



F.No. AUD/1-38(1)/2014/17479

Dated: 19th September 2014

NOTIFICATION

The Board of Management, in its meeting held on the 4th of April 2014, resolved to adopt the "Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation" as per the document enclosed.

The above policy will be reviewed after two years, or earlier if required.

The Gender Issues Committee will act as the "Committee for Prevention of Sexual Harassment (CPSH)" till such time, the CPSH is formally constituted.

A copy of the document is enclosed for information and compliance.

(Jatin Bhatt)
Registrar

Copy to:-

- | | |
|--|-------------|
| 1. Professor Venita Kaul, Dean, SES | Chairperson |
| 2. Dr Mamatha Karollil, Assistant Professor, SHS | Member |
| 3. Dr Rachna Chaudhary, Associate Professor, SHS | Member |
| 4. Dr Sanju Thomas, Assistant Professor, SUS | Member |
| 5. Dr Shubhra Nagalia, Assistant Professor, SHS | Member |
| 6. Dr Anup Dhar, Associate Professor, SHS | Member |
| 7. Dr Rukmini Sen, Assistant Professor, SUS | Member |
| 8. Dr Yogesh Snehi, Assistant Professor, SLS | Member |

Copy for information to:-

9. Office of the Vice-Chancellor, AUD
10. Office of the Pro-Vice-Chancellor, AUD
11. Office of the Registrar
12. All Deans/Directors/Heads of Divisions
13. All Deputy Registrars and Assistant Registrars
14. Notification File

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT
AND DISCRIMINATION
BASED ON GENDER IDENTITY AND SEXUAL ORIENTATION**

Ambedkar University Delhi

4 April 2014

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT
AND DISCRIMINATION
BASED ON GENDER IDENTITY AND SEXUAL ORIENTATION**

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PART A: PREAMBLE

1. BACKGROUND TO THE AMBEDKAR UNIVERSITY DELHI POLICY

These are the Rules and Procedures of the Committee for Prevention of Sexual Harassment, which is the body constituted by Ambedkar University Delhi, on the recommendations of the Gender Issues Committee, headed by Prof. Venita Kaul, appointed by the Vice-Chancellor and approved by the Board of Management on the 4th of April 2014. This body shall implement the Ambedkar University Delhi Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation (vide the Notification dated 19 September 2014) as also 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.

This policy defines sexual harassment and the mechanisms of redress by looking at the specific structures, needs and imperatives in Ambedkar University, Delhi. It is guided by the definition of sexual harassment given by the Supreme Court in 1997 in Vishaka and Others vs. State of Rajasthan and Others (AIR 1997, Supreme Court 3011) (hereafter "Vishaka Judgment"), Article 15 of the Constitution of India, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979 also form principal bases to this document. It is further guided by the Justice Wad Committee Report of 1994 (University of Delhi) which in its definition of sexual harassment included quid pro quo, that is, "when submission to unwelcome conduct is explicitly or implicitly made a condition or the basis for employment decisions" and a Hostile Work Environment (for example when a supervisor or co-worker(s) harasses someone solely because of his/her gender to the point that the conduct makes it more difficult for her/him to perform his/her job or the conduct creates an intimidating, hostile or offensive working environment, including the harassment of someone due to their actual or perceived sexual orientation. The Hon'ble Supreme Court in a subsequent judgment titled Apparel Export Promotion Council vs A. K. Chopra, on 20th January, 1999 (AIR 1999 Supreme Court 625)

has reiterated that incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty. Most recently, the Hon'ble Supreme Court in its judgment dated 19th October 2012 in MedhaKotwalLele& Ors. vs. Union of India & Ors. (2012 (10) SCALE 458) has further explicated the duties of employers with respect to prevention of sexual harassment at the workplace, and has held that the report of the Inquiry Committee shall not be treated as a mere preliminary inquiry, but is deemed to be an inquiry report in disciplinary action for misconduct against the defendant.

In January 2013 the Verma Committee Report highlighted the need to address the issue of sexual harassment at the workplace as a part of the constitutional right to equality and dignity of women. It has further recognised that Universities and educational institutions should be included in the definition of 'workplace' under the 2012 Act, as should the entire community that is enfolded in the institution.

In February 2013, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2012 (hereafter '2012 Act') which places a statutory obligation on employers of a workplace to set up internal committees to receive, investigate, and decide complaints of sexual harassment at the workplace, which imperative is also binding upon the Ambedkar University Delhi insofar as it is a workplace. The present Policy, while following the spirit of the above mentioned legal doctrines and statutory obligation, and while recognising that the University is not merely a workplace but also a place of learning and intellectual development for students and teachers, seeks to cover a wider spectrum of sexual harassment and discrimination based on gender identity and sexual orientation in consonance with the requirements of an institution of higher education such as the Ambedkar University Delhi.

