

POLICY ON GENDER SENSITIZATION AGAINST SEXUAL HARASSMENT

1 Background

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India. Such behavior is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: “Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth” and Article 19(1)(g): Right to Freedom which upholds a woman’s right “to practice any profession, or to carry on any occupation, trade or business”].

The Supreme Court of India, in a landmark judgment in August 1997 (*Vishaka & others vs. the State of Rajasthan & others*) stated that every instance of sexual harassment is a violation of “Fundamental Rights” under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the “Right to Freedom” under Article 19 (1)(g). The Supreme Court further reiterated that sexual harassment “is a violation of the fundamental right to gender equality and the right to life and liberty”. Another Supreme Court Judgment in January 1999 (*Apparel Export Promotion Council vs. Chopra*) has stated that sexually harassing behavior “needs to be eliminated as there is no compromise on such violations”.

In the absence of specific laws to deal with sexual harassment at the workplace, the Supreme Court judgment of 1997 issued a set of guidelines – usually referred to as the Vishaka Guidelines – to deal with the problem. The Court further makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by it and to evolve a specific policy to combat sexual harassment in the workplace. Educational institutions are bound by the same directive. Following this, the Centre for Studies in Social Sciences, Calcutta (CSSSC) is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction. It is with this objective that this policy has been framed.

2 Objectives and Scope of Policy

- a. This policy shall be called “Policy on Gender Sensitization against Sexual Harassment”.
- b. The policy reiterates the commitment of the Centre to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of all forms of sexual harassment.
- c. In framing the rules and procedures laid down in this policy, the spirit of the Supreme Court judgments mentioned in the Background section have been followed; however, the rules and procedures cover a wider spectrum of sexual harassment and deal with issues in consonance with the requirements of an academic institution. Guidelines of other educational institutions (such as Jawaharlal Nehru University, Jadavpur University and Centre for Development Studies, Trivandrum) have also been drawn upon.

d. The policy and rules and procedures would apply to all students, academic staff, and non-teaching staff on the active rolls of the Centre as well as to service providers and outsiders who may be within the territory of the Centre at the time of commission of the act coming under the purview of the policy.

e. The policy would apply inside the campus but also on off-campus official duty (workshops, field work, group holidays/excursions organized by the Centre, interviews/meetings with outside people and any other activity organized by the Centre outside the campus including the period of traveling for such activity).

f. In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of sexual harassment made:

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. By a service provider or an outsider against a student or a member of the academic or non-teaching staff or 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.

g. In order to implement the policy, a Committee on Gender Sensitization against Sexual Harassment (COGSASH) shall be appointed whose composition and mandate would be as described below.

3 Definitions of Sexual Harassment and Gender Sensitization

Sexual Harassment

Sexual Harassment in the given context, as is described in the Supreme Court Judgment, is:

Any *unwelcome* sexually determined behavior, direct or by implication, and includes:

- Physical contact and advances,
- A demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Any other unwelcome physical verbal or non-verbal conduct of a sexual nature.

The key expression in the above definition is *unwelcome* which indicates unwanted and non-consensual nature of the behavior in question.

Explanation of Sexual Harassment shall include but will not be confined to the following:

- i) When unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature explicitly or implicitly are being made a term or condition for instruction, employment, participation or evaluation of a person's engagement in any activity related to CSSSC.
- ii) Unwelcome sexual advances and verbal and non-verbal or physical conduct such as loaded comments, remarks, jokes, letters, phone calls, or e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, and sounds or display of a derogatory nature which have the purpose or effect of interfering with an individual's performance or of creating an intimidating hostile or offensive campus environment.
- iii) Any form of sexual assault is committed in which a person uses the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will.
- iv) Such behavior will be considered to be an offence of sexual harassment in the following contexts: within the CSSSC premises itself and in other CSSSC related settings such as hostels, offices, educational or training trips, seminars and conferences or CSSSC - related social events.
- v) The overwhelmingly dominant form of sexual harassment is that perpetrated by men against women. However, sexual harassment could also be perpetrated by women against men or occur between persons of the same sex.

Gender Sensitization

Gender Sensitization involves creating awareness about gender issues and working towards and creating an enabling environment of gender justice where men and women can work together with a sense of personal security and dignity.

