

## **Rules & Procedures:**

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

These rules and procedures 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 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.

## **Composition and Procedures Of GSCASH**

### **1. Composition**

GSCASH shall have a membership of ten persons, of which at least half the members shall be women. The composition of these members is given below while the bodies, which shall elect or nominate these members are given in the next section.

(i) Two faculty members (at least one woman) specially elected to serve on GSCASH.

(ii) Two students (at least one woman) specially elected to serve on GSCASH.

(iii) One woman officer and one woman staff member specially elected to serve on GSCASH.

(iv) Two Wardens (at least one woman)

## **2. Term of Office of GSCASH Members**

The tenure of each member of GSCASH shall be twelve months from the date of assumption of office.

## **3. Chairperson/Acting Chairperson of GSCASH**

The Chairperson of GSCASH shall be a woman faculty member, and shall be nominated by the Vice Chancellor. 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), Vice Chancellor shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of GSCASH for that period. The Acting Chairperson of GSCASH shall have all the powers and duties of the Chairperson of GSCASH outlined herein. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

## **4. 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.

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

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

## **6. Meetings of GSCASH**

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

for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.

(v) GSCASH shall hold at least two public meetings every year 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.

## **7. 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:

(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. Not less than half of the members of the said Committee shall be women.

(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 Chairperson of GSCASH outlined herein.

(iii) By May 12 and December 5 each year, GSCASH shall intimate the University community by public notice the contact details including telephone/mobile nos. of the members of the Vacations Committee.

(iv) The Vacations Committee shall designate from within itself a monthly Complaints Screening Committee, which shall function in accordance with the procedures.

(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.

(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/Chairperson, GSCASH within three working days of the commencement of the semester.

(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.

## **8. 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.

## **V Functions of GSCASH**

GSCASH shall have four functions:

### **V.1 Gender Sensitisation and Orientation**

(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 centres, etc.

(ii) GSCASH will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programmes.

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

### **V.2. Crisis Management and Mediation**

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

(ii) GSCASH will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.

(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) 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 of GSCASH.

(v) In cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, GSCASH shall assist the affected party in making a complaint to the appropriate authority outside the University.

### **V.3 (A) Complaints Filing Process**

(A) (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff.

Third party complaints and witness complaints shall be entertained. The GSCASH shall take suo motto notice of grave violations of the basic principles of gender sensitivity and justice on this campus.

**(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.

**(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.

**(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 I, prescribed for the purpose (Schedule 2), and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

## **(B) Complaints Screening Committee**

### **(B) (i) Composition**

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

### **(B) (ii) Functions**

a. The Complaints Screening Committee shall receive and record complaints of sexual harassment on Form I (Schedule 2) prescribed for the purpose. It shall carefully study the complaint and may hear the complainant and the defendant as well as other involved parties to determine whether an enquiry by GSCASH is to be instituted.

b. At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgement.

c. At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.

d. GSCASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below in Section VI.3(C).

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 counselling

services available to a person requesting for it.

g. In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Complaints Screening Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, recommend the institution of enquiry proceedings.

**(B) (iii)**

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

b. The complaints screening/enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Complaints Screening/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 screening/enquiry proceedings shall continue in accordance with the procedure outlined in Sections V.3(C).

**(C) Restraint Order**

**(C) (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 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.

**(C) (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 defendant(s), or any persons acting on her /his behalf.

**V.4(C) (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 defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an ex parte decision on the complaint.

**(C) (iv)** The Enquiry Committee and GSCASH shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

**V.5. Formal Enquiry**

Once the Complaints Screening Committee has decided that the complaint merits further investigation, it shall inform the GSCASH. The GSCASH shall conduct formal enquiry and provide its resources to ensure the complainant's safety on the campus. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting to constitute the Enquiry Committee. GSCASH shall designate from within the members of such committee the Chief Enquiry Officer who shall be a woman.

#### **V.6.(A) Composition of the Enquiry Committee**

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

- a. The Enquiry Committee shall consist of not less than three persons and not more than five persons.
- b. It shall have at least 50% women.
- c. In cases involving students/academic staff/non-teaching staff, it shall include a representative of the constituency of the complainant and the defendant (i.e., if the complaint is filed by a student against an academic staff member, then the Enquiry Committee shall include one student and one academic staff member).
- d. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a GSCASH Enquiry Committee.
- e. 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 V.5 – 8.
- f. 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 not serve as the Chief Enquiry Officer.

#### **V. (A) 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 and gender sensitivity.
- b. The Enquiry Committee shall act on any violation of the order of restraint issued to the defendant in accordance with the procedure prescribed herein the rules
- c. The Enquiry Committee shall submit a detailed report to GSCASH in which it shall communicate its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any.

#### **V. (B) Procedure to be Followed by the Enquiry Committee**

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

the guidelines in the Supreme Court Judgement.

- b.** 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 to GSCASH.
- c.** The Enquiry Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- d.** 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.
- e.** The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the defendant.
- f.** The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- g.** The Enquiry Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- h.** The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present herself /himself for three consecutive hearings convened by the Chief Enquiry Officer.
- i.** The Chief Enquiry Officer shall be responsible for making the defendant and the complainant aware that counselling services can be made available if so desired.
- j.** Within two days of the institution of enquiry proceedings by GSCASH, the Enquiry Committee shall prepare a summons containing details of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant (Form VI, Schedule 2) as well as to the defendant (Form VII, Schedule 2) along with a copy of the Rules and Procedures of GSCASH. It shall also intimate the defendant and the complainant the contact details of all members of the Enquiry Committee. The Enquiry Committee shall also make available to the defendant a true copy of the original complaint(s) lodged by the complainant(s).
- k.** Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the 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 defendant shall inform the Chief Enquiry Officer whether they shall wish to exercise the rights afforded in Sections (p) – (r) below.
- m.** The Chief Enquiry Officer shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.
- n.** If the complainant, defendant, 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 identities of all witnesses shall throughout be protected by the Enquiry Committee



by the use of a coding system for this purpose.

**p.** The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of SMVD University. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chief Enquiry Officer specifically if they wish to exercise this right. The Chief Enquiry Officer may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the GSCASH.

**q.** The complainant and the defendant shall have the right of cross-examination of all witnesses. Such cross-examination shall be conducted in the form of written questions and responses via the Enquiry Committee.

**r.** The defendant/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 defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by GSCASH as defined in procedures.

**s.** The complainant and the defendant 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 /nominees, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties outlined in Rules.

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

**x.** After concluding its investigation, the Enquiry Committee shall submit a detailed reasoned report of its findings to the Chairperson of GSCASH. In the event that it finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken on the complaint as referred in the Rules. It shall also

recommend whether GSCASH and the University authorities should, after disciplinary action has been taken, publicise the identity of the offender, the act and the disciplinary action taken. If the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of GSCASH, giving reasons for its conclusions.

y. Nothing precludes GSCASH from taking cognisance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings and even after the communication of the findings to appropriate University authorities, provided that in the latter case, the composition of the reconvened Enquiry Committee shall be at least half of the members of the Enquiry Committee that originally enquired into the said complaint.

## **VI Communication of Findings**

(i) Within three working days of the receipt of the report and recommendations of the Enquiry Committee, the Chairperson of GSCASH shall convene an Emergency meeting. Each member of GSCASH shall have the right to access the entire enquiry proceedings, or any part thereof, and to participate in GSCASH deliberations on the complaint. Within two working days of the adoption of the report of the Enquiry Committee, the Chairperson of GSCASH shall forward the report of the Enquiry Committee, together with a summary of the opinions of the members of GSCASH (including dissenting opinions) to the Vice-Chancellor for consideration of appropriate University authorities.

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

## **VII. Obligations of University Authorities and Functionaries**

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

ii. The University authorities will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: SMVD University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.

iii. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed on boards for display in

prominent places, such as the entrances to the campus, academic and administration buildings, hostels, etc.

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

v. 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.

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

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

v. 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/or the Appeals Committee.

## **V. Penalties**

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

### **IX (1) Penalties in Case of Academic Staff**

- 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.

### **IX (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.

### **IX (3) Penalties in Case of SMVDU 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 SMVD University.
- e. 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 SMVD University.
- h. Withholding of a degree awarded by SMVD University.

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

### **IX (4) Penalties in Case of Outsiders**

- 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 SMVD University.
- d. Any other action as may be necessary.

### **IX (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 counselling and gender sensitisation, and to give a written and/or public apology to the complainant.

## **IX (6) Penalty in Case of a Second Offence**

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

## **X Other Functions**

### **X (1) False Complaint/Deposition**

**i.** If the Complaints Screening Committee or the Enquiry Committee finds no merit in any complaint/deposition, 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/witness(es).

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

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

**v.** In event of insufficient, or unconvincing explanation, GSCASH shall forward its findings to the appropriate University Authority for further action.

### **X (2) Protection against Victimisation**

**i.** If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

**ii.** If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write

the Confidential Reports of the complainant, if she/he is otherwise so authorized.

If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

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

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

### **X (3) Provisions for Appeal**

i. In the event of the GSCASH not taking action on a complaint, or if the complainant or defendant is dissatisfied with the disciplinary action taken by the University authorities, she/he shall have the right to appeal to an Appeals Committee. Appeals may be lodged with the University authorities.

ii. An Appeals Committee shall consist of:

a. One person nominated by the Academic Council of SMVD 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, and

c. One woman faculty member of the SMVD University nominated by the Vice-Chancellor.

. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.

The Appeals Committee shall report to the Executive Council of SMVD University its findings and recommendations on the nature of the action to be taken on the appeal.

### **X (4) 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 letter and spirit of the Supreme Court Judgement and the Rules and Procedures.

**ii.** Amendments shall be effected by a decision taken in a Special Meeting of GSCASH called for the purpose.

. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.

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

## **X (5) Miscellaneous**

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

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

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