2. LARGER SOCIAL CONTEXT OF SEXUAL HARASSMENT AND DISCRIMINATION

Universities can be seen as spaces of reflection on the problems of the social realm as also as harbingers of personal change. That is why, though violent conduct is prohibited both in law and by University rules, a more specific policy defining sexual harassment and

discrimination on campus is required to address the specific form and extent of sexual harassment and discrimination in the University. This specificity can be noticed and appreciated only when we address the social factors that lead to the perpetration of sexual harassment. These factors are not merely gender-based, but include hierarchies of caste, class, ethnicity and sexual orientation, through whose rigid persistence gender-based discriminations, in general, and sexual harassment, in particular, take place and are normalized. The policy is, however, not aimed at converting the university space to a space of control and surveillance. The policy is not intended to sanitize or flatten the space of interaction among students, faculty and staff, nor is the policy only an instrument for disciplining, restraining and punishing offenders/transgressors. Rather our attempt is to prevent any coercion in the domain of relationships and the expressions of desire.

The policy aims to create an enabling environment for larger processes of gender equality to emerge and to ensure the right to a safe education and work environment for all. Sexual harassment does not only affect a few individuals but reinforces gender-based discrimination in general. It, therefore, becomes imperative that various educational institutions, and civil society as a whole, should take adequate measures to ensure the safety, security, dignity, rights and equality of women and men as much as of sexual minorities. Such measures would go a long way towards strengthening social and professional relationships in the workplace.

In evolving this policy, Ambedkar University Delhi (AUD) has borne in mind that the institution functions within a received social context. Given the social marginalisation of women and sexual minorities; the social stigma associated with anything sexual; and the gradient of power between various hierarchies, a majority of instances of sexual harassment go unreported to the university or even remain unmentioned to friends and peers. The policy, therefore, has evolved mechanisms that are accessible, transparent and are aimed to ensure confidentiality. It has, in addition, put in procedures of appeal/revision. It has also attempted to ensure fair, accountable and representative procedures for the redressal and resolution of even the subtle forms of gendered-othering.

3. OBJECTIVES AND SCOPE OF THE AMBEDKAR UNIVERSITY DELHI POLICY

- To uphold the commitment of the Ambedkar University Delhi to provide an environment free of gender-based and sexuality-based discrimination.
- To build on the directives of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place and take it forward in the direction of creating gender-friendly university spaces.
- To evolve a permanent mechanism at Ambedkar University Delhi for the prevention and redressal of sexual harassment cases and all other acts of gender-based violence, major and minor, overt and covert, including acts or statements that are discriminatory.
- 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, emotional and social environment, that will deter acts of sexual harassment and discrimination.
- To raise awareness about sexual harassment and discrimination in its various forms and reduce such incidences.
- To generate larger public opinion against sexual harassment and all forms of gender-based violence.

In formulating a policy for preventing and redressing sexual harassment, and further addressing the issue of gender discrimination, it is taken into consideration that the Ambedkar University Delhi consists of Schools, Centres and administrative offices which are located on its campus(es). The interpretation of the term, “work place”, for the purposes of addressing the issue of sexual harassment, therefore, will extend to all public spheres under the jurisdiction of the University that remain in contact with members of the University community. Such public spaces include the physical premises under the supervision of the University, where University members reside (residential campus which is within the jurisdiction of the university) or travel to as part of their work as members of

the University. The jurisdiction will include fieldtrips, sports tournaments, conferences, college festivals and all other activities undertaken by any person in his/her capacity as a member of the University. The University community which the present Policy seeks to cover is guided by the Act, Statutes and Ordinances of the University, and the organizational structure and personnel policies approved by the Board and other such resolutions passed by the authority bodies of the University from time to time.

It may be borne in mind that the problem of sexual harassment is aggravated by lack of sufficient lighting and security personnel, poorly constructed roads and bad traffic regulation. Due to inadequate lighting and lack of traffic regulations, it is easier for those who harass on the streets and other places to harass and make a getaway. It compounds the problem of resistance to harassment as well. To rectify this current situation, it is necessary to outline the security measures that can accompany the policy guidelines, thus addressing both prevention and redressal of the problem.

The present Policy recognises the need to set up, in terms of the objectives and aims described above, mechanisms for the redressal of incidents of sexual harassment which tend to vitiate the atmosphere of gender equality and learning which the Ambedkar University Delhi aspires towards and seeks to provide. In this direction, there shall be a Committee for Prevention of Sexual Harassment, which shall examine and investigate into complaints of sexual harassment, and shall submit its findings and recommendations to the office of the Vice-Chancellor of Ambedkar University Delhi. A procedure for appeal before an Appeals Committee is also provided for. The mechanisms shall follow procedures which are gender sensitive and at the same time have due regard for the rules of natural justice.

PART B: AMBEDKAR UNIVERSITY DELHI RULES AND PROCEDURES FOR THE PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT THE WORKPLACE, 2014

1. PRELIMINARY

(i) These Rules shall be called the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace, 2014 (PSH Rules 2014).