4 Other definitions

- i. "Academic staff" includes any person on the staff of the Centre who is appointed to a teaching and/or research post, whether full-time, permanent, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include persons employed on a casual or project basis.
- ii. "Appropriate Centre Authority" shall refer to the Director of the "Centre", or any person to whom the power of Directorship may be delegated, except in the case where either the complainant or/and the defendant is/are part of "faculty" in which case the appropriate Centre authority would be the Board of Governors.
- iii. "Campus" includes all places of work (instruction, research and administration), as well as hostels, guesthouses, canteen and other public places on the Patuli campus of the Centre as well as Jadunath Sarkar Bhavan on the Lake Terrace campus; however it shall not include the premises of the Eastern Regional Centre of the ICSSR currently located on the Lake Terrace Campus.
- iv. "Centre" refers to the Centre for Studies in Social Sciences, Calcutta (CSSSC).
- v. "Employee" means any person on the staff of the "Centre", including faculty, non-teaching staff, and project staff; permanent, temporary, part-time, visiting, ad-hoc

- and honorary employees by whatever name called and would include persons employed on a casual basis and also those employed through contractors.
- vi. “Faculty” includes any person on the staff of the Centre who is appointed on a temporary or permanent basis either as Fellow, Postdoctoral Fellow, Senior Fellow or Professor and includes Visiting and Honorary Faculty and any outside faculty temporarily affiliated with the “Centre”.
 - vii. “Non-teaching staff” includes any person on the staff of the Centre who is not appointed to a teaching and/or research post, whether full-time, permanent, temporary, ad-hoc, part-time, daily wage, honorary or on special duty or deputation, and shall include persons employed on a casual or project basis, as also persons employed through a contractor.
 - viii. “Off-campus official duty” would refer to any activity being undertaken outside the “campus” on behalf of the “Centre”; this would include, but not be restricted to, workshops, field work, group holidays/excursions organized by the Centre, and interviews/meetings with outside people along with the period of traveling for such activity.
 - ix. “Outsider” includes any person who is not a student, or member of the academic or non-teaching staff of the “Centre”.
 - x. “Outside expert” includes any person with expertise in fields relevant to the working of COGSASH; this could include an academician, an experienced person from an NGO, an activist or a legal expert from outside the “Centre”.
 - xi. “Permanent non-teaching staff” includes any person on the staff of the “Centre” who is not appointed to a teaching and/or research post and who is appointed on a permanent basis
 - xii. “Project staff” includes any person on the staff of the “Centre” who is appointed on a temporary or permanent basis as part of a specific project.
 - xiii. “Student” means any person who is enrolled for any degree/diploma/certificate course at the “Centre” (full-time/part-time/short term/long term). It also includes a student of another University or college or research institution who has been placed or has opted for placement with the “Centre” or is auditing/attending courses at the “Centre” or is temporarily affiliated with the “Centre”.
 - xiv. “Service provider” includes any person or entity who provides services to the “Centre” or its “employees” and “students”.
 - xv. “Supreme Court Judgments” 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 and the judgment titled Apparel Export Promotion Council vs. A. K. Chopra, on 20th January 1999.
 - xvi. “Visitors” would include all persons who are not employees or students of the “Centre”; these could include “service providers”, participants in a seminar, workshop or a training program, students’ relatives, alumni or students from another institution, and any other outsiders who are on the “campus” of the “Centre” to meet with any employee or student or use the library and other facilities of the “Centre”.

5 Composition of COGSASH, Enquiry Committee, and Selection Procedures

Composition

The Committee shall have eleven members. More than half of the members of the committee shall be women. Members of all constituencies in the Centre are sought to be included in the Committee. The composition of the members is given below.

Three faculty members (two women, one man)
Three permanent non-teaching staff (two women, one man)
Two project staff (at least one woman)
Two students (1 each from MPhil and Phd) (one woman, one man)
One outside expert

Selection procedure

The existing COGSASH (the working committee in case of the first COGSASH) will invite (through formal correspondence) all members from “faculty”, “permanent non-teaching staff”, “project staff” and “students” to select their representatives to the next COGSASH. Each of the above said constituencies will select its representatives by consensus or majority voting and formally communicate its decision to the existing COGSASH (the working committee in case of the first COGSASH). In the event that a constituency fails to communicate its decision or is unable to select the required number of representatives within fifteen working days of the invitation, the existing COGSASH (the working committee in case of the first COGSASH) shall nominate the remaining representatives from that constituency.

