



PERIYAR UNIVERSITY
PERIYAR PALKALAI NAGAR
SALEM – 636 011



POLICY ON PREVENTION OF SEXUAL HARASSMENT

ANTI-SEXUAL HARASSMENT CELL
WOMENS STUDIES CENTRE (UGC FUNDED)



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PERIYAR PALKALAI NAGAR, SALEM – 636 011
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I. BACKGROUND OF THE RULES AND PROCEDURES

These are the Rules and Procedures of the Anti sexual harassment cell which is the body constituted by Periyar University, Salem following the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997, on the prevention and deterrence of sexual harassment at the workplace. The Hon'ble Supreme Court in a subsequent judgment titled Apparel Export Promotion Council vs A. K. Chopra, on 20th January, 1999 has reiterated that incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty. It may be pointed out that although these Rules and Procedures follow the spirit of the above mentioned judgments, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education

II. OBJECTIVES OF THE POLICY

The policy has been framed keeping the following objectives in view:-

- (a) To fulfill the directives of the Hon'ble Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work places.
- (b) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the University.
- (c) To ensure the implementation of the policy in letter and spirit through proper reporting of complaints and their follow-up procedures.
- (d) To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
- (e) To generate public opinion against sexual harassment and all forms of gender-based violence.

- (f) To ensure that PU upholds the commitment to ensure an environment without gender bias or gender based discrimination.

III. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment in this context, (as is described in the Supreme Court Judgement, and the Periyar University (PU) Policy), includes any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome physical, verbal or non-verbal conduct of a sexual nature. It shall include, but will not be confined to the following:

- (a) When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, explicitly or implicitly, are made a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity.
- (b) When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail or in any form of e-communication/social media, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive campus environment.

IV. OTHER DEFINITIONS

- i. "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, visiting, honorary, or on special duty or deputation, and shall include employees employed on a

casual or project basis. It shall not, however, include any such person on the staff of an autonomous institution to which Periyar University is the authority awarding degrees.

- ii. "Appeals Committee" as defined in Section X (3) herein.
- iii. "Campus" includes all places of work and residence in the campus of Periyar University. It includes all places of instruction, research and administration, as well as hostels, Library, Halls, sports ground, Post office, Bank, Hospital, Canteen, commercial places guest houses, public places and places of residence allotted and administered by Periyar University.
- iv. "Complaints Screening Committee" as defined in Section VI.3(B) herein.
- v. "Counsellor" includes any woman, empanelled by ASHC and/or appointed by the University authorities, who has proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment.
- vi. "Eminent woman academician" includes a senior woman academician who is not a member of either the academic or the non-teaching staff of Periyar University, and who has experience in working for gender equality.
- vii. "Enquiry Committee" as defined in Section VI.4 herein.
- viii. "NGO" includes any Non-Governmental Organisation registered under the Societies' Registration Act or as a public charitable trust recognised under law. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to Periyar University; i.e. at least two-thirds of the membership shall not include any

person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of Periyar University.

- ix. “Non-teaching staff” includes any person or 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. It shall not include any such person on the staff of an autonomous institution to which Periyar University is the authority awarding degrees.
- x. “Outsider” includes any person who is not a student, resident, or member of the academic or non-teaching staff of Periyar University. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residences in the Periyar University campus.
- xi. “The Policy” shall refer to the Periyar University Policy against Sexual Harassment.
- xii. “Resident” includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Periyar University, irrespective of whether he/she is the person to whom the accommodation is officially allotted. It shall not include any such person who is in temporary or permanent residence in the campus of an autonomous institution to which Periyar University is the authority awarding degrees. It shall also not include any person who is in temporary or permanent residence in an autonomous institution that has its premises and/or residences in the Periyar University campus.
- xiii. “Service provider” includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in

shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Department of Posts & Telegraph, Bank and any other such similar services.