(ii) These Rules shall come into effect immediately upon their being approved by the Board of Management of the Ambedkar University Delhi.

(iii) These Rules and Procedures shall apply to all members of the University including management, academic staff, non teaching staff, university functionaries, administrative staff, technical staff, support staff, students, consultants, visitors, and service providers, those holding permanent, temporary, honorary, deputation, ad hoc, voluntary or short term positions. They will further apply to members of Centres/ Institutions associated with the University to the extent that they are engaged in activities relating to the Ambedkar University, Delhi.

(iv) These Rules and Procedures shall be applicable to all instances of sexual harassment as provided herein:

(a) occurring on the University campus, irrespective of the parties;

(b) between or among the members of the University;

(c) where the complaint is made by a third party against a member of the University; and

(d) any other situation involving a member of the University in which the CPSH determines it is necessary to intervene.

(v) In any case that is brought before it that may not fall within the area under the jurisdiction of the CPSH, the Committee can also recommend that the University authorities initiate action by making a complaint with the appropriate authority, and shall actively assist and provide available resources to the complainant in pursuing the complaint.

2. DEFINITIONS

2.1 DEFINITION OF SEXUAL HARASSMENT

“**Sexual harassment**” shall include but will not be limited to the following:

(i) When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, promotion, participation or evaluation of a person’s engagement in any University activity;

(ii) When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls, text messages or e-mails, gestures, exhibition of sexually explicit or offensive material in any medium including pornography, lurid stares, physical contact, stalking, sounds or display of derogatory nature have the purpose and/or effect of interfering with an individual’s performance or of creating a hostile environment;

(iii) When a person/s use/s, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to an/other person/s without the latter’s consent or against that/those person/s’s will, whether or not such conduct amounts to sexual assault;

(iv) When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person(s) and/or when the classroom or other public forum or academic activities of the University is used to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person’s gender identity/sexual orientation;

Explanation: A “hostile environment” is said to be created when any act of sexual harassment has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive employment, education or living environment.

2.2 SEXUAL HARASSMENT AS DEFINED IN THE POLICY

Sexual Harassment, as defined under the Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation and in these Rules and Procedures, shall amount to misconduct in employment under the relevant Conduct and Service Rules and Regulations of the University Statutes, and anyone

found guilty of sexual harassment under the present Rules will be subject to disciplinary action, including but not limited to the penalties listed in Rule 9 herein.

2.3 OTHER DEFINITIONS

(i) “**Academic staff**” shall include all such persons such as, Professors, Associate Professors, Assistant Professors and others as may be designated as such for imparting education/instructions by the University or for giving guidance or rendering assistance to students for pursuing any course of study with the University or conducting/participating in research projects. It 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, consultancy, or on special duty or deputation and shall include persons employed on a casual or project basis.

Provided that persons on the academic staff of any of the Schools/Centres/Institutions associated with the University are covered by this Policy only to the extent that they are performing University-related activities;

(ii) “**Appeals Committee**” shall have the meaning assigned in Rule 6.2 herein;

(iii) “**Campus**” includes all places of work and residence at the University, such as places of instruction, research and administration, as well as staff quarters, hostels, health centres, sports grounds, parks, streets, lanes and canteens, etc. on the University campuses allotted to and/or administered by the University or shared with other institutions.

(iv) “**Centre for Studies and Research**” shall mean a unit of academic organization created for undertaking specified tasks and responsibilities that will contribute to the fulfillment of the objectives of the University; (as provided for in University Statutes 12 B)

(v) “**Chief Inquiry Officer**” shall have the meaning assigned in Rule 6.1 herein;

(vi) “**Counselor**” includes any person, empanelled by the Committee for Prevention of Sexual Harassment and/or appointed by the University authorities, who has proven expertise in social and personal counseling on matters arising out of incidents of sexual harassment and discrimination based on gender identity or sexual orientation;

- (vii) “**Committee for Prevention of Sexual Harassment**” or “**CPSH**” means the Committee for Prevention of Sexual Harassment of the Ambedkar University Delhi as constituted under Rule 4 herein;
- (viii) “**Ehsaas**” is the University clinic for psychotherapeutic services or any other such body or institution by whatever name it is called;
- (ix) “**Inquiry Committee**” refers to the Inquiry Committee constituted under Rule **6.1** herein;
- (x) “**Managerial functionaries**” means and includes persons on the Board of Management, Academic Council, and Planning Board of the University and any other person appointed, designated or nominated by the University to a position of service in the University, such as Dean Student Services, Deans of Schools, Directors of Centres/IT Services, Proctors, Wardens, as well as persons discharging administrative responsibilities, such as the Registrar and the Controller of Finance, or anyone working in a managerial capacity;
- (xi) “**Member**” includes students, residents, academic staff, managerial functionaries and non-teaching staff of the University, provided that employees, academic staff, managerial functionaries and non-teaching staff of its affiliated Centres and Partner institutions are included only to the extent that they are performing University related activities;
- (xii) “**Non-Teaching Staff**” means any person on the staff of the University or working for the University, not included in the category of academic staff. It shall also include any person such as, administrative staff, technical staff, officers, consultants, support staff, contractual workers, daily wagers and so on employed by the University to perform any university related non-academic task. These would thus include a person employed for any work directly, by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied, and includes any person employed as a temporary, casual, *badli*, piece-rate or contract worker, probationer, trainee, apprentice or as called by any other name.
- (xiii) “**Outsider**” means any person who is not a member of the University, and includes but is not limited to any person offering residential, food or any other facilities to members

