CDS Rules on Sexual Harassment of Women at Workplace: Prevention, Prohibition and Redressal and Procedures of the Committee Against Sexual Harassment (CASH) (as revised on 24.01.13)

A. Definition
1. Sexual Harassment includes:
   Any unwelcome sexually motivated behaviour, whether directly or by implication involving physical contacts or advances, demand or request for sexual favours, making sexually-tainted remarks, showing pornography and other unwelcome physical, verbal or non-verbal expression of a sexual nature.

2. Scope:
The provision of these rules and procedures shall apply to all students and academic and non-academic staff on active rolls of Centre for Development Studies; project staff on temporary basis and also service providers working on the campus. Service provider means a person employed in CDS directly (inclusive of daily wage workers, those on a consolidated salary) or through an agency to render specific services (inclusive of sweepers, security personnel and canteen workers). These rules and regulations shall be applicable to all complaints of sexual harassment inclusive of:

   (i) a student against a member/members of academic or non-academic staff / co-students or a member of the academic or non-academic staff against a student/ students or another member of the academic or non-academic staff, irrespective of where the alleged harassment is reported to have taken place;

   (ii) a service provider or an outsider against a student/students or a member/ members of the academic or non-academic staff or another service provider or a student or a member of academic or non-academic staff against an outsider or service provider, if the alleged sexual harassment is reported to have taken place within the campus;

   (iii) a temporary project staff against a student/students or a member/ members of the academic or non-academic staff / service provider irrespective of where the alleged harassment is reported to have taken place.

B. Composition of CASH and Procedure:

1. Composition:
   a. The Committee shall comprise
      1. Two faculty members (comprising at least one senior woman faculty)
      2. Two students (comprising at least one woman)
      3. Two non-teaching staff members
      4. The warden
      5. One woman representative of an NGO
b. The number of women members should not be less than one-half of the total number of members in the Committee.

c. The nomination procedure shall be completed by the month of December each year.

d. The panel of NGOs, from which a representative is chosen, shall be updated on a continuous basis.

e. The tenure of members shall be generally for three calendar years. Nomination of a member for more than one term is allowed.

f. i. A senior woman faculty member shall act as the Chairperson of the Committee.
   ii. In the absence or inability of the Chairperson, another woman member shall act as acting Chairperson and she shall have all the powers of the Chairperson.
   iii. A member shall be disqualified if any complaint arises against him on sexual harassment or a case of sexual harassment is pending against him or if he is found guilty of sexual misconduct.
   iv. A member ceases to be a member if he/she absents himself/herself in three consecutive meetings.
   v. A member may resign office-tendering resignation to the Chairperson and cease to be a member from the date of acceptance of resignation.
   vi. A vacancy arising out of consecutive absence/resignation shall be filled in two weeks of the date of occurrence of the vacancy.
   vii. The Committee against sexual harassment (CASH) shall meet at least two times in a semester, the gap between two successive meetings not exceeding three months.
   viii. The quorum of the meeting shall be not less than one third of the total number of members.

2. Functions of CASH include:

   a. Inquire into the complaints of sexual harassment, in doing which CASH has powers of a civil court under the Code of Civil Procedure (1908) namely:
      - Summoning and enforcing the attendance of any person and examining him on oath;
      - Requiring the production of the necessary documents; and
      - Any other matter which is required for the completion of enquiry.
   b. conciliation at the request of the aggrieved woman to settle the matter between her and the respondent;
   c. assist the aggrieved woman to make complaints to the appropriate authority if she so chooses.
   d. organize workshops and awareness programmes at regular intervals for sensitising the CDS community about CASH and CDS rules on sexual harassment;
   e. Bring to the notice of the Director any matter which affects the safety/security of women on the campus like inadequate lighting etc;
   f. Submit an Annual Report to the Director, CDS.

3. Filing of complaints

   a. Complaints of sexual harassment shall be lodged with the Committee through any of the members; or the Director; or the head of the administration within three months of the incident, extendable if the Committee is satisfied with the special
circumstances cited for the delay in complaining. Such complaints should be taken up by the Committee within a week of receipt of the complaint.

b. The complaints may be made in writing, provided that where such complaint cannot be made in writing the Committee shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.

c. A restraint order may be served on the respondent at the earliest opportunity, giving him a summary of the complaint and warning him against making any attempt to exert pressure on the complainant or any other person involved in dealing with the complaint.

d. During the pendency of the inquiry on a written request made by the aggrieved woman, CASH committee as the case may be, may recommend to the Director to grant leave to her upto a period of 3 months which will be in addition to the leave she would be otherwise entitled to.

e. The complainant is at liberty to withdraw the complaint at any stage of inquiry, provided that such withdrawal is made independently and under free will. The inquiry may be terminated on receipt of the request for such withdrawal.

f. The complainant may bring to the notice of the Committee attempts if any made by the respondent to violate the order.

g. The Committee shall appoint an inquiry committee to make investigations into the complaint if deemed necessary. The inquiry committee shall comprise three members of CASH, of which two members shall be women. The NGO Representative and the member representing the constituency of the complainant shall also be members of the enquiry Committee.

h. The inquiry committee shall enquire into the complaint, observing the principles of natural justice and maintaining the norms of gender sensitivity and arrive at a decision, taking cognizance of all aspects of the incident, the time, place and the context.

i. The inquiry committee shall complete the inquiry in the shortest possible time, not exceeding a month from the date on which the complaint is referred to it, except for special reasons.

j. The complainant and the respondent shall be given reasonable opportunity to present and defend their case. Witnesses may be called if deemed necessary. The past sexual history of the complainant shall not be probed into and considered of any value to decide on the complaint.

k. In case the respondent fails to attend consecutively for three hearings despite call notices for the same, the inquiry may be terminated and the decision taken on the complaint on ex-parte basis.

l. Counselling services may be made available to the aggrieved woman on request.

m. If the complainant, the respondent and the witnesses desire to be accompanied by a companion of their choice, they may be permitted to do so.

n. The Inquiry Committee shall submit a detailed report communicating its findings based on the investigations to the CASH. The CASH Committee will then discuss the inquiry Report and submit the final Report to the Director within 10 days of receiving the report indicating the gravity of the offence, whether it is major, serious or minor and its suggestions for punishment if accused is found guilty.

o. The Director shall take action within 60 days of receipt of the Report.
4. **Redressive action:**

CASH should pass on the findings of the inquiry committee to the Director, CDS, for taking appropriate redressive action: If the Director finds that there are lacunae in the Report, he may order for a review of the Report by the inquiry committee.

C **Punitive Action**

The CASH Committee may recommend the following range of penalties depending on the seriousness of the incident:

(a) **For Faculty:**
   i. Warning, Reprimand or Censure
   ii. Withholding of increment/s for a period of one year
   iii. Entry of penalty awarded in his confidential record
   iv. Removal from administrative responsibilities of CDS
   v. Disbarment from administrative positions
   vi. Suspension from service for a limited period
   vii. Compulsory retirement
   viii. Dismissal from service

(b) **Non-academic staff**
   i. Warning, Reprimand or Censure
   ii. Withholding of one or more increment/s for a period of one year
   iii. Entry of penalty awarded in his confidential record
   iv. Suspension from service for a limited period
   v. Compulsory retirement
   vi. Dismissal from service

(c) **For students**
   i. Warning or Reprimand
   ii. Withdrawal of hostel accommodation for a period up to one semester
   iii. Withdrawal of the right to an official character certificate
   iv. Withdrawal of hostel accommodation for the entire period of study
   v. Rustication from Programme for a period of up to two semesters.
   vi. Expulsion from CDS
   vii. Withholding of degree awarded by JNU
       Entry of the penalty awarded in his personal file

(d) **For project staff/Service Provider/Outsider**
   i. Warning or Reprimand
   ii. Withdrawal of remuneration/wages
   iii. Withdrawal of the right to an official character certificate
   iv. Removal from the duties

1. In complaints involving teachers and students, the teacher shall not teach or supervise the work of the student concerned during the period of inquiry and pendency of the decision on the case. Members of the academic and/or non-academic staff involved in such complaints either as the victim or the accused shall not write the confidential reports of the complainant or the respondent during the pendency of the case.
2. In case the complainant or the respondent is dissatisfied with the recommendation or non-implementation of the recommendation, she/he may prefer an appeal to the court or tribunal in accordance with the service rules applicable to the CDS. Such appeal shall be preferred within a period of 90 days of the recommendation.

D. General Rules:

1. Service rules of CDS should incorporate acts of sexual harassment as possible ground for disciplinary action. In the case of students, the brochure/handbook provided to them at the time of admission should contain a Section giving the CDS rules against sexual harassment.

2. The existence of the Committee, and its Rules should be well publicised with Notices to be put up on all Notice Boards regarding the constitution of the CASH and its composition.

3. A copy of the Rules should be kept at the Library counter, in the Canteen and be available on the CDS website.

4. The project staff and the service providers should also be informed about the CDS-CASH Rules at the time of joining work which should be accessible from the Administration. Provision should be made to translate the Handbook into Malayalam.

E. Miscellaneous

The CDS shall allocate the necessary funds for the functioning of the CASH Committee (fee for external member and her transportation) as well as for organising programmes/workshops on gender sensitisation issues/bringing out materials (like brochures, posters, pamphlets etc)