- xiv. "Student" includes any person who is enrolled for any course, whether full time or part time, with Periyar University, Salem and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with Periyar University or short-term courses at Periyar University. It shall not, however, include any student enrolled in a course in an autonomous institution to which Periyar University is the authority awarding degrees.
- xv. "Supreme Court Judgement" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13 August 1997 in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan and the judgment titled Apparel Export Promotion Council vs. A. K. Chopra, on 20th January 1999.
- xvi. "Third party" shall include the NGO representative or the eminent woman academic serving on, or empanelled by, ASHC.
- xvii. "University authorities" shall refer to the Vice-Chancellor of Periyar University, by virtue of her/his being the head of the Executive Council of Periyar University, as well as any such person to whom such power may be delegated and/or any person who is entrusted with any powers and functions to act on behalf of the University under the Periyar University Act, or Statutes, Ordinances or Rules thereunder.

- xviii. “University functionaries” includes any person appointed, designated or nominated by the University authorities to a position of service in Periyar University, and includes, but is not limited only to, the following: Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, Provosts, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar, Controller of examinations, Director of PRIDE and the Finance Officer.
- xix. “Vacations” shall refer to the periods May 1 to June30 and December 25 to January 1.
- xx. “Vacations Committee” as defined in Section V.11 herein.
- xxi. “Warden” shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by Periyar University.

V. COMPOSITION AND PROCEDURES OF ASHC

V.1. Composition

ASHC shall have a membership of 7 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.

V.1 (i) Two faculty members (at least one woman) specially elected to serve on ASHC.

V.1 (ii) Two students (at least one woman) specially elected to serve on ASHC.

V.1 (iii) One woman officer and one woman staff member specially elected to serve on ASHC.

V.1 (iv) Two Wardens (at least one woman).

V.1 (v) One representative each of the Periyar University Students’ Union, Periyar University Teaching Faculty and Periyar University non-teaching Staff.

V.1 (vi) One eminent woman academician from outside the University.

V.1 (vii) One woman representative of an NGO.

V.1 (viii) One woman counsellor.

V.2. The Process for Formation of ASHC

V.2 (i) The election for the specially elected representatives of students, teachers, staff, and officers (those referred to in Sections V.1 (i) – (iii) above) shall be conducted by the bodies responsible for conducting the elections to the Executives of the respective Unions and Associations. The electoral procedure shall be completed by the month of December each year.

V.2 (ii) The representatives of the Wardens (those referred to in Section V.1 (iv) above) shall be chosen by the Wardens under Inter-Hall Administration (PU) and will assume office by March each year.

V.2 (iii) The representatives of the Periyar University Students' Union, Periyar University Teachers' Association, Periyar University non-teaching Staff Association shall be nominated by the respective Executive Committees, and they will assume office by January each year.

V.2 (iv) ASHC shall empanel a pool of counsellors, eminent women academicians, and NGOs, as defined in Section V.1, (VI), (VII) and (VIII), respectively. However, only one NGO representative, one eminent woman academician and one counsellor shall be invited by ASHC to attend its meeting at one time.

V.2 (v) The panel of NGOs, eminent women academicians, and counsellors, shall be updated by ASHC from time to time. ASHC will strive to maintain continuity in the membership of third party members and counsellors on ASHC. A decision to remove from the panel a serving or empanelled third party or counsellor shall only be taken in a Special meeting defined in Section V.10 (vi).

V.3. Term of Office of ASHC Members

Subject to Section V.5 below and barring the third parties and the counsellor, the tenure of each member of ASHC shall be three years from the date of assumption of office.

V.4. Chairperson/Acting Chairperson of ASHC

The Chairperson of ASHC shall be a woman faculty member. In the event of the Chairperson of ASHC being unable to discharge her duties for a period exceeding 21 days (barring the period when the University is on vacation), ASHC shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of ASHC for that period. The Acting Chairperson of ASHC shall have all the powers and duties of the Chairperson of ASHC outlined herein. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

V.5. Disqualification of Chairperson and Members

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of ASHC 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.

