

**GUIDELINES
FOR
CELL TO COMBAT
SEXUAL HARASSMENT**



UNIVERSITY OF KERALA

2011

UNIVERSITY OF KERALA
Thiruvananthapuram

CELL TO COMBAT SEXUAL HARASSMENT
GUIDELINES

1. SOCIAL CONTEXT

There has been progress and development in all aspects of Kerala Society, especially in the position of women. When we apply the development indices in the case of women in Kerala, we find that they enjoy higher status compared to their counterparts in other States, as shown below:

<u>Year</u>	<u>Population</u>	<u>Sex Ratio</u>	<u>Mortality rate</u>	<u>Literacy</u>
1961	85 lakhs	1022	50.0	38.9
1971	108 lakhs	1016	61.1	54.3
1981	129 lakhs	1032	62.1	65.7
1991	148 lakhs	1036	72.4	86.2

Kerala has high female literacy rate, high enrolment and low dropouts from schools, low infant mortality rate, high sex ratio, higher age at marriage, long life expectancy and low fertility for women.

At the same time, violence against women has also been increasing. We have been witnessing violence of different types within the family, in public places, in work situation, while using public transportation and so on. It would appear as though women are no more safe anywhere and they have to be always alert against harassment. The following statistics show the extent of violence against women as per registered cases in Kerala.

Types of violence	Year	No. of cases
Kidnapping of girls and women	1992	86
	1998	130
Molestation of girls and women	1990	685
	1998	1773
Rape of girls and women	1990	174
	1998	584
Dowry death among girls and women	1990	11
	1998	21
Cruelty against women by husband or relatives	1996	1079
	1998	2125

Source: National Crime Records Bureau

The aspect of women's progress and development is related to the standard of women's freedom, security, aspirations and above all, dignity. Maintaining the dignity of human life by giving totally conducive physical, social, political and economic opportunities to realize the fullest potential is an ideal. Even though statutory laws may provide rights to women, customary law in reality is very different.

The recent judgment of the Supreme Court of India, Vishaka versus the State of Rajasthan, dated August 13, 1997, makes it legally as well as morally imperative upon all institutions where women are employed, to provide a safe working environment. This landmark judgment makes it clear that each incident of sexual harassment is a violation of fundamental rights of "Gender Equality" and the "Right of Life and Liberty". Another judgment of Supreme Court on 21 January, 1999 (Apparel Export Promotion Council vs. Chopra) has stated that sexually harassing behaviour is incompatible with the "dignity and honour of a female" and needs to be eliminated as there is no compromise on such violations.

The Supreme Court judgment of 1997 makes it obligatory for every employer to follow the guidelines laid down by the Court and to evolve, a specific policy to combat sexual harassment in the workplace. The U.G.C. has taken the matter seriously and had instructed all the Universities to initiate steps to set up a Committee and develop procedures to hear complaints.

In formulating a policy for preventing and redressing sexual harassment, the University of Kerala would need to bear in mind that it consists of 48 departments of teaching and research, and administrative offices in two campuses and 84 affiliated colleges spread over the Thiruvananthapuram, Kollam, Alappuzha and some parts of Pathanamthitta district.

The University of Kerala is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence and harassment, exploitation or intimidation. Every member of the University community should be aware that while the University is committed to the right to freedom, of expression and association, it strongly supports gender equality and opposes all manifestations of disruptive behaviour or aggression. Though violent conduct is prohibited both by law and by University rules, a specific policy defining sexual harassment is required to be developed.

2. COMPOSITION OF THE CELL

The absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, the Hon'ble Supreme Court laid down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights and it is further emphasized that this would be treated as the law declared by the Court under Article 141 of the Constitution.

The University Grants Commission has also urged the Universities to constitute a Permanent Cell to Combat Sexual Harassment. The University of Kerala took into consideration the recommendations of the Hon'ble Supreme Court and the U.G.C. to constitute a Permanent Cell to Combat Sexual Harassment in the University Campus.

The Committee is headed by a woman and more than 50% of the members are women. The Committee will be assisted by a woman lawyer, a woman counselor and a woman doctor. The Cell consist of the following members:

- 1 A representative of Women's Studies Centre
- 2 Two female faculty members (one senior level and one middle level)
- 3 Two Student representatives (one post-graduate and one research student)
- 4 A representative of the Students' Council
- 5 A representative of the Teachers' Association
- 6 A representative of the Non-Teaching Staff
- 7 A representative of the Senate
- 8 A representative of the N.G.O. from outside the Institution

The List of Members of the Council is appended.

3. DEFINITION OF SEXUAL HARASSMENT

The Supreme Court judgment provides a definition of sexual harassment. According to this, 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 coloured remarks
 - d Showing pornography
- 3 Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

"Sexual Harassment" may include, but is not, limited to the following:

- * Promises of preferential treatment or threats relating to work and student status.
- * Displaying, showing or communicating pornography, obscene letters, posters, cartoons, photographs, contraceptives.
- * Physical or verbal harassment or abuse.
- * Disparaging sexual remarks and gestures even in a jocular tone.
- * Unwelcome touching.

