquiry proceeding into your complaint. The GSCASH has designated an Enquiry Committee of _____ persons, the contact details of whom are listed at the end of this communication.

Based on your testimony before the GSCASH Complaints Screening Committee on _____, the GSCASH has prepared a charge sheet, which you authenticated on _____. A copy of this charge sheet has been made available to the accused, and I enclose a copy for your records.

This is to request you to meet with the GSCASH Enquiry Committee on _____ at ___ a.m./p.m., in the GSCASH Office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chief Enquiry officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chief Enquiry Officer.

Please find enclosed a copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

Chief Enquiry Officer

☎ (O) _____ (R) _____

Date:

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____



FORM VII
 Enquiry Committee
 Summons to the Accused

Dear _____

This is with reference to the complaint of sexual harassment lodged against you by _____ (name(s) of complainant(s)) with the GSCASH on _____ (date). The GSCASH Complaints Screening Committee has recommended the institution of a formal enquiry proceeding into the complaint. The GSCASH has designated an Enquiry Committee of _____ persons, the contact details of whom are listed at the end of this communication.

Based on the complainant's testimony before the GSCASH Complaints Screening Committee, on _____, the GSCASH has prepared a charge sheet, which is enclosed.

This is to request you to meet with the GSCASH Enquiry Committee on _____ at _____ a.m./p.m., in the GSCASH Office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chief Enquiry officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chief Enquiry Officer.

Please find enclosed a copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

 Chief Enquiry Officer

Date: _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____



FORM IX
ENQUIRY COMMITTEE
 Summons to Witnesses

Dear

This is with reference to a complaint of sexual harassment against _____ (name of accused(s)) lodged by _____ (name of complainant(s)) with the GSCASH on _____ (date). The complainant has alleged that the accused _____

The GSCASH has instituted a formal enquiry proceeding against the accused. In the course of its proceedings, the GSCASH Enquiry Committee has formed the impression that you may be in possession of information that may prove relevant to the Committee's deliberations on the complaint, and this is to solicit your cooperation in this regard. In particular, the GSCASH Enquiry Committee would like to ascertain your information of the following matter(s):

The GSCASH Enquiry Committee would be appreciative if you could arrange to meet with the Committee on _____, at _____ a.m./p.m. in the GSCASH Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

Chief Enquiry Officer

Date:

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____

☎ (O) _____ (R) _____



FORM X

Written Apology: Suggested Format
(To be Hand-Written by the Offender)

(Name of the complainant) _____

This is to place on record my understanding that my misbehaviour, towards you on (date) _____ in (place) _____, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality, and security in the campus. Although I am aware that an apology for my unwelcome and gender-insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologise for my actions.

I, _____, undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy, threatens your security, violates your human rights, the JNU policy against sexual harassment, or adversely affects your living, working, and/or educational environment.

I, _____, undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating, or exerting pressure upon you on all matters, specially those which pertain to your complaint of sexual harassment against me.

I, _____, undertake that henceforth, I, or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint of sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality, character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, _____, undertake that I shall attend the gender sensitisation programmes organised by GSCASH. I shall make every effort to ensure that I shall never again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by others.

Signature: _____

Name: _____

Address: _____

Place: _____