V.6. Disqualification of an NGO

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

V.7. Vacancy of a Member Owing to Absence without Intimation

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

vacant. The same person shall not be eligible to be reelected or re-nominated or re-designated to ASHC for the next one year.

V.8. Resignation of a Member

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

V.9. Filling a Vacancy in ASHC

If a vacancy arises in ASHC, ASHC shall co-ordinate with the relevant body to arrange for the filling up of the vacancy in the particular category, in accordance with the procedure outlined in Section V.2, within four weeks, barring the period during which the University is on vacation. If the vacancy remains unfilled after the specified period, the Vice-Chancellor may, in consultation with ASHC, fill up the vacant positions by appropriate nominations for the residual period. No act or proceedings of ASHC shall be invalidated merely by reason of the existence of a vacancy or vacancies.

V.10. Meetings of ASHC

V.10 (i) ASHC 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.

V.10 (ii) Members shall be intimated of meetings in writing or by electronic communication.

V.10 (iii) Minutes of all meetings shall be recorded, confirmed and adopted.

V.10 (iv) Any member of ASHC 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 ASHC. Motions shall be carried by a simple majority of those present and voting.

V.10 (v) Any member of ASHC 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 ASHC. Motions shall be carried by a simple majority of those present and voting.

V.10 (vi) A Special meeting shall be called by the Chairperson of ASHC, with at least twenty-four hours notice. It shall have a quorum of two-thirds of the existing members of ASHC, 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.

V.10 (vii) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. 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.10 (viii) ASHC shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, atleast one meeting shall be called specifically for the purpose of the presentation of the Annual Report of ASHC.

V.11. Vacations Committee

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

V.11 (i) ASHC 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.

V.11 (ii) The Vacations Committee shall elect from within itself a Convener, who shall be a woman faculty member, and shall exercise all the powers and functions of the Chairperson of ASHC outlined herein.

V.11 (iii) By May 12 and December 5 each year, ASHC shall intimate the University community by public notice the contact details including telephone/mobile nos. of the members of the Vacations Committee.

V.11 (iv) The Vacations Committee shall designate from within itself a monthly Complaints Screening Committee, which shall function in accordance with the procedures outlined in Section VI.3.

V.11 (v) In the event of an enquiry proceedings being necessitated, the Vacations Committee shall call a Special Meeting for the constitution of an Enquiry Committee, in accordance with the provisions of Section VI.4.

V.11 (vi) Save for reasons that the Vacations Committee considers urgent, further action on the complaint shall take place after the end of a vacation, in an Emergency Meeting, called by the Chief Enquiry Officer/Chairperson, ASHC within three working days of the commencement of the semester.

V.11 (vii) In case of a need for immediate disciplinary action, the reasons for which the Chief Enquiry Officer shall state in writing, the Convener of the Vacations Committee shall call a Special Meeting to discuss, take a decision on the recommendations of the Enquiry Committee, and initiate further action on the complaint, in accordance with the procedures outlined in Section.

VI. FUNCTIONS OF ASHC

ASHC shall have four functions:

VI.1 Gender Sensitisation and Orientation

VI.1 (i) ASHC 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.

VI.1 (ii) ASHC 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.

VI.1 (iii) ASHC will conduct atleast one major activity per semester involving large sections of the University community.

VI.2. Crisis Management and Mediation

VI.2 (i) ASHC will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assault on the campus.

VI.2 (ii) ASHC 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. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, ASHC members, and/or the volunteers identified by it, shall be intimated without delay.

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

VI.2 (iv) ASHC 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 sensitisation, crisis mediation and management duties of ASHC, but shall not participate in the task of formal redressal of complaints under the Rules and Procedures of ASHC.

VI.2 (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, ASHC shall assist the affected party in making a complaint to the appropriate authority outside the University.

VI.3 (A) Complaints Filing Process

VI.3 (A) (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff. Third party complaints and witness complaints shall be entertained. The ASHC shall take suo motto notice of grave violations of the basic principles of gender sensitivity and justice on this campus.

VI.3 (A) (ii) Complaints can be lodged directly with any member of ASHC, 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 ASHC within two working days of its receipt by her/him.