- * Harassment through telephone calls or E-mail, uninvited following, blackmailing in or outside the campus.
- * Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's academic evaluation, work status etc.

This policy will be applicable to all allegations of sexual harassment, by a student against an employee or a co-student or employee against a third party, to have taken place within the campus. This definition will form part of the policy developed by the University of Kerala.

4. METHODOLOGY

The report is based on a workshop held on December 2nd 2000, with members of Kerala University community, including students, faculty members, wardens of hostels, staff organisations and women's organisations. In addition, this workshop included representatives of N.G.Os, State Women's Cell, lawyers, media and so on.

The objectives of the workshop were (1) to develop the guidelines and norms for a policy against sexual harassment (2) to develop guiding principles and procedures for combating sexual harassment (3) to work out details for the implementation of the policy and (4) to prepare the detailed plan of action, both short term and long term. The members of the working group discussed the issues in three groups and came out with their suggestions for the policy.

5. POLICY AGAINST SEXUAL HARASSMENT IN THE UNIVERSITY OF KERALA

a. The Supreme Court Judgment says that "Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways. A sexual harassment policy is meant to reiterate the University's commitment to provide a place of work and study, free of sexual harassment, intimidation or exploitation." Towards this end, the Kerala University outlines what sexual harassment is, and what can be done about it, both legally and in terms of University support structures. It makes clear that such actions will be punished. It is meant to work both as preventive and as redressal, to ensure that all members of the University

understand what might constitute sexual harassment. Ignorance often become an excuse for unwarranted behaviour. At other times it is implicitly encouraged by an atmosphere of silence and a sexual harassment policy undercuts such silence and ignorance which work to tacitly sanction sexual harassment or unacceptable behaviour.

Those who are harassed often feel afraid of seeking redressal, or are themselves confused about what is happening. A campus wide policy brings out the subjects into the open and allows people avenues for discussing, seeking counselling and redressal. It offers confidentiality to those who are being harassed, so that they feel comfortable in sharing their experiences. The policy must be publicized and made available to candidates applying to work and study in Kerala University. This policy should be published in all admission booklets of University as well as in booklets to be given to all faculty members, staff and students. Moreover, it should be explained to all of the above, in addition to gender sensitization sessions. It is important to emphasize that such a policy will only have meaning if it is backed up with a commitment to action when it is violated.

b. Specific Objectives of the policy against Sexual Harassment in Kerala University

- * To fulfill the directive of the Supreme Court enjoining all employees to develop and implement a policy against sexual harassment at the work place.
- * To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the University of Kerala.
- * To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow up procedures.
- * To create a secure physical environment which will deter acts of sexual harassment.
- * To uphold commitment of the University to protect and promote the rights, freedom and security of all members of the University in general and to focus on women and girls in particular.
- * To generate awareness about the policy on sexual harassment and to give wide publicity among the University community.

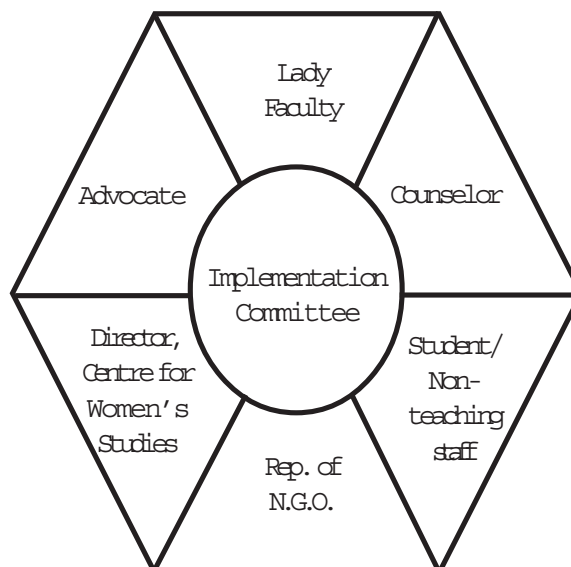
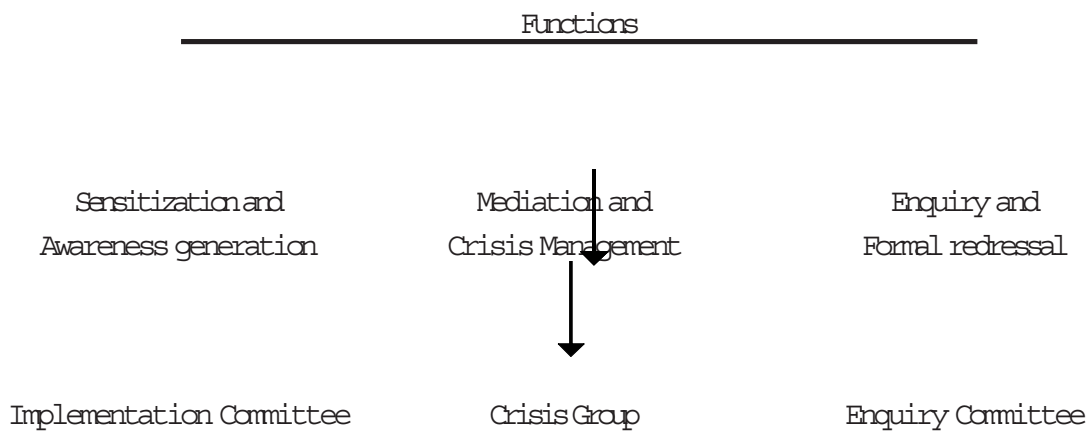
- * To identify volunteers and to lay down informal procedure for crisis management and mediation.