Once all internal members of the new COGSASH have been selected, they will choose a woman faculty member from amongst them as the chairperson and nominate the outside expert. The new COGSASH shall have its first meeting no later than two weeks after it comes into force.

Time frame of selection

For all committees subsequent to the first committee, first the internal members of the new committee would be selected according to the procedures outlined above at least two months before the end of the tenure of the existing committee. These members would then meet to nominate the outside expert. The new committee (including the outside expert) has to be fully constituted at least one month before the end of the tenure of the existing committee.

Tenure

The tenure of the committee (and of each member) shall be two years. However, if a vacancy arises in COGSASH owing to absence of a member without intimation for three consecutive meetings, resignation of a member, or disqualification of a member, the vacancy will be filled up for the residual period by the selection procedure outlined above. A person shall be disqualified from being a member of COGSASH if there is any complaint concerning sexual harassment (either pending or proven) against him/her.

Enquiry Committee

- a. Each time a new COGSASH is constituted, a new Enquiry Committee will also be constituted. This shall be done at the first meeting of the new COGSASH, which will

- be held no later than two weeks after the new COGSASH comes into force. The Enquiry Committee will have the same duration as COGSASH viz. two years.
- b. The Enquiry Committee shall be a sub-committee of COGSASH. It shall consist of three members, of which one would be the outside expert, and at least one of the remaining two shall be a member of the faculty.
 - c. The Enquiry Committee shall consist of at least 50% women and the chief enquiry officer shall be a woman.
 - d. No person who is a complainant, witness, or defendant in the complaint of sexual harassment or any other interested person shall be a member of the Enquiry Committee (see clause 10 in the *Complaints Filing Process* sub-section of Section 8).
 - e. In addition to this, depending upon the nature and circumstances of an individual case, COGSASH may, at its discretion, appoint one additional person with gender sensitivity to be a part of the Enquiry Committee; the person could be a member of COGSASH or any other employee or student of CSSSC. However, such a person shall not serve as the chief enquiry officer.

6 Mandate of COGSASH

This Committee is **NOT** about moral policing. The role of the Committee is to create awareness about sexual harassment and to deal with and punish non-consensual acts of sexual harassment, *and not to curtail sexual expression from the campus*. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., pre-determined notions of how a “victim” or “accused” should dress or behave) to affect their functioning as members of the committee.

The committee would have two broad functions:

1. Gender sensitization and awareness generation (discussed in a subsequent section)
2. Dealing with complaints about sexual harassment, including receipt of complaints, formal enquiry and redressal (discussed in subsequent sections)

In order to carry out the above functions, the following rules would be applicable regarding COGSASH meetings:

1. The Committee would meet twice a year in addition to a public meeting for reporting/audit purposes (see clause 7). Additional meetings could be held as necessary to deal with issues or complaints that may arise.
2. Members shall be intimated of meetings in writing or by electronic communication at least five working days in advance except in the case of an Emergency Meeting (see clause 3).
3. Any member of the Committee may request the Chairperson to call an Emergency Meeting. A notice of at least one working day shall be required for such a meeting to be called.
4. The quorum for all meetings shall be more than half of the existing members of the Committee. Motions shall be carried by a simple majority of those present and voting (except in the cases discussed in Sections 8 and 13). The procedure for voting will be secret ballot conducted by the Chairperson.
5. If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For an adjourned meeting, the required quorum shall be the same as in a regular meeting except in the case of an adjourned Emergency Meeting where there shall be no requirement of quorum.
6. Minutes of all meetings shall be recorded, confirmed and adopted.

7. The Committee shall endeavor to hold at least one public meeting every year where it shall report to the CSSSC community about its activities and present its Annual Report.

Changes in service rules

The adoption of the policy would entail amendments in the service rules of the Centre, wherever necessary, to ensure that the rules and procedures laid down in this policy can be implemented. In particular, amendments may be necessary to (a) ensure that the COGSASH is recognized as a statutory body (b) include sexual harassment as an offence and (c) provide for appropriate disciplinary measures against an offender.

The first Committee would have a special one-time mandate of making suitable recommendations in this regard at the earliest. Subsequent committees may suggest amendments later as and when required.

7 Gender Sensitization and Awareness Generation

- a. The policy in its entirety will be available at the library counter, the Registrar's office and the CSSSC website. This information must be publicized widely.
- b. COGSASH will ensure the prominent publicity of the policy in the Centre by displaying it (in a summary form) on the main notice board and the employees' notice board (at the entrance), the library notice board and at the canteen.
- c. The names and telephone numbers of all members of the Committee, and the residential phone number of the chairperson of COGSASH, should be displayed in the main notice board and the library notice board.
- d. The policy will be translated in Bengali so as to be accessible to all members of the Centre's community. In the event of differences in interpretation of the two versions, the meaning which best reconciles the texts, having regard to the object and purpose of the policy, shall be adopted.
- e. The policy shall be briefly mentioned in the prospectus and orientation brochures of all academic programs offered at the Centre and all new service contracts for employees at all levels, along with information about where it would be available.
- f. Each recruitment announcement must include the following line:
The Centre has a policy against sexual harassment and is committed to providing an environment free from sexual harassment.
- g. COGSASH will organize programs for the gender sensitization of the CSSSC community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs to carry out these programs.
- h. COGSASH shall empanel a list of counselors to extend support in specific instances of sexual harassment as well as to facilitate gender sensitization in general. In specific instances, COGSASH will inform the complainant, the defendant and other interested parties about the contact details of the panel and encourage them to use the same.

8 Complaints Mechanism

Complaints Filing Process

1. Any student, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, service provider, outsider, or a member of the academic or non-teaching staff.
2. Complaints should be lodged by the concerned person directly with any member of COGSASH. Third party complaints and witness complaints shall not be entertained except in cases where the complainant has been forcibly prevented from making a complaint; in such cases, a complaint can be made on her/his behalf until she/he can approach the committee.
3. Complaints may be oral or in writing. If the complaint is oral, it would be converted into a written form by the COGSASH member receiving the complaint and authenticated by the complainant under her/his dated signature or thumb impression as the case may be as soon as possible.
4. Details of the incident(s) of harassment, date, time, and place must be recorded. Note that delay in filing the complaint should not prejudice the case.
5. The history of who the complainant approached (family, friends, teachers etc) before making a formal complaint must also be recorded.
6. Upon receipt of the complaint, the COGSASH member to whom the complaint is made shall forward the same to the Chairperson of COGSASH.
7. The Chairperson of COGSASH shall call an emergency meeting within two days of the receipt of the complaint.
8. The purpose of the meeting will be to submit the complaint to the Enquiry Committee and formally put the enquiry process into motion.
9. In the emergency meeting, COGSASH can appoint an additional member to the Enquiry Committee (as provided earlier).
10. Any member of COGSASH charged with sexual harassment in a complaint or any other interested party must step down as member during the enquiry into that complaint. COGSASH shall appoint another member as replacement.
11. COGSASH shall take the necessary steps to ensure that both the complainant as well as the defendant are informed about and provided access to counseling services at least once; further follow-up would be left to the discretion of the concerned party. COGSASH may recommend suitable NGOs for this purpose as and when required.
12. A complainant has the right to go public if s/he so desires. Going public before giving of the complaint to the committee by the complainant should not prejudice the committee members. Once a complaint has been given to the committee, the complainant should preferably not go public until the enquiry is completed.

Enquiry Process

1. Within two days of the start of the enquiry process (i.e., the date of the emergency meeting discussed above), the Enquiry Committee shall furnish a copy of the complaint to the defendant and the complainant along with a written notice requiring both parties to furnish a written submission, a list of witnesses, and signed copies of written statements of the witnesses within a week of receipt of the notice. The Enquiry Committee shall also provide the defendant and the complainant with a copy of the Policy on Gender Sensitization Against Sexual Harassment. In case the

complainant does not have any additions to make to the complaint filed earlier, she/he can just submit a statement to that effect.

2. Within three days of the receipt of the written submissions of the two parties, a list of their witnesses and written statements of their witnesses, the Enquiry Committee shall provide to each party a copy of the written submission and written statements of the witnesses submitted by the other parties.
3. Within a week, both parties shall submit to the Enquiry Committee their replies to the documents that have been served on them. The replies may also include a list of questions that the party wishes the Enquiry Committee to ask the other party or its witnesses.
4. Within three days of the receipt of the replies and list of questions in (3) above, the Enquiry Committee shall start the process of an oral hearing.
5. In the course of the oral hearing, the complainant, the defendant, and their witnesses will be given a chance to give an account of the instances alluded to in the complaint. All parties can also submit any documentary evidence at the time of the oral hearing.
6. The Enquiry Committee shall have the power to ask questions that it deems fit to all parties during the oral hearing
7. The Enquiry Committee would also ask questions which have been submitted by the complainant and defendant for the other parties. However, the Enquiry Committee has the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive.
8. The Enquiry Committee may also call upon additional witnesses and ask them any questions that it may deem fit.
9. The enquiry committee shall have the power to ask the relevant authorities for any official papers or documents pertaining to the complainant as well as the defendant.
10. After completing the investigation, the Enquiry Committee shall submit a detailed report of its findings to the chairperson of COGSASH, including an indication of whether it finds the defendant guilty or not guilty along with reasons for its decision.
11. The enquiry committee shall have to complete the enquiry within a reasonable time ordinarily not exceeding three months from the date the complaint is referred to it. Any extension of the enquiry process beyond this period would have to be notified to COGSASH and approved by it.

Note:

Most cases of sexual harassment occur in private, so there may not be any eye-witness. The Enquiry Committee will have to come to a conclusion about the complaint without proof or evidence of this kind. It will rely on circumstantial evidence and the written submissions and oral testimonies of the complainant, the defendant, and witnesses if any as well as any documentary evidence. This enquiry is not a criminal investigation or a proceeding in a court of law – a strong probability, rather than ‘proof beyond reasonable doubt’, is enough to take a decision on the complaint.

General Guidelines for the Enquiry Process

1. The Enquiry Committee shall conduct the proceedings in a fair manner and shall provide reasonable opportunity to the complainant and the defendant for presenting and defending his/her case.
2. At no time in the enquiry proceedings shall the defendant and the complainant be placed face to face, or put in a situation where they may be face to face (e.g., they shall not be called at the same time and be made to wait in the same place), keeping

strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgments. It is to ensure this that cross-examination via the Enquiry Committee is provided for (see clauses 3 and 7 above).

3. The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, at no time in the enquiry process shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.
4. If the defendant fails, without valid ground, to present himself/herself for three hearings convened by the chief enquiry officer, the Enquiry Committee shall have the right to take a decision on the complaint based upon available evidence.
5. Records of all evidence gathered in the course of the enquiry shall be maintained. The name of the complainant and of all witnesses shall be coded. However, the name of the defendant shall not be coded.
6. Enquiry proceedings shall be confidential.
7. All persons heard by the Enquiry Committee shall take and observe an oath of secrecy about the proceedings. Any violations of the oath of secrecy would invite action by the appropriate Centre authority as per the recommendation of COGSASH.
8. Notwithstanding its commitment to confidentiality requirements, COGSASH retains its right to collectively issue a public statement or publicly respond to allegations made against COGSASH or any of its members. However, members of COGSASH cannot go public in their individual capacity.
9. COGSASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below:
 - (i) A restraint order shall provide a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the defendant(s) that any attempt on her /his part or by person(s) acting on his /her behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.
 - (ii) The complainant or any other person should intimate in writing the Chairperson of COGSASH and/or the Enquiry Committee (discussed in the subsequent section) of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
 - (iii) Should the Chairperson of COGSASH or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of COGSASH and/or the chief enquiry officer may summon the defendant(s) in person and issue a verbal and written warning that such behavior may lead to an adverse inference being drawn against her/him. The Enquiry Committee or COGSASH shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.
 - (iv) The Enquiry Committee and COGSASH shall consider all violations of the restraint order when determining the nature of offence of a defendant.
11. COGSASH should make efforts to ensure that the complainant(s), defendant(s) and the witnesses are not victimized or discriminated against at any time during or after the enquiry process as a result of their respective roles in a particular case of complaint. For instance, if the complainant is a student and the defendant is a faculty member, the defendant will not act as examiner or supervisor to this student. If the complainant and the defendant are both employees working together on one or more tasks, alternative arrangements shall be made to carry out the task such that interaction between the two are not allowed. If the defendant is an outsider, he/she shall not be allowed to enter the premises of the Centre during the period of enquiry. These changes may be continued as long as necessary.

13. COGSASH shall take action against anyone who intimidates the complainant(s), defendant(s), witnesses or members of the committee, during or after the enquiry process.

Complaints withdrawal

1. The complainant may withdraw his/her complaint in writing at any time during the enquiry procedure. However, COGSASH must ascertain the reasons for withdrawal of the complaint, record the same in writing and get it counter-signed by the complainant.
2. The complaints 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 defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the complaints enquiry proceedings shall continue in accordance with the procedure outlined in the policy.

9 Communication of findings of the Enquiry Committee and follow-up procedures

- a. Within five working days of the receipt of the report of the enquiry committee, copies of the report shall be made available to all members of COGSASH.
- b. As soon as the report is received by COGSASH, records of evidence collected by the enquiry committee shall be accessible to members of COGSASH on request. .
- c. Within ten working days of the receipt of the report of the enquiry committee, the chairperson of COGSASH shall convene a meeting to deliberate upon the findings of the enquiry committee. In the event that a decision about both culpability of the defendant as well as the action to be taken is not reached by COGSASH in a single meeting, at most one more meeting may be called within two working days to arrive at the final decision.
- d. COGSASH may adopt the findings of the enquiry committee in toto with regard to the culpability or otherwise of the defendant and recommend suitable action. If a 2/3rd majority of the total members of COGSASH deems it necessary, it shall refer the case back to the Enquiry Committee for consideration of the concerns expressed by COGSASH.
- e. The Enquiry Committee shall have to resubmit its findings within fifteen working days from the date the case is referred back to it along with responses to the specific concerns raised by COGSASH. In order to deal with the concerns of COGSASH, it may review the already collected evidence or it may collect new evidence.
- f. Within five working days of the resubmitted findings, a meeting of COGSASH shall be convened. The resubmitted findings of the Enquiry Committee (whether it upholds the earlier findings or revises them) shall be binding on COGSASH; any dissenting opinions shall, however, be recorded.
- g. Within two working days of the decision of COGSASH, the chairperson of COGSASH shall communicate the decision of the COGSASH to the appropriate Centre authority, along with the report of the enquiry committee, together with a summary of opinions of its members (including dissenting opinions).
- h. Within ten working days from the date of communication of the findings by COGSASH, the appropriate Centre authority shall convene a meeting with

COGSASH to discuss the decision of COGSASH and the report of the enquiry committee for follow-up action.

- i. In the event that no action has been taken one month after the meeting between the appropriate Centre authority and COGSASH, the Chairperson of COGSASH shall convene a meeting of COGSASH with the appropriate Centre authority to take stock of the situation.
 - ii. In the event that the action taken is different from the one recommended by COGSASH, the Chairperson of COGSASH shall convene a meeting of COGSASH with the appropriate Centre authority and enquire about the reasons for the divergence.
 - iii. In the event that appropriate follow-up action has not been taken by the appropriate Centre authority one month after the meeting described in clauses (i) and (ii) above, COGSASH shall communicate its discontent in writing to the authority.
- j. In the event that any new fact or evidence arises or is brought before COGSASH at any stage of the enquiry proceedings or even after the communication of the findings to the appropriate Centre authority, COGSASH can take cognizance of this and take appropriate action; this may include reconstitution of the Enquiry Committee, in which case the new Enquiry Committee shall include at least half of the members of the Enquiry Committee that originally enquired into the said complaint.
- k. The appropriate follow-up action and the report of the Enquiry Committee shall be communicated to the complainant and the defendant. Copies of depositions of witnesses shall be made available for perusal to the complainant or defendant on request.

10 Redressal

Guiding Principles

The guiding principle of the redressal mechanism is to use retributive measures along with measures that go beyond retribution. There will be provisions for punishment for the offender once the offence is proved. There will also be attempts at every step of the enquiry and the punishment to treat the offender as a human being susceptible to changing ones behavior on positive suggestions and social pressures.

Redressal shall involve supportive measures for the complainant and protection against victimization. Filing of a grievance or complaint will not reflect upon/adversely affect the complainant's or defendants or witnesses' status, future evaluation of grades, assignments, employment, promotion etc.

As a general principle, everyone who is associated with redressal of sexual harassment needs to be sensitive towards both the defendant and the complainant. To this end, it is advisable that they undergo periodic orientation and training.

Punishments

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the

CSSSC authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

(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 CSSSC.
- d. Disbarment from holding an administrative position at the CSSSC.
- 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. The right to an official character certificate may also be withdrawn where applicable.

(2) Penalties in Case of Non-Teaching Staff and Project Staff

- a. Warning, reprimands, 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. The right to an official character certificate may also be withdrawn where applicable.

(3) Penalties in Case of CSSSC Students

- a. Warning or reprimand.
- b. Withdrawal of the right to an official character certificate from CSSSC.
- c. Withdrawal of hostel accommodation for the entire period of study.
- d. Rustication from the CSSSC for a specified period

- e. Expulsion from the CSSSC, and/or a bar on appearing for the entrance examination/interview to any program of study offered by CSSSC.
- f. Withholding of a degree conducted by CSSSC.

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

(4) Penalties in Case of Outsiders

- a. Warning, reprimands, 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 program of study offered by CSSSC.
- d. Any other action as may be necessary.

(5) Penalties in Case of Service Providers

- a. Warning, reprimands, 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 complainant.

(6) Penalty in Case of a Second Offence

A second, or repeated offence, may, on the recommendation of COGSASH, attract a higher penalty.

Appeals

- i. In the event of the COGASH not taking action on a complaint, or if the complainant or defendant is dissatisfied with the disciplinary action taken by the CSSSC authorities, she/he shall have the right to appeal to an Appeals Committee. Appeals may also be lodged with the CSSSC authorities.
- ii. An Appeals Committee shall consist of:
 - a. One person nominated by the Board of Governors of CSSSC from amongst its members,
 - b. One former senior woman member of COGSASH nominated by the Director. If there is no former senior woman member of COGSASH, the director could appoint a senior woman member from the currently

functioning COGSASH. This nominee shall chair the Appeals Committee, and

- c. One woman faculty member of the CSSSC nominated by the Director.
- d. No member of the Enquiry Committee which has investigated the complaint under appeal can serve on the Appeals Committee.
- 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 evidence before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgment.
- iv. The Appeals Committee shall report to the Board of Governors of CSSSC its findings and recommendations on the nature of the action to be taken on the appeal.

11 False Complaints/Depositions

a. If the Enquiry Committee finds no merit in any particular complaint/deposition, it shall write to the chairperson of the COGSASH, giving reasons for its decision.

b. Within 10 working days of the receipt of this communication from the Enquiry Committee, the chairperson of COGSASH shall convene a meeting to discuss the recommendations of the enquiry committee and to decide whether a show-cause notice shall be issued to the complainant/witness(es). Upon the decision to issue a show-cause notice, the chairperson of COGSASH shall issue it to the complainant/witness(es) and require the complainant/witness(es) to explain within five working days as to why disciplinary actions shall not be taken against him/her. Within 5 working days of the receipt of any explanation from the complainant/witness(es), the chairperson shall convene a meeting to consider the explanation. In the event of an unconvincing explanation, the COGSASH shall forward its findings to the appropriate Centre authority for follow-up action.

12 Protection against Victimization

COGSASH should make efforts to ensure that the complainant(s), defendant(s) and the witnesses are not victimized or discriminated against at any time during or after the enquiry process as a result of their respective roles in a particular case of complaint. For instance, if the complainant is a student and the defendant is a faculty member, the defendant will not act as examiner or supervisor to this student. If the complainant and the defendant are both employees working together on one or more tasks, alternative arrangements shall be made to carry out the task such that interaction between the two are not allowed. If the defendant is an outsider, he/she shall not be allowed to enter the premises of the Centre during the period of enquiry. These changes may be continued as long as necessary.

COGSASH shall take action against anyone who intimidates the complainant(s), defendant(s), witnesses or members of the committee, during or after the enquiry process.

If found guilty, the defendant shall not (i) supervise any academic activity (such as evaluation, examination or supervision of research) of the complainant/witness and/or (ii) write the confidential report of the complainant/witness.

13 Amendment to the Policy and Rules and Procedures of COGSASH

Amendments to the policy and rules and procedures of COGSASH shall have effect only if these are compatible with the letter and spirit of the Supreme Court judgment. Amendments shall be effected by decision taken in a special meeting of COGSASH called for this purpose. Proposed amendments shall be circulated at least 15 working days prior to the special meeting called for this purpose. An amendment shall be passed by two-thirds of the total members of COGSASH.

14 Obligations of Centre Authorities

a. The Centre authorities shall notify, each academic year, the names and contact details, of the members of COGSASH and the fact that COGSASH is the committee responsible for gender sensitization and action against sexual harassment.

b. The authorities shall maintain full confidentiality with respect to matters pertaining to COGSASH enquiries into complaints of sexual harassment.

c. The authorities shall act promptly on the recommendations of the COGSASH pertaining to the various issues outlined above.

d. As required by the Supreme Court judgment, the authorities shall forward to the government department concerned the annual report of COGSASH together with a written report on the action taken by them upon the decisions/recommendation of COGSASH.