VI.3 (A) (iii) Upon receipt of the complaint, the ASHC member to whom the complaint is made shall forward the same to the Complaints Screening Committee.

VI.3 (A) (iv) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Screening Committee or the ASHC member receiving the complaint, and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

VI.3 (B) Complaints Screening Committee

VI.3 (B) (i) Composition

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

VI.3 (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 ASHC 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) ASHC 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 ASHC 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.

VI.3 (B) (iii) Withdrawal of Complaints

- (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 VI.3(C) and 4(C).

VI.3 (C) Restraint Order

VI.3 (C) (i) A restraint order in terms of ASHC 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.

VI.3 (C) (ii) The complainant or any other person should intimate in writing the Complaints Screening Committee, the Chairperson of ASHC 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.

VI.3 (C) (iii) Should the Complaints Screening Committee, the Chairperson of ASHC, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of ASHC 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 ASHC shall retain the right to close the enquiry proceedings, and to give an exparte decision on the complaint.

VI.3 (C) (iv) The Enquiry Committee and ASHC shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

VI.4. Formal Enquiry

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

VI.4 (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) It shall include at least one third-party, i.e., the NGO representative or an eminent woman academician.
- (d) 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).
- (e) No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the ASHC Enquiry Committee.
- (f) The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections V.5 – 8.

- (g) Members of ASHC who are representatives of unions/associations of which the complainant and/or the defendant are also members, shall not be eligible to serve on an Enquiry Committee.
- (h) ASHC 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 ASHC. Such a person shall not serve as the Chief Enquiry Officer.

VI.4 (B) Functions of the Enquiry Committee

- (a) The Enquiry Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice 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 outlined in Section VI.3 (C).
- (c) The Enquiry Committee shall submit a detailed report to ASHC in which it shall communicate its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any.

VI.4 (C) 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 ASHC.
- (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 ASHC, 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 ASHC. 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 Periyar 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 ASHC.
- (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 ASHC as defined in Section VI.3 (C) herein.
- (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 Section IX.
- (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 ASHC. 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 Section IX. It shall also recommend whether ASHC 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 ASHC, giving reasons for its conclusions.

- (y) Nothing precludes ASHC 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.

VII. COMMUNICATION OF FINDINGS

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

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

VIII. 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 ASHC, and the fact that ASHC 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: Periyar 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.
- iv. 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 ASHC, 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 ASHC 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 ASHC.

- 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 ASHC and/or the interests of justice are not subjected to undue “pressure from senior levels”.
- viii. As required by the Supreme Court Judgement, the University authorities shall forward to the UGC, the Annual Report of ASHC together with a written report on the Action Taken by them upon the decisions/recommendations of the ASHC and/or the Appeals Committee.

IX. 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 PU 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 Periyar University.
- (e) Withdrawal of hostel accommodation for the entire period of study.
- (f) Rustication from the University for a period up to two semesters.
- (g) Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Periyar University.
- (h) Withholding of a degree awarded by Periyar 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 Periyar 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 ASHC, 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 ASHC giving reasons for its conclusions.

- ii. Within four working days of the receipt of this communication, the Chairperson of ASHC 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 complainants/witness(es).
- iii. Upon the decision to issue a show-cause notice, the Chairperson of ASHC shall issue it to the complainants/witness(es). The show-cause notice shall cite the bases of the Committee's conclusions and require the complainants/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.
- iv. Within four working days of receipt of any explanation from the complainants/witness(es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of ASHC shall convene a Special Meeting to consider the explanation or any lack thereof.
- v. In event of no, insufficient, or unconvincing explanation, ASHC shall forward its findings to the appropriate University Authority for further action.

X (2) Protection against Victimization

- 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.

- iii. 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.
- iv. 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 in Section VI.3(C) shall be in force at all times.