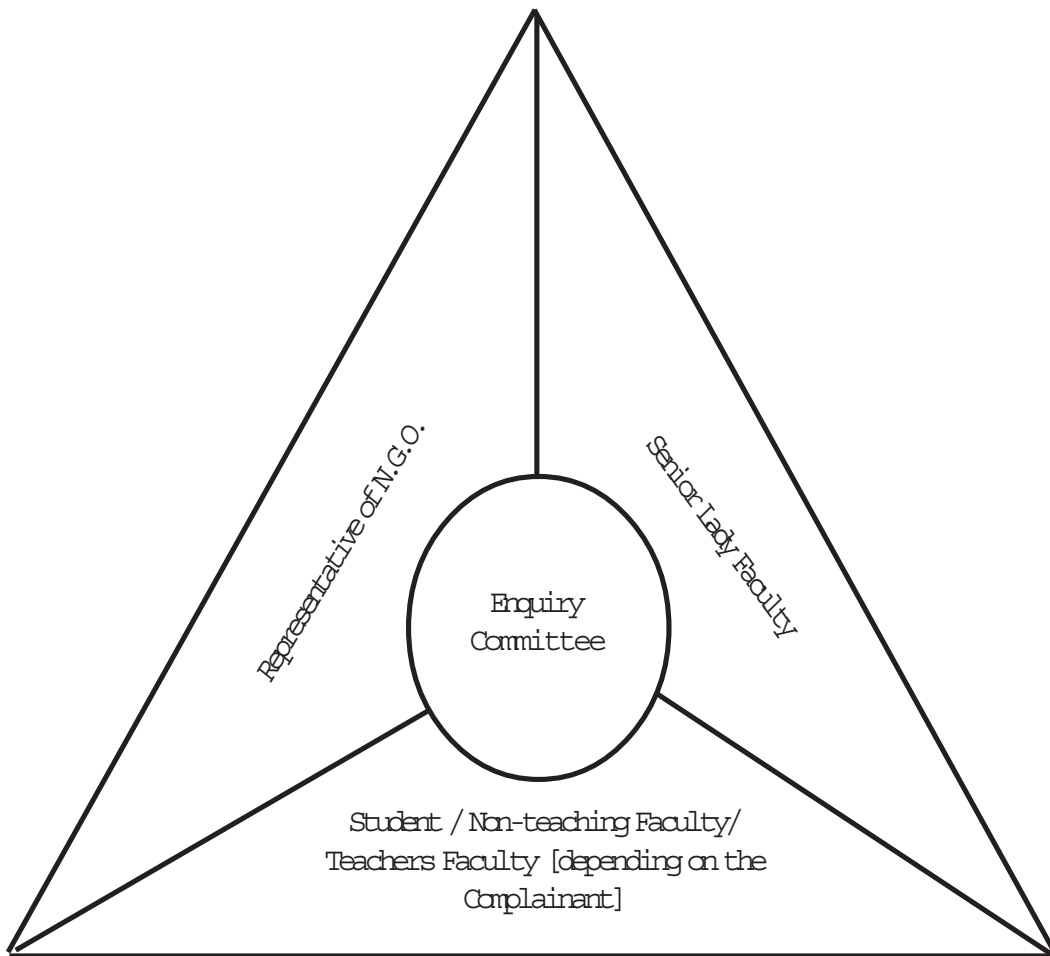
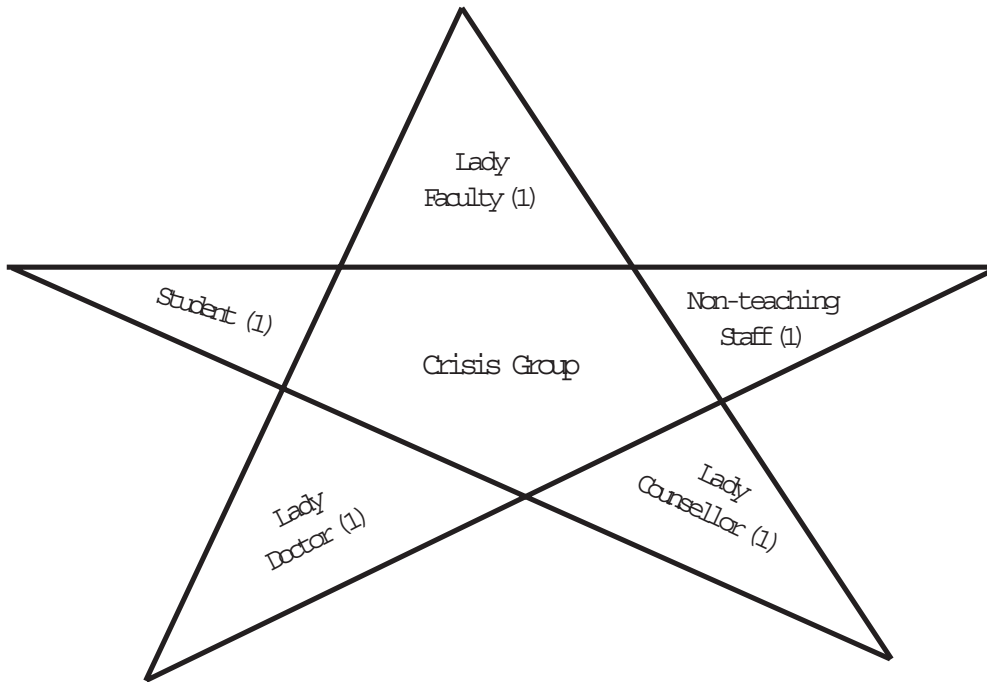
6. FUNCTIONS OF THE CELL

The Cell will have three main functions: (1) Sensitization and awareness generation (2) Mediation and crisis management (3) Enquiry and formal redressal.

Cell to Combat Sexual Harassment

FUNCTIONS





(i) Sensitization and Awareness Generation

The Cell with the help of volunteers and professionals, will undertake to sensitize the entire campus and colleges about issues concerning sexual harassment. Students, teachers, non-teaching staff and administrators must be made aware of issues relating to gender equality and sexual harassment. This can be done in the first instance by using the expertise of specialized groups who can help to train our own volunteers, who can then take over. These people can hold discussions and workshops across the board.

In order to facilitate the implementation of the working plan, an Implementation Committee of 4-6 members may be constituted by the Cell. The Implementation Committee may undertake the following steps:

1. Develop a code of conduct for University Faculty/Staff/Students and circulate widely.
2. Undertake a comprehensive study that attempts to map and analyse all aspects of sexual harassment as well as prevailing attitudes.
3. Undertake periodic surveys of students/staff/faculty to find out the extent of the problem.
4. Provide social and personal counselling on lines of medical consultants.
5. Provide medical and legal advice, with the help of experts outside the University who have established themselves as being gender sensitive.
6. Develop a procedure to inform new entrants to Kerala University.
7. Organize sensitization workshops and seminars focusing on staff, faculty & students.
8. Publicise and disseminate policy and procedures through memos, posters and flags.
9. Set up a grievance procedure and develop and disseminate information about it.
10. Identify a sexual harassment advisor per building including hostels. All those vested with authority and official responsibility will have to be well informed of the procedure and will have to be sensitized to take prompt action.

(ii) Mediation and Crisis Management

This will also include provisional relief (legal, medical and psychological and any other feasible assistance) to the complainant. The Cell will form a crisis group (which must include some members of this Cell who will be available to deal with emergencies and go on the spot when needed). The telephone numbers of these people should be made available. This group will be knowledgeable about what to do in different sorts of crisis and counsel wardens or anyone else who needs advice. The crisis group should have at least 50% women. Ideally, this should have at least one faculty, one student, one non-teaching staff, one counsellor and one doctor. It can always call upon any other member of larger committee of the Kerala University Community and take help from volunteers. The first level of contact will consist of wardens, students, faculty volunteers and sexual harassment advisors in various colleges.

Crisis Management

- a Enquiry Committee of 3 persons should be constituted and an urgent enquiry should be done within 3 days.
- b Available members should meet next day itself.
- c Allow the complainant to bring one of her friends/confidante with her before the Committee.
- d The members of the Committee should undergo special training in dealing with cases of harassment.
- e If the victim needs psychological help, the Committee has to arrange for it.

(iii) Enquiry and Formal Redressal

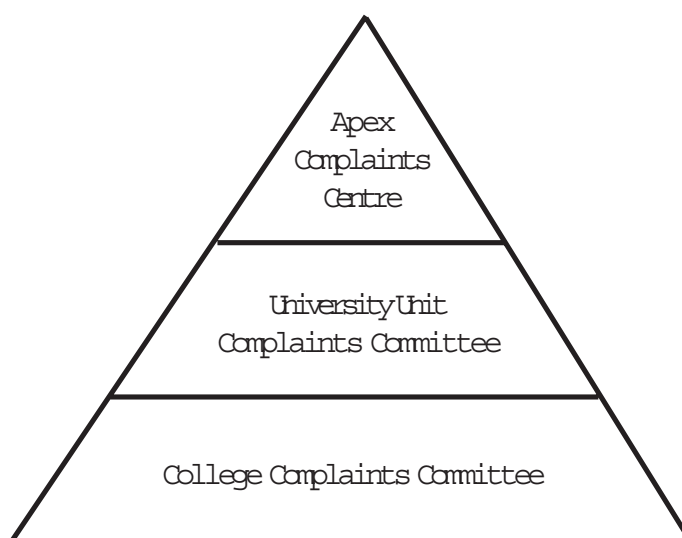
When the complaint cannot be resolved informally, the Cell shall conduct enquiries and recommend punitive action against offenders, if necessary. It shall do so by constituting small enquiry committees (comprising of about 3 members, who will include at least one-third part i.e. the NGO representative or the eminent academic or both, and including the

constituency of the offender for instance, if the complaint is brought against a student, students will be in the enquiry committee). These Enquiry Committees shall bring their report before the Cell who will finalize their recommendations and suggest measures for redressal.

7. STRUCTURE OF THE CELL

- ❖ The Apex Complaint Centre (ACC) - an independent referral body of the Kerala University.
- ❖ University Units Complaints Committee (UCC) - to be set up in clusters of University Departments.
- ❖ College Complaint Committee (CCC) - to be set up in each College.

Method of constituting the College Complaint Committees, Universities Units Complaints Committees and Apex Complaint Centre



1. College Complaint Committee

There should be a Cell in each College which should consist of, Principal, two teacher representatives of which one should be a lady, one SC/ST student representative, college union chair person, one non-teaching staff representative and one psychiatrist/psychologist. The meeting of the Committee should be called by the Principal before 31st of August, every academic year. The Committee should prepare a panel of at least

four persons from outside the College, i.e., NGO representative, Counsellors, Doctors, Lawyers and so on. From this panel, two members should be co-opted to the CCC before 30th of September.

2. University Units Complaint Committee

University Units Complaint Committee should consist of six members of which two should be teachers, two students, two non-teaching staff and one member from the Cell (A.C.C.)

This University Units Complaint Committee should cover all the teaching and non-teaching departments, centres and hostels of Kariavattom campus and Palayam University campus. These are grouped into seven units on the basis of their location, as follows:

UNITS

- Unit 1.** Department of Sanskrit, Tamil, Malayalam, Linguistics, Philosophy, ORI and ML, Aquatic Biology, History, Economics, Islamic Studies, Political Science, Sociology, Archaeology, Arabic and Environmental Sciences.
- Unit 2.** Institute of Distance Education, Academic Staff College, Hindi, Law, Geology, Bio-technology, Mathematics, Statistics, Psychology, Physics, Opto-electronics, Computer Science, Demography, Chemistry and Bio-Chemistry.
- Unit 3.** Department of Botany, Zoology and Communication and Journalism.
- Unit 4.** Campus Administration, Engineering Unit, Security Wing, Campus Library, All Centres in the Kariavattom Campus
- Unit 5.** Men's, Women's and Teachers' Hostels in Kariavattom Campus and Vazhuthacaud Women's Hostel.
- Unit 6.** Institute of English, Department of German, Russian, Futures Studies, Commerce, IMK, Music, Library Science and Information, University Library and Education.
- Unit 7.** All sections of the University Office in Palayam.

3 Apex Complaint Centre

The Cell to combat sexual harassment, University of Kerala will be treated as Apex Complaint Centre.

8. REMEDIAL FUNCTIONS OF THE APEX COMPLAINT CENTRE

- ❖ To give ready, safe, friendly and easy access to the victim for registering their complaints.
- ❖ To make cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- ❖ To recommend the concerned authorities the follow up actions and monitor the same.
- ❖ To directly issue warning, taking the help of the law to stop the harasser.
- ❖ To seek medical, police and legal intervention with the consent of the victim.
- ❖ To recommend counselling to either/both parties.

9. COMPLAINTS MECHANISM

Employees not covered by College Complaints Committee and University Units Complaints Committee can approach the Apex Complaint Centre directly. In all exceptional circumstances, the Apex Complaint Centre can be approached directly.

Enquiry must be conducted and report to be submitted within stipulated time. The quorum for any committee meeting will be one-third the number of members. Action to be taken, and action already taken, are to be reported to the Syndicate of the University.

The University Units Complaints Committee and College Complaints Committee will send annual reports to the College/University authorities and Apex Complaint Centre.

The Apex Complaints Centre should provide a brief annual report to the Syndicate on the cases monitored by them.

10. TERMS OF REFERENCE

- i To implement a policy in order to maintain a working/learning environment free of sexual harassment.
- i To adopt a proactive role in the prevention of sexual harassment and to prepare and implement a broad based plan for sensitization and orientation of the Kerala University Community.
- i To identify volunteers/persons and to lay down an informal procedure for crisis management and mediation.
- iv To take cognizance of acts of sexual harassment and to conduct enquiries to provide redressal to the complainant and take deterrent action against the harasser.

11. POWERS AND DUTIES OF THE UNIVERSITY CELL

The powers and duties of the University Cell shall be as follows:

- a To ensure implementation of this policy in the University Departments and Colleges.
- b To ensure and supervise the proper constitution and functioning of the Anti Sexual harassment complaints committees set up in various colleges and departments.
- c To organize regular workshops and training programmes for members of the Anti Sexual Harassment Complaints Committees.
- d To formulate programmes for the spread of awareness of the present policy amongst management, employees and students.
- e To hold annual programmes, regular seminars, workshops and meetings on the issue of sexual harassment, to propagate against sexual harassment amongst

authorities, teaching community, students and employees with the help of experts or resource persons.

- f To bring out publications in English and Indian languages concerning sexual harassment and also concerning the implementation of this policy.
- g To set up a pool of NGOs for carrying out the purpose of the policy.
- h To act as the Appellate Body in respect of certain complaints as provided subsequently in this policy.

12. DURATION AND TENURE

The Cell will be appointed for two years. The first year is crucial to establish procedures, attitudes and modalities. Only those persons who have worked as volunteers and participated in sensitizing programmes should be retained.

13. JURISDICTION

All employees of Kerala University (whether full-time, part-time, daily wage, contract labour, voluntary workers and casual employees) and student of all the departments and all the affiliated colleges including professional colleges.

14. ELIGIBILITY AND PROCEDURE FOR REGISTERING COMPLAINTS

- i Complaints can be filed by the victim either through proper administrative channel or directly. Both will be treated with equal urgency and importance.
- i Complaints can be given to persons identified for the purpose at various levels.
- i Third party complaints will also be entertained.
- iv Witness can file a complaint and his/her name will also be kept confidential. Third party complaints will also be treated in confidence.

- v Formal grievance or disciplinary procedures can be initiated through the Cell on Sexual Harassment. The Cell can initiate investigations, and is committed to stopping sexual harassment taking the help of the law where necessary.
- vi Directly writing to warn the harasser. The victim or any third party can write to the person who they believe is harassing them, and can ask them to stop.
- vii Consultation is available from any member of the committee on sexual harassment, counsellors etc. Consultation will be available for anyone who wants to discuss issues related to sexual harassment whether or not the person is involved or is a third party.
- viii An Annual Report will be prepared which will be submitted to the University as well as the Government Department concerned, as suggested by the Supreme Court Guidelines.
- ix Any person belonging to a College, hostel or any of the University campuses is eligible to approach the complaint committee of the respective College/Unit or the Apex Complaint Centre of the University. The complaining person can be a student, research fellow, teacher or non-teaching staff.
- x Third party complaints may be referred through members of the Apex Complaints Centre, counsellor of the various colleges, co-ordinator of women's studies unit, referral persons of the Departments, Colleges and Hostels, any of the University authorities, grievance cells etc. Any person can bring a complaint to the College Complaint Committee, University Units Complaints Committee or Apex Complaint Centre, provided he/she has the written consent of and is accompanied by the complainant.
- xi Complaints can be against any person in the University system, and also a third party harasser.
- xii The complaints can be directly addressed to the Apex Complaints Centre.

- xiii. Complaints can be given through a person identified at the colleges, departments, campus centres, hostels and other units of the University.

A complaint should be made in confidence and as promptly as possible. Confidentiality of both the parties must be strictly maintained. The documents pertaining to the cases will be also kept confidential as far as possible (in case, the Courts are assessed, the University may be required to hand them over) filing of a grievance/complaint shall not adversely affect the individual's status/job, salary/promotion, grades etc. The employer should ensure that the victims and the witnesses are not further victimized or discriminated.

15. PROCEDURE FOR ENQUIRY

- a The enquiry committee shall prepare a charge sheet containing specific charges and shall hand over the same together with statement of allegation to the accused and to the complainant, by hand delivery, duly acknowledged or by registered post acknowledgement due, within 3 days the Enquiry Committee having decided to conduct the enquiry.
- b Within 10 days after the accused receiving the copies of the charge sheet and the statement of allegations.
- i If accused desires to tender any written explanation to the charge sheet, he shall submit the same to the convenor of Enquiry Committee in person or send it to her by registered post acknowledgment due.
- ii If the complainant or the accused desires to examine any witness, they shall communicate in writing to the person.
- iii If complainant desires to tender any documents by way of evidence before Enquiry Committee, it shall supply true copies of such documents to the accused, similarly, if the accused desires to tender any document in evidence before the Enquiry Committee, he shall supply true copies of such documents to the complainant.

- c Within 3 days after the expiry period of 10 days, the Enquiry Committee shall meet to proceed with the enquiry and give 7 days notice by hand delivery duly acknowledged or by registered post acknowledgment due to the complainant and the accused to appear for producing evidence, examining witness etc., if any.
- d The Enquiry Committee shall see that every reasonable opportunity is extended to the Complainant and to the accused, for putting forward and defending this case.
- i The Complainant shall have the right to cross-examine witnesses on behalf of the employee or the student, as the case may be.
- ii The accused shall have the right to be heard in person and lead evidence. He shall also have the right to cross examine witness examined on behalf of the complainant. Sufficient opportunities shall be given to examine all witnesses notified by both the parties.
- e All the proceedings of the Enquiry Committee will be recorded and the same, together with the statement of witness shall be endorsed by both the parties in token of authenticity thereof. The refusal to endorse the same by either party shall be endorsed by the Convenor.
- f The complainant and the accused will be responsible to see that nominees and the witnesses if any are present during the enquiry. However, if the Enquiry Committee is convened in the absence of either of the parties to the disputes or any of the members of the Enquiry Committee or any valid ground, the Enquiry Committee shall adjourn that particular meeting of the Committee. The meeting so adjourned shall be conducted even in the absence of the person concerned if he or she fails to remain present for the said adjourned meeting.
- g The convenor of the Enquiry Committee shall forward to the complainant and accused as the case may be a summary of the proceedings and copies of statements of witnesses, if any, by hand delivery duly acknowledged, or by registered post acknowledgment due, within 4 days of the completion of the above steps and allow them a time of seven days to offer further explanation, if any.

- h The complainant or the accused, as case may be, shall submit their further explanation to the convenor of the Enquiry Committee within a period of 7 days from the date of receipt of the summary of proceedings, either personally or by registered post acknowledgement due.
- i On receipt of such further explanation or if such further explanation is offered within the aforesaid time, the Enquiry Committee shall complete the enquiry and communicate its findings on the charges against the accused and its decision to the management. The management can then take specific action against the accused within 10 days after the date fixed for receipt of further explanations. It shall also forward a copy of the same by hand delivery duly acknowledged or by registered post acknowledgement due to the complainant and the anti sexual harassment cell. Thereafter the decision of the Enquiry Committee shall be implemented by the management, which shall issue necessary orders within 7 days of the date of receipt of decision of the Enquiry Committee.
- j The Enquiry Committee may consider as relevant any earlier complaints against the person charged. However, the complainants past sexual history will not be probed into or enquired during the proceedings before any of the committees.

16. REDRESSAL

- 1 University Units Complaints Committee/College Complaints Committee/Apex Complaint Centre may ask the College/University to suspend the alleged harasser from an administrative post/classes, if the presence is likely to interfere with the enquiry. An alleged student harasser may be banned from attending classes.
- 2 The complainant will have the right to lodge a fresh complaint or appeal to the University based centre in case he/she desires.
- 3 The victims of sexual harassment as per the Supreme Court Judgment, will have the option to seek transfer of the perpetrator or their own transfer where applicable.

- 4 The Head of the institution upon receipt of the enquiry report shall refer the same to the Cell and institute disciplinary action under relevant service rules and on the basis of the Apex Complaint Centre's recommendations. In case the Cell wants reconsideration, it can do so once. It will be incumbent on the Cell to state the grounds for reconsideration. Apex Complaint Centre will concede the proposal but after reconsideration, the decision of the Apex Complaint Centre will be binding.
- 5 Apex Complaint Centre by reviewing the report of the final Enquiry Committee, will make its own recommendations to the Vice-Chancellor of Kerala University. The Vice-Chancellor shall refer to the Enquiry Committee and the Enquiry Committee will normally be expected to take action. In case the Enquiry Committee wants a reconsideration, this can be accepted only once. It will be incumbent on the Enquiry Committee to state the grounds for reconsideration of the case, the decision of the Apex Complaint Centre will be binding on the Enquiry Committee.
- 6 In case of University/College employee, the University/College authorities should take appropriate disciplinary action such as dismissal, suspension, demotion, stopping of increments and/or promotion, transfer, debarring from supervisory duties/re-employment, membership in statutory bodies etc., in accordance with rules and procedures.
- 7 The University/College authorities shall initiate action by making a complaint with the appropriate authority in the case of third party harassment.
- 8 Nothing in this procedure shall preclude the Head of the Institution (University/College) to lodge a complaint straight away with the police respect of any act amounting to an offence under the law.
- 9 Students alleged to have harassed others, will be subjected to provisions of Ordinance Chapter III 9.

17. PUNISHMENT OF SEXUAL HARASSMENT

Any employee or student found guilty of sexual harassment shall be liable to be punished.

Penalties

a An employee guilty of sexual harassment shall be liable for any of the following penalties:

- i Warning, reprimand or censure
- ii Withholding of an increment for a period of not exceeding one year.
- iii Reduction in rank
- iv Termination of service

b In addition to these penalties, the employee concerned may also be fined upto ₹ 5,000/- which amount will be used by the University for achieving the aims and objectives of this policy.

c In addition to all these penalties, the employee can also be required to give a written apology to the victim and upon his failure to do so, his punishment can be enhanced.

d A student guilty of sexual harassment, shall be liable for any of the following penalties:

- i Warning, reprimand or censure.
- ii Suspension from the College for a period upto one month.
- iii Debarment from appearing for the final examination for a period upto 3 years.
- iv Rustication from the College.

In addition to these penalties, the student concerned may also be fined upto ₹ 500/- depending on the financial capacity of the guardian of the student, which amount will be used by the University for achieving the aims and objectives of this policy.

In addition to all these penalties the student can also be required to give a written apology to the victim and upon his failure to do so, his punishment can be enhanced.

- v Fine can be imposed on frivolous complaints.

Classification of Penalties

The penalties shall be classified as minor and major penalties as under:

a Minor penalties

- i Reprimand
- ii Warning
- iii Censure
- iv Withholding of an increment not exceeding one year.
- v Suspension from the College for a period upto one month.

b Major penalties

- i Withholding of increment for more than one year.
- ii Reduction in rank.
- iii Termination of service
- iv Debarment from appearing for the final examination for a period upto 3 years.
- v Rustication from the College.

In case a minor penalty has been imposed on the accused on an earlier occasion, on a second conviction, he shall be imposed with a major penalty irrespective of the gravity of the second offence.

Procedure for imposing minor punishment

In case the Enquiry Committee decides to impose a minor punishment, the accused shall be given in writing an opportunity to explain within one week why he should not be for good and sufficient reasons be punished for the act of sexual harassment on his part. The nature and quantum of punishment, if any, to be imposed on him shall be decided after considering the explanation, if any, given by the accused.

Procedure for imposing major punishment

- a If an accused is alleged to be guilty of sexual harassment and if there is reason to believe that in the event of the guilt being proved against him, he is liable for any imposition of any major penalty, the enquiry committee shall, first decide whether to place the accused employee under suspension. If the accused employee is to be placed under suspension the provisions of suspension and subsistence allowance as prescribed under the Statutes for other misconduct will apply.
- b If a person is charged with physical molestation or rape in the University or College premises, he shall be immediately placed under suspension pending the completion of the investigation and enquiry. In all other cases, the Enquiry Committee shall within 3 days decide whether the charged person shall be placed under suspension or not and in either event it shall communicate its decision and the reasons for the decisions to the University which shall then implement the decision forthwith.
- c The delivery of the allegations shall be made in acknowledgement due and demand from him a written explanation within 7 days from the date of receipt of the statement of allegations.
- d If the Enquiry Committee finds that the explanations of the accused are not satisfactory or if no explanation is received decides to hold an inquiry against the accused.
- e The convenor of the Enquiry Committee will be the senior most member of the teaching faculty.
- f The meetings of the Enquiry Committee will be held during the office hours in the College premises, but not during vacations.

18. PROVISIONS FOR APPEAL

- a In the event of the Enquiry Committee not taking action on a complaint or in the event of the complainant being dissatisfied with the action taken by any of the aforesaid committees, the complainant shall have the right to appeal to the University Cell.

- b** A meeting of the University Cell shall be convened within 10 days of the receipt of such grievances.
- c** The University Cell shall go into the grievances of the complainant and after hearing the complainant, if it feels that the matter needs to be further enquired into it shall take the following steps:
- i** In the event of there being an incomplete or no enquiry by the Enquiry Committee, the University Cell shall appoint from within itself a three member Enquiry Committee.
- ii** In the event of the complainant being dissatisfied by the decision of the Enquiry Committee after a concluded enquiry, the University shall act as an Appellate Body with all powers of the Appellate Court under Rule of Law.



UNIVERSITY OF KERALA

CELL TO COMBAT SEXUAL HARASSMENT

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|-----------------------|---|---|
| 1 | Dr.G.S.Jayasree
Hon. Director
Centre for Womens' Studies &
Reader, Institute of English
University of Kerala | Chairperson
(O) 0471 2386325
(M) 94470 24545 |
| 2 | Smt. Deanna Stephen
Deputy Registrar (Administration I)
University of Kerala | Convenor
(O) 0471 2386399
(M) 94962 53969 |
| <u>Members</u> | | |
| 3 | Dr.A.Gopikuttan
Member, Senate &
Head of the Dept. of Library &
Information Science, University of Kerala | (O) 0471 2386163
(M) 94464 28163 |
| 4 | Dr.K.G.Sreelekha
Professor & Head
Oriental Research Institute & Manuscripts Library
University of Kerala, Kariavattom | (O) 0471 2308421
(M) 99951 09814 |
| 5 | Dr.Beena Isaac
Head of the Dept. of Philosophy
University of Kerala, Kariavattom | (O) 0471 2308746
(M) 94475 86802 |
| 6 | Dr.Bismi Gopalakrishnan
Lecturer, Dept. of Law
University of Kerala, Kariavattom | (O) 0471 2308421
(M) 94472 17447 |
| 7 | Dr.V.R.Nandini
Associate Professor, SAT Hospital &
Member, Guild of Services | (R) 0471 2470525
(M) 94460 80525 |
| 8 | Vice-Chairperson
Kerala University Union | |
| 9 | The Secretary
Research Students' Union | |
| 10. | The Secretary
University Departments Students' Union | |