of the University, members of families of staff who reside in residential accommodations on campus, visitors to the University, participants of a seminar, workshop or a training programme, alumni or members from another university within the premises of AUD or any one performing any activity related to the university;

(xiv) “**Outside expert**” means and includes an eminent academician or NGO representative or any other expert, having a known contribution and experience in working for gender sensitivity; provided that such outside expert is not a member of either the academic or the non-teaching staff of the University; provided further that at least two-thirds of the membership of the organisation or institution to which such an outside expert belongs shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of the University.

(xv) “**Partner Institutions**” means any institution with which the University enters into an agreement in furtherance of its objectives, and includes representative/s of such institutions;

(xvi) “**Policy**” refers to the Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation of the University;

(xvii) “**Resident**” means and includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by the University, irrespective of whether he/she is the person to whom the accommodation is officially allotted;

(xviii) “**Service provider**” means any person who runs or manages commercial enterprises, or provides services, on the campus, and includes without being limited to, persons working in shops, canteens, hostels on the campus, as well as persons working in premises allotted on the campus, such as the Public Works Department, Banks and any other such similar services;

(xix) “**School**” means every School of Studies as listed and defined under Statute 12 A of the University Statutes;

(xx) “**Student**” means any person who is enrolled for any course, whether full time or part time, with the University and includes an undergraduate or postgraduate student,

certificate/diploma student, a research scholar, as well as a student of another institution who has been placed or has opted for short-term courses at the University;

(xxi) **“University”** means and refers to the Ambedkar University Delhi;

(xxii) **“Vacations”** means vacations as stipulated in the University Academic Calendar;

(xxiii) **“Vacations Committee”** shall refer to the Committee defined and constituted in Rule 4.10 herein;

(xxiv) **“Vishaka judgment”** refers to the judgment of the Supreme Court of India delivered in the case Vishaka and Others vs. State of Rajasthan and Others and reported in All India Reporter 1997 Supreme Court 3011;

3. CONSTITUTION AND COMPOSITION OF CPSH

3.1 THE COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT

(i) There shall be a Committee for Prevention of Sexual Harassment at the University which shall be empowered to carry out the mandate of the Policy and the present Rules. Based on a zero tolerance approach towards sexual harassment and discrimination the University authorities will extend full support to ensure that it takes action based on the recommendations made by the CPSH within a stipulated time frame as provided under Rule 7.4 herein.

(ii) The determination of the composition of the CPSH will be premised on the following principles:

(a) In order to make the CPSH accountable and democratic, a combined method of elections and nominations is to be used to constitute every Committee;

(b) In order to create autonomous and transparent institutional structures to look into complaints of sexual harassment, the CPSH shall recommend empanelment of a pool of experts from outside the University with known contribution to gender issues for approval of the Board of Management. This pool of experts shall be reconstituted annually with the approval of the Board. There shall be an effort to maintain continuity in the membership of external experts in the CPSH. The external experts to be nominated in the CPSH and the Appeals Committee will be from this pool of gender experts.

- (c) To make the Committee representative, each category of University members is given representation in the Committee;
- (d) To ensure continuity and a steady mix of student members elected in the previous elections and newly elected student members in the committee at any given point of time;
- (e) It shall be mandatory for each Committee under the present Rules and Procedures to have a woman chairperson as well as at least 50 per cent women members.
- (f) No person with a proven history of sexual harassment and/ or discrimination based on sexual orientation or gender identity will be a member of CPSH, or of any of the Committees constituted under the present Rules and Procedures.

3.2 COMPOSITION OF CPSH

- (i) The CPSH shall have a membership of eleven persons, of which at least six members shall be women at any given time. The composition of these members is given below:
 - (a) Three academic teaching staff specially elected to serve on the CPSH, of which at least two shall be women;
 - (b) Two students specially elected to serve on the CPSH, of which at least one shall be a woman;
 - (c) Two non-teaching staff specially elected to serve on the CPSH, of which at least one shall be a woman;
 - (d) One woman hostel resident;
 - (e) One woman research scholar;
 - (f) Two external experts from the panel constituted for this purpose;
- (ii) The CPSH may invite one or more persons, at least one of whom is a woman, from Ehsaas, the university clinic for psychotherapeutic services, managed by the Centre for Psychotherapy and Clinical Research of AUD to assist it in its functioning from time to time and when required. The CPSH may take assistance of volunteers when needed to fulfill gender sensitizing initiatives.

(iii) The external experts shall be nominated by the CPSH from the empanelled pool of outside gender experts as provided for in the Rule 4.1, clause (ii) b.

3.3 PROCESS FOR CONSTITUTION OF CPSH

(i) The process of direct elections for the representatives of academic teaching and non-teaching staff and students as members of CPSH shall be conducted from among the members of their respective constituency, for which electoral procedure shall be completed by the end of January every year;

(ii) The woman hostel resident shall be elected for a term of one year by all residents of the University hostels;

(iii) The external experts from the empanelled pool of gender experts to be nominated by the newly constituted CPSH;

(v) Student members shall be elected for a term of one year;

(vi) The woman research scholar shall be elected for a term of one year by all MPhil and PhD scholars;

(vii) The constitution of the first CPSH, including the process of election and nomination of members, shall be supervised and overseen by the Gender Issues Committee.

3.4 TERM OF OFFICE OF CPSH MEMBERS

Except to the extent provided in Rule 4.3 above, the tenure of each member of the CPSH shall be three years from the date of assumption of office, and shall be subject to a maximum of two consecutive terms.

3.5 DISQUALIFICATION OF CHAIRPERSON AND MEMBERS OF COMMITTEES

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of the CPSH or any of its Committees or from the Appeals Committee if there is any complaint or finding concerning sexual harassment or discrimination based on sexual orientation/gender identity pending against her/him.

3.6 CHAIRPERSON AND ACTING CHAIRPERSON OF CPSH

(i) The Chairperson of the CPSH shall be a woman from the academic staff and shall be elected by the members of the CPSH from amongst themselves.

(ii) In the event the Chairperson of CPSH is unable to discharge her duties for a period exceeding 4 weeks extendable by another 4 weeks on her written request (barring the period when the University is on vacation), or if the Chairperson of CPSH resigns the Committee shall designate from amongst its members a woman faculty member as Acting Chairperson of the CPSH for that period. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

(iii) The Acting Chairperson of the CPSH shall have all the powers and duties of the Chairperson of the CPSH outlined herein.

3.7 VACANCY OF A MEMBER OWING TO ABSENCE WITHOUT INTIMATION OR RESIGNATION

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

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

(iii) The Chairperson may resign from her office at any time by tendering her resignation to the Vice Chancellor.

3.8 FILLING A VACANCY IN CPSH

(i) If a vacancy arises in the CPSH, the Committee shall nominate a member for the residual period from the concerned constituency by a majority to arrange for the filling up of the vacancy in the particular category, 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 the CPSH, fill up the vacant position by appropriate nomination for the residual period.

(ii) No act or proceeding or order of the CPSH shall be invalidated merely by reason of the existence of a vacancy or vacancies.

3.9 MEETINGS OF THE CPSH

(i) The CPSH shall meet at least once a semester and at such intervals as may be necessary.

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

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

(iv) The quorum for a meeting of the CPSH shall be six of the existing members of CPSH.

Motions shall be carried by a simple majority of those present and voting.

(v) Any member of the CPSH may request the Chairperson to call an Ordinary Meeting. At least forty-eight hours notice shall be required for such a meeting to be called.

(vi) Any member of the CPSH 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.

(vii) The CPSH shall hold at least one public meeting every year where it shall report to the University community about its activities. This meeting shall be called specifically for the purpose of the presentation of the Annual Report of the CPSH. The CPSH shall ensure that strict confidentiality of the complainants and of all persons involved at all times in these reports.

3.10 FUNCTIONING OF CPSH DURING VACATIONS

(i) In the period when the University is on vacation, the CPSH shall strive to ensure the discharge of its duties and functions through the constitution of a Vacations Committee.

(ii) The Vacations Committee shall comprise of five designated members, which would include at least one faculty member, one student and one non-teaching staff.

(iii) In the event that a complaint is received during the vacations or immediate action is necessary, the Vacations Committee shall, in consultation with the Chairperson of CPSH, convene a special meeting to initiate further action on the complaint in accordance with the present Rules and Procedures.

4. GENERAL OBLIGATIONS AND RESTRAINING ORDER

4.1 GENERAL OBLIGATIONS OF COMMITTEES UNDER THESE RULES

(i) The CPSH and all other Committees under the present Rules shall make every effort to ensure that the Complainant and the witness/es deposing on behalf of the complainant are not further victimized or discriminated against while it is dealing with the complaint and thereafter.

(ii) The CPSH and all other Committees under the present Rules shall, with the objective of ensuring that the atmosphere of learning and collaboration in the university is not vitiated, endeavour to pursue the process of inquiry in a non-adversarial manner, making effort to create opportunities towards counseling for all parties involved. Members of Ehsaas can be called upon in situations where either the complainant or the defendant seems traumatized or disturbed in a manner that requires psychological intervention.

(iii) The Committees will recommend to the Vice-Chancellor's office appropriate and timely action, including the issuance of a restraining and/or protective order, against any person who victimizes, intimidates or causes any pressure to be brought upon the complainant or witnesses deposing on his or her behalf or any member of a Committee, or who causes any obstruction in the process of inquiry during or after the inquiry.

(iv) It is clarified that the filing of a complaint or an appeal under the present Rules shall not adversely affect the Complainant's status or job or salary or promotion or grades or any other terms of employment or engagement in the University.

(v) In the interest of protecting the complainant from facing any serious threat to his or her health or safety, at no time during the complaints receiving, inquiry and appeals procedure shall the defendant and the complainant be placed face to face, or put in a situation where they may be face to face, such as being called at the same time and be made to wait in the same place.

(vi) At no time in the complaints receiving, recording, inquiry or appeals procedure shall any Committee constituted under the present Rules probe into the past sexual history of the complainant, and such information shall be deemed irrelevant to a complaint of sexual harassment. A Committee may, however, consider as relevant, if there are, complaints of sexual harassment and discrimination against the defendant.

(vii) It shall be the duty of every Committee constituted under the present Rules to ensure and maintain strict confidentiality at all times about the details of a case, including the identity of all parties concerned.

(viii) In the event a defendant fails or refuses to participate in the Inquiry or Appeals process under the present Rules, the concerned Committee shall have the power to proceed against such person ex-parte and no decision of such Committee shall subsequently be called into question on the ground of such ex-parte process.

4.2 RESTRAINING OR PROTECTIVE ORDERS

(i) Where deemed necessary by the CPSH or any of its Committees or the Appeals Committee, at any point of time after the institution of a complaint, it can recommend to the Vice-Chancellor to issue a restraining and/or protective order against the defendant, either on its own motion or upon the request of the complainant.

(ii) The Vice-Chancellor, or an authority designated by her/him, shall communicate in writing her/his decision on the recommendation of the CPSH mentioned under (i) above, within a maximum of 72 hours.

(iii) Such order shall be in Form IV and provide a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s), and shall warn the defendant/s that any attempt on her/his part or by persons acting on her/his behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence or any of the witnesses may prove prejudicial to her/his case.

(iv) The complainant or any other person should intimate in writing to the Chairperson of CPSH and/or the Inquiry Committee of any violation of the order of restraint by the defendant, or any persons acting on her/his behalf.

(v) Should the Chairperson of CPSH, or the Inquiry Committee be convinced of the truth of such allegations, the Chairperson of CPSH and/or the Chief Inquiry Officer may summon the defendant in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him.

(vi) Where the defendant or anyone on her/his behalf harasses or continues to intimidate or influence the complainant or any person in the complainant's confidence or any witness

or witnesses and the matter is brought to the notice of the Inquiry Committee or the CPSH by the complainant in writing, the Committee shall advise the concerned University authorities to issue warnings, suspension or any other order against the defendant pending the inquiry proceeding.

(vii) The Inquiry Committee and the CPSH shall consider all violations of the restraint order when determining the complaint of sexual harassment against the defendant.

5. FUNCTIONS OF THE CPSH

5.1 GENDER SENSITISATION AND ORIENTATION

(i) The CPSH will ensure prominent publicity of the Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation and the present Rules and Procedures in all Centres, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.

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

(iii) The CPSH will strive to conduct at least one major activity every semester involving large sections of the University community.

(iv) The CPSH will co-ordinate with the campus security services to devise ways and means by which systems that are gender-sensitive as well as prompt and effective are put in place. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, CPSH members, identified by it, shall be intimated without delay.

(v) To become accessible to all members of the University community, the CPSH shall ensure widespread publicity of the contact details of all its members.

(vi) The CPSH will organize workshops for members to equip them to handle sexual harassment cases, which may include legal, psychological and medical aspects of aid.

(vii) The CPSH will work closely with the Centre for Psychotherapy and Clinical Research of the University especially with regard to counseling, which comes with the experience and training of working in the clinic set up on the campus.

(viii) The CPSH will strive to establish networks with legal experts, legal aid centers, counseling centers, health centers, police stations and their anti-stalking cells and other help lines, Crimes Against Women Cells, women's groups in the city, and other organizations such as the National /State Commissions for Women and National / State Human Rights Commissions.

(ix) In cases in which sexually motivated conduct against a member, a resident, outsider, representative of NGO, outside organisation or partner institution or a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, the CPSH shall assist the affected party in making a complaint to appropriate authorities outside the University and in pursuing available legal recourse.

5.2 INQUIRY INTO COMPLAINTS OF SEXUAL HARASSMENT:

The CPSH shall be empowered to receive, investigate and enquire into complaints regarding sexual harassment, and to submit a report along with its findings and recommendations to the University authorities, in accordance with the provisions of the present Rules and Procedures. The mechanism for registering complaints should be safe, accessible and sensitive, and the procedure followed for the investigation and inquiry into such complaints shall be gender sensitive and follow the principles of natural justice.

5.3 SUO MOTU ACTION IN CASES OF GRAVE VIOLATIONS OF THE POLICY:

The CPSH shall take suo moto notice of grave violations of the basic principles of gender sensitivity and gender justice on the campuses and take steps as it deems necessary.

5.4 TRANSPARENCY IN FUNCTIONING

(i) All information received in the course of the examination and inquiry into a complaint of sexual harassment shall be held in trust by the CPSH, the Vacations Committee, the Appeals Committee and all members of the CPSH. It is clarified that disclosure of such information

may endanger the life or physical safety of the complainant or any of the witnesses and is therefore contrary to the public interest.

(ii) The University shall place before the Board of Management, the Annual Report of CPSH together with a written report on the Action taken by them on the recommendations of the CPSH and, where relevant, the Appeals Committee. In all such reports, confidentiality of the complainants and all persons involved will be maintained.

(iii) These reports will be accessible to the University community and other organizations that network with the University.

(iv) The information and materials received by the Committees and the members of the CPSH during the course of any examination or inquiry into a complaint of sexual harassment shall be deemed to be held in a fiduciary relationship, the disclosure of which is not in the public interest. Accordingly, such information shall not be made available pursuant to an application under the Right To Information Act, 2005 and is hereby deemed to be covered by the exception under Rule 8 (1) (e) of the said Act.

Provided that an exception to this Rule may be made when the Complainant applies for information under the Right to Information Act, 2005.

6. CONSTITUTION AND FUNCTIONS OF INQUIRY AND APPEALS COMMITTEES

6.1 INQUIRY COMMITTEE: Composition and Function

(i) Upon receipt of a recommendation from the two members designated for this purpose that an inquiry is required into a complaint of sexual harassment the CPSH shall, at a meeting specially convened for this purpose, constitute from amongst its members an internal complaints committee known as the Inquiry Committee to examine, enquire, investigate and prepare a report.

(ii) The composition of the Inquiry Committee shall conform to the following guidelines:

(a) The Inquiry Committee shall consist of five members.

(b) The members of the Inquiry Committee should preferably be persons with commitment to gender issues or with experience and knowledge of social work and legal issues;

(c) It shall have at least three women.

(d) It shall include one of the external experts on the CPSH.

(e) 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 Inquiry Committee shall include one student and one academic staff member).

(f) No person who is a complainant or a relative of the complainant or witness, in the complaint of sexual harassment shall be a member of an Inquiry Committee inquiring into that particular complaint.

(g) No person who is a defendant or a relative of the defendant/s shall be a member of the Inquiry Committee.

(h) The membership of an Inquiry Committee shall not be changed or in any other way modified during its proceedings except in an emergency or in case of personal unforeseen personal circumstances.

(i) The CPSH may, at its discretion, co-opt any person or persons with demonstrable sensitivity to gender issues to be a part of an Inquiry Committee, provided that the majority of members are the members of the CPSH, and further provided that such a person shall not serve as the Chief Inquiry Officer.

(iii) The CPSH shall designate from within the members of such committee the Chief Inquiry Officer who shall be a senior level woman academic staff of the University.

6.2 APPEALS COMMITTEE: CONSTITUTION AND COMPOSITION

(i) There shall be an Appeals Committee which shall be empowered to receive and decide upon appeals filed against the report of the CPSH.

(ii) The Composition of the Appeals Committee shall be as provided herein:

(a) One former Chairperson of the CPSH or any former senior woman member of CPSH nominated by the Vice-Chancellor;

Provided that in the first Appeals Committee constituted under the present Rules, the Vice Chancellor shall nominate a senior woman academic staff member of the University.

- (b) One person nominated by the Board of Management from amongst its members;
- (c) One non-teaching staff and one academic staff of the University, of which at least one is a woman, will be elected by the CPSH;
- (d) One outside expert nominated by the Vice-Chancellor from the empanelled pool of outside gender experts as provided for in Rule 4.1, clause (ii) b who shall be the Chairperson of the Appeals Committee.
- (e) No person who is a complainant or a relative of the complainant or witness, in the complaint of sexual harassment shall be a member of an Appeals Committee inquiring into that particular complaint.
- (f) No person who is a defendant or a relative of the defendant/s shall be a member of the Appeals Committee.

7. PROCEDURE FOR COMPLAINTS FILING AND APPEALS

7.1 COMPLAINTS FILING PROCESS

- (i) All complaints of sexual harassment must be brought by the complainant in person and shall be recorded in Form I, subject to the following exceptions:
 - (a) In cases of forced confinement of the person, a complaint may be brought by another person on behalf of the complainant, in which case the Committee will examine whether an inquiry, intervention or some other assistance is needed.
 - (b) In cases of persons who are unable to directly approach the Committee on grounds such as a disability or medical condition, the CPSH may, on consideration whether the complaint falls within the purview of the present Rules, , decide to institute inquiry proceedings.
- (ii) Complaints can be lodged directly with any member of the CPSH.
- (iii) The complaint may be verbal or in writing. If the complaint is verbal, it should be transcribed by the CPSH or member thereof, as the case may be, and authenticated by the complainant under his/her dated signature or thumb impression.

(iv) Upon receipt of the complaint, the CPSH member to whom the complaint is made shall forthwith, and in any event not later than within 48 hours, forward the same to the Chairperson of the CPSH.

(v) If the complaint is made through any other channel, the person to whom the complaint is made should bring it to the notice of the CPSH within two working days of its receipt by her/him.

7.2 PROCEDURE OF CPSH ON RECEIPT OF A COMPLAINT

(i) Upon receipt of a complaint in any manner as described in Rule 7.1, the Chairperson shall immediately and in any event not later than within two working days, designate two members of the CPSH to determine whether the complaint filed comes within the purview of the present Rules and Procedures.

(ii) The said members of the CPSH shall, after making an examination of the complaint and any document/s filed with it, make a recommendation in this regard in writing to the Chairperson of the CPSH within two working days.

(iii) Upon a recommendation by the said members of the CPSH that the complaint does not fall within the purview of the present Rules, the Chairperson of the CPSH shall communicate the same in writing to the complainant/s along with the reasons.

(iv) Upon a recommendation by the said members of the CPSH that the complaint falls within the purview of the present Rules, the Chairperson of the CPSH shall convene a meeting of the CPSH within seven working days, for the purpose of constituting an Inquiry Committee.

(v) If required the CPSH shall be responsible for making counseling services available to a person/s requesting for it.

(vi) In the case of outsider harassment, with the consent of the complainant, the Committee along with relevant University authorities may initiate action by making a complaint with the appropriate authorities having jurisdiction over the offence. Further, the Committee and other relevant organs of the University will actively assist and provide available resources to the complainant in pursuing the complaint.

7.3 PROCEDURE TO BE FOLLOWED BY THE INQUIRY COMMITTEE

The Inquiry Committee thus constituted shall follow the following procedures:

(i) The Inquiry Committee shall complete the inquiry in the shortest possible time, not exceeding two months from the date on which it is constituted for the purpose of inquiring into the said complaint, except for reasons that the Inquiry Committee shall record in writing.

(ii) The Inquiry Committee shall follow the general principles enumerated in Rule 3.1 above while conducting an inquiry into a complaint of sexual harassment. It shall have the power to devise its own procedures for meeting any eventuality not provided for hereunder, in conformity with such general principles.

(iii) The Chief Inquiry Officer shall convene the meetings of the Inquiry Committee.

(iv) Within two days of the institution of inquiry proceedings by the CPSH, the Inquiry Committee shall prepare and issue summons to the defendant in Form II containing details of the complaint and an intimation regarding the date, time and venue of the inquiry proceedings. The Inquiry Committee shall also make available to the defendant a true copy of the original complaint lodged by the complainant, along with a copy of the present Rules and Procedures. This shall be handed over to the defendant in person and also by registered post to her/his last known address.

(v) Also within two days of the institution of inquiry proceedings by the CPSH, the Inquiry Committee shall prepare and issue summons to the complainant in Form III with the date, time and venue of the inquiry proceedings, including with it a copy of the summons issued to the defendant and a copy of the present Rules and Procedures.

(vi) Within not more than two working days on the receipt of the first intimation of the inquiry, the complainant and the defendant shall submit to the Chief Inquiry Officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Inquiry Committee to examine.

(vii) The Inquiry Committee shall issue summons to the witnesses in Form V. It may also call any other person to appear as a witness if it is of the opinion that it shall be in the interests of justice, to whom summons may be issued in Form VI.

(viii) If the complainant, defendant, or witness desire to appear before the Inquiry Committee accompanied by one companion of their choice, they shall communicate in writing to the Chief Inquiry 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.

(ix) The identities of all witnesses shall throughout be protected by the Inquiry Committee by the use of a coding system or any other convenient mechanism for this purpose. The identities however will be securely preserved by the Chairperson of CPSH for use if needed by the Appeals Committee.

(x) The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the witness statements with the exclusion of witnesses' names and identities. The complainant(s)/defendant should inform the Chief Inquiry Officer specifically if they wish to exercise this right. 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 Ambedkar University Delhi. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The Chief Inquiry 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 CPSH.

(xi) Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant or any witness on his or her behalf to mental and physical trauma, shall be construed as an obstruction of these proceedings, more so if an order of restraint has been issued by CPSH.

(xii) The complainant and the defendant shall be responsible for presenting their witnesses before the Inquiry Committee.

(xiii) The Inquiry Committee shall have the right to call for as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony/ies and/or clarifications.

(xiv) In the event that the Inquiry Committee thinks that supplementary testimony is required, the Chief Inquiry 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