X (3) Provisions for Appeal

- i. In the event of the ASHC 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 Executive Council of Periyar University from amongst its members,
 - (b) One former Chairperson of ASHC or any former senior woman member of ASHC nominated by the Vice-Chancellor. The nominee shall chair the Appeals Committee, and
 - (c) One woman faculty member of the Centre for Women Studies, School of Social Sciences, Periyar University, or any other senior woman faculty member nominated by the Vice-Chancellor.
- iii. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.
- iv. The Appeals Committee shall report to the Executive Council of Periyar 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 ASHC

- i. Amendments to the Rules and Procedures of ASHC shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy, and the Rules and Procedures.

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

X (5) Miscellaneous

- i. The provisions of these Rules and Procedures of ASHC 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 ASHC 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.
- iii. The provisions of these Rules and Procedures of ASHC 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.



PERIYAR UNIVERSITY

PERIYAR PALKALAI NAGAR, SALEM – 636 011, Tamil Nadu, India
UGC Funded

Women's Studies Centre

ANTI-SEXUAL HARASSMENT CELL

Proforma for Filing of Complaints of Sexual Harassment

I. Complainant(s):

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name	
Age	
Sex	
Address	
School/Department/Centre	
Phone number	
Email	

II. Person(s) against whom the complaint is being lodged:

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name(s)	
Age	

Sex	
Address	
School/Department/Centre	
Phone number	
Email	

III. **The Complaint:**

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

The complaints may be sent to “The Chair Person, Anti-Sexual Harassment Cell, Women’s Studies Centre, Periyar University, Salem -636011” in a sealed cover or through email. The email ID: puashc@gmail.com. In case of on line complaints, the processing will subject to physical validation of signature of the complainant by the Chair Person/Members of ASHC.

Additional details of the complaint may be recorded here:

(Extra Sheet may be attached if needed)

PERIYAR UNIVERSITY
PERIYAR PALKALAI NAGAR, SALEM – 636 011, Tamil Nadu, India

UGC Funded
WOMEN'S STUDIES CENTRE
ANTI-SEXUAL HARASSMENT CELL

FORM - II

ORDER OF RESTRAINT

Issued to on by

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

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

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

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

A violation of this order of restraint may prove prejudicial to your case and it may also induce the ASHC to recommend immediate disciplinary action against you, in accordance with the provisions of clause VI.3 (C) of the ASHC Rules & Procedures which state that:

- (i) The complainant or any other person shall intimate in writing any member of the complaints screening Committee, the chairperson of ASHC 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 ASHC, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of ASHC 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 ASHC shall retain the right to close the enquiry proceedings, and to give an ex-parte decision on the complaint.

(iii) The Enquiry Committee and ASHC shall consider all violations of the restraining order when determining the penalties to be awarded to an accused found guilty of sexual harassment.

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

Signature:

Date :

Name:

Address :

PERIYAR UNIVERSITY
PERIYAR PALKALAI NAGAR, SALEM – 636 011, Tamil Nadu, India

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WOMEN'S STUDIES CENTRE
ANTI-SEXUAL HARASSMENT CELL

FORM - III

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 ASHC on (date). The ASHC Complaints Screening Committee has recommended the institution of a formal enquiry proceeding into your complaint. The ASHC 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 ASHC Complaints Screening Committee on, the ASHC 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 ASHC Enquiry Committee on at a.m. / p.m. in the ASHC 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.

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

Yours truly,

.....
Chief Enquiry Officer

Date:

PERIYAR UNIVERSITY
PERIYAR PALKALAI NAGAR, SALEM – 636 011, Tamil Nadu, India

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WOMEN'S STUDIES CENTRE
ANTI-SEXUAL HARASSMENT CELL

FORM - IV

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 ASHC on _____ (date). The ASHC Complaints Screening Committee has recommended the institution of a formal enquiry proceeding into your complaint. The ASHC 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 ASHC Complaints Screening Committee on _____, the ASHC has prepared a charge sheet, which is enclosed.

This is to request you to meet the ASHC Enquiry Committee on _____ at _____ a.m. / p.m. in the ASHC 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.

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

Yours truly,

Chief Enquiry Officer

Date: