

Ordinance-10

Ordinance for Gender Sensitization and Sexual Harassment

(Section 32 of the Act)

This is the Ordinance for the Gender Sensitisation Committee Against Sexual Harassment (GSCASH) which is the body constituted by Jagan Nath University, Bahadurgarh. This body shall implement the guidelines laid down by the Supreme Court of India, in its judgment in Vishaka v. State of Rajasthan on August 13, 1997 on the prevention and deterrence of sexual harassment in the workplace.

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Ordinance of the Jagan Nath University will be called Gender Sensitisation Committee Against Sexual Harassment (GSCASH). The provisions of these Regulations and Procedure shall apply to all students, academic staff, and non-teaching staff on active roll of the University, as also to residents, service providers, and outsiders, on the University Campus, to the extent specified in these Regulations and procedure.
- (2) This Ordinance shall come into force with immediate effect on approval of the competent authorities/bodies of Jagan Nath University.

2. DEFINITIONS

- (a) “Academic staff” 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, contract basis, Guest Faculty, visiting faculty, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- (b) “Campus” includes all places of work and residence in Jagan Nath University campus. It includes all places of instruction, research and administration, as well as hostels, guest houses, public places and places of residence allotted and administrated by Jagan Nath University, including the shopping centre.
- (c) “Complaints Screening Committee” as defined in Clause 10(3) herein.
- (d) “Counsellor” includes any women, empanelled by GSCASH and/or appointed by the University authorities, who have proven expertise in social and personal counseling on matters arising out of incidents of sexual harassment.
- (e) “Eminent women academic” includes a senior woman academic who is not a member of either the academic or the non-teaching staff of Jagan Nath University, and who has experience in working for gender equality.
- (f) “Enquiry Committee” as defined in Clause 11 herein.

- (g) “NGO” includes any Non-Government Organisation registered under the Societies’ Registration ACT or as a public charitable trust. 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.
- (h) “Non-Teaching staff” 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 wage, 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.
- (i) “Outsider” includes any person who is not a student, resident, or a member of the academic staff or non-teaching staff of Jagan Nath University.
- (j) “Resident” includes any person who is temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Jagan Nath University, irrespective of whether he/she is the person to whom the accommodation is officially allotted.
- (k) “Service provider” includes any person who runs or manages commercial enterprises on the campus, or provides services to the campus. It includes, but is not limited to, persons working in shops, canteens and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Banks, Department of Posts & Telegraph, etc.
- (l) “Sexual harassment” includes any unwelcome sexually determined behaviour, (whether directly or by implication) as:
- (a) physical contact and advances;
 - (b) a demand or request for sexual favours;
 - (c) sexually colored remarks;
 - (d) showing pornography;
 - (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- (m) “Student” means a person enrolled in Jagan Nath University for taking a course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree.
- (n) “Third party” shall include the NGO representative or the eminent women academic serving on, or empanelled by, GSCASH.
- (o) “University” means the Jagan Nath University, Bahadurgarh.
- (p) “Warden” shall refer to any person, who is nominated, appointed, or designated as a warden of a hostel allotted and/or administered by Jagan Nath University.

3. SCOPE OF THE REGULATIONS

This Ordinance shall be applicable to all complaints of sexual harassment made:

- (a) 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;

- (b) 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;
- (c) 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.

4. FUNCTIONS OF GSCASH

GSCASH shall have three functions:

(1) Gender Sensitization and Orientation

- (a) GSCASH will ensure the prominent publicity of the Policy in all University Teaching Depts. on the campus, 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.
- (b) GSCASH will organize programmes for the gender sensitization of the campus community through workshops, seminars, posters, film shows, debates, skits etc. It may also enlist the help of specialized NGOs and any campus body to carry out these programmes.
- (c) GSCASH will conduct at least one major activity per semester involving large sections of the Jagan Nath University community.

(2) Crisis Management and Mediation

- (a) GSCASH will assist in the mediation of crises arising out of incidents of sexual harassment and sexual assault on the campus.
- (b) GSCASH will coordinate with the campus security service 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.
- (c) GSCASH will, through a circular at the beginning of each session, enlist and activity 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.
- (d) 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 Regulations and Procedure.

(3) Formal Enquiry and Redressal

- (a) GSCASH shall be responsible for the formal redressal of complaints of sexual harassment. It shall receive complaints, conduct time-bound enquiries and recommend disciplinary action, if any, in accordance with the Regulations and Procedure laid down herein.
- (b) In all cases of sexual harassment, GSCASH shall provided its resources to ensure the complainant's safety.

5. COMPOSITION AND TERM OF GSCASH

- (1) GSCASH shall have a membership of nine persons, of which at least half the members shall be women. The members shall be nominated by the Vice-Chancellor.
 - (a) Two faculty members (at least one women).
 - (b) Two Wardens (at least one women).
 - (c) One Students
 - (d) Non-teaching Staff Member
 - (e) One eminent woman academician from outside the University.
 - (f) One representative of an NGO with special experience in issues of sexual harassment.
 - (g) One Counseller.
- (2) The chairperson of GACASH shall be a woman faculty member to be appointed by the Vice-Chancellor.
- (3) The term of the office of each member of GSCASH shall be two years.

5. DISQUALIFICATION OF CHAIRPERSON AND MEMBERS

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

7. RESIGNATION OF A MEMBER

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

8. MEETING OF GSCASH

- (a) Members shall be intimated of meetings in writing or by electronic communication.
- (b) Minutes of all meetings shall be confirmed and adopted.
- (c) Any member may request the Chairperson to call an requisition Meeting. Forty- eight hours notice shall be required for such a meeting to be called. The quorum of the meeting shall be one-third of the members of GSCASH. Motions shall be carried by a simple majority.
- (d) 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 Meeting.

9. ANNUAL REPORT

GSCASH shall forward an Annual Report on the discharge of its functions of gender sensitization and orientation, crisis mediation and formal enquiry and redressal to the the Vice-Chancellor who shall report it to the Board of Management.

10. REGISTRATION OF COMPLAINTS

Wherever, despite the preventive and mediatory efforts of GSCASH, incident 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.

(1) Complaints Filing Process

- (a) 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.
- (b) 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, 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.
- (c) Upon receipt of the complaint, the GSCASH shall forward the same to the Complaints Screening Committee. As far as possible the attempt should be to explore whether mediation or conciliation can provided a suitable solution of the case. This would be desirable in so far as it can spare the trauma of formal procedure for both the complainant and the accused.
- (d) 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 receiving the complaint, on form 1, prescribed for the Purpose and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

(2) 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 complaints may be relaxed up to six months by GSCASH. Reasons for granting such an extension should invariably be recorded.

(3) Complaints Screening Committee

- (a) *Composition:* GSCASH shall designate by rotation three person from amongst its members for a period of one year 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) *Functions:*
- (i) The Complaints Screening Committee shall receive and record complaints of sexual harassment on Form II prescribed for the purpose.
 - (ii) 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 by counseling/mediation. Recourse to calling of Witnesses would therefore be avoided at the complaints registering stage to the maximum extent possible.
 - (iii) GSCASH may issue an order of restraint to the accused in accordance with the procedure outlined below in Clause 10 (4).
 - (iv) 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.
 - (v) The Complaints Screening Committee shall be responsible for making counseling services available to a person requesting for it.
 - (vi) The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.
 - (vii) The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reasons 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 10(4) and 11.

(4) Restraint Order

- (a) A restrained order in terms of GSCASH Regulations shall provide on Form IV prescribed for the purpose 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 her/his 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.

- (b) 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.
- (c) 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 of GSCASH shall retain the right to close the enquiry proceedings, and to give an ex-parte decision on the complaint.
- (d) 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.

11. FORMAL ENQUIRY

Once the Complaints Screening Committee has decided that the complaint merits further investigation, GSCASH shall conduct formal enquiry and provide its resource to ensure the complainants safety on the campus during this period. For this purpose, the Chairperson of GSCASH shall convene an urgent meeting to constitute the Enquiry Committee. GSCASH shall designate from within, the members of such committee and the Chief Enquiry Officer who shall be a woman.

(1) Composition of the Enquiry Committee

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

- (a) The GSCASH shall constitute the Enquiry Committee consisting of not less than three persons from amongst its members.
- (b) It shall have at least 50% women.
- (c) 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.

(2) Functions of the Enquiry Committee

- (a) The Enquiry Committee shall enquire into the complaint of sexual harassment using procedure in conformity with the principles of natural justice to the extent permitted by the need to observe gender sensitivity.
- (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 Clause 10(4).
- (c) The Enquiry Committee shall submit a detailed report to GSCASH.
- (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.

(3) Procedure to be Followed by the Enquiry Committee

- (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 to 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, the 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* decision 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 counselling 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.
- (j) The Chief Enquiry officer shall convene the first hearing of the enquiry. The accused, the complainant, and witnesses shall be intimated at least 3 days in advance in writing of the date, time and venue of the enquiry proceedings.
- (k) 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.

(4) Sequential Appearance of the Complainant and the Accused

- (a) Face to face encounter of the victim and the accused shall not take place;
- (b) 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.

- (c) 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 his exchange as also other evidence and witnesses statements.

12. REDRESSIVE ACTION

- (a) After this stage, GSCASH should pass on the findings of the Enquiry Committee recommending the penalty to be imposed, to the Vice-Chancellor for taking appropriate redressive action based on the facts submitted by GSCASH. In case of faculty member and employees whose appointing authority is Board of Management, the appropriate authority for final decision regarding disciplinary action shall be Board of Management, which shall consider the recommendations of the GSCASH. In case of students and other employees, Vice-Chancellor shall be the final decision taking authority.
- (b) After the GSCASH submits the reports 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 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 an employee whose appointing authority is the Board of Management, the appropriate authority which shall have the power to refer for a Review shall be the Board of Management.

13. 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. Although the award of penalty in specific 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) Outsider;
(5) Service Providers.

The penalty 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 specific individual cases. The penalties listed below are in a rising order of severity.

(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, Department and University levels.
- (d) Disbarment from holding an administrative position at the Centre, Department and 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.

(2) *Penalty in case of Non-Teaching Staff:*

- (a) Warning, reprimand, or censure.
- (b) Transfer
- (c) Withholding of one or more increment 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.

(3) *Penalty in case of Students of Jagan Nath University:*

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

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

(4) *Penalties in case of Outsider:*

- (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 Jagan Nath University.
- (d) Any other action as may be necessary.

(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) to (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.

(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.

14. CONFIDENTIALITY OF GSCASH

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.

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

15. OTHER MATTERS CONCERNING MODUS OPERANDI OF GSCASH

(1) False Complaint:

- (a) 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.
- (b) On the receipt of this communication, the Chairperson of GSCASH shall call a 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.
- (c) 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.

- (d) On 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 Meeting to consider the explanation or any lack thereof.
- (e) 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.


(2) ***Protection Against Victimization:*** The complainant or the witnesses named by the complainant should not be victimized or discriminated against by the academic staff or non-teaching staff or any other person.

(3) ***Miscellaneous***


- (a) The proceedings under these Regulations and Procedure 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.
- (b) The provisions of these Regulations and Procedure 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 Regulations.
- (c) Nothing contained in these Regulations shall prejudice any right available to any person from seeking any legal remedy under the National Commission for Woman Act 1990. Protection of Human Rights Act 1993 or under any other law for the time being in force.


Form I
Proforma for Recording complaints of sexual Harassment


I. COMPLAINT STUDENT/RESIDENT/ACADEMIC STAFF/NON-TEACHING STAFF/OUTSIDER/ SERVICE PROVIDER

- Name Age Sex
- Address Dept./Office
-  E-mail:

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 Dept.
-  E-mail:

- Name Age Sex
- Address Dept.
-  E-mail:

- Name Age Sex
- Address Dept.
-  email:

III THE COMPLAINT

- (i) Approximate date(s), time(s) and location(s) of incidents (starting from the most recent):
- (ii) Is the accused known to the complainant ?
- (iii) Is this the first incident of this kind ? Yes or No.
- (iv) If no, was the first incident reported ? To whom ? When ? What action, if any, was taken ?

Complaint recorded by

Signature _____
Name : _____

Date: _____
Place : _____

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 incident took place). In _____ (locations). Where the accused(s) allegedly _____. The GSCASH Complaints Screening Committee would like to meet 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 procedure, the GSCASH issues and order of restraint to every accused person(s) _____ (name 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 clarification regarding the GSCASH procedure, or for a change in the time or date of your appointment with the GSCASH Complaints Screening Committee, please contact the undersigned

Yours truly,

_____ ☎ (O) _____ (R) _____

Complaints Screening Committee

Date :


Form III
Complaints Screening Committee
To the Accused

Dear

A complaint of sexual harassment against you have 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 took place) in _____ (locations), where you allegedly _____. The GSCASH Complaints Screening Committee is at present examining the complaint, and would like to meet 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 Procedure, 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 Procedure, please contact the undersigned.

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 Procedure 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 18(D) of the GSCASH Regulation & Procedure which state that:

- (i) 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.
- (ii) 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 behavior 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.
- (iii) 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 _____
Name : _____

Date _____
Address _____

Form V
Complaints Screening Committee
Letter to witness Named by the Complainant/Accused

Dear

The complaints 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 took place) in _____ (locations), 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 to 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.

Yours truly,

_____  (O) _____ (R) _____

Complaints Screening Committee

Date :

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 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 address, 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.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

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 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 you complainants 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 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 address, 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.

Yours truly,

_____ ☎ (O) _____ (R) _____

Chief Enquiry Officer

Form VIII
Enquiry Committee
Summons to Witness Named by the Complainant/Accused


Dear

This is with reference to a complaint of sexual harassment against _____(name)(s) of accused(s) lodged by _____ name of the complainant(s) 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 _____.(location), where the accused allegedly _____.

The GSCASH has instituted a formal enquiry proceeding into the complaint. The contact details of the members of the GSCASH Enquiry Committee are listed at the end of this communication.

_____ has requested that the GSCASH Enquiry Committee solicit your co-operation to corroborate/clarify certain aspects of his/her testimony. We would, therefore, like to meet 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.

Yours truly,

_____  (O) _____ (R) _____

Chief Enquiry Officer

Form IX
Enquiry Committee
Summons to witnesses

Dear

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

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 you co-operation 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 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.

Yours truly,

_____ ☎ (O) _____ (R) _____

Chief Enquiry Officer

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 misbehavior 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 can not redress the physical and emotional insecurity that my actions have visited upon you. I wish nevertheless to apologies 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 Jagan Nath University 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 on my behalf, shall not publicize, 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 sensitization programmes organized 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 _____

Note: Approved by AC vide Resolution No. 1.2 dated 04-05-2015 & BOM vide Resolution No.1.8 dated 11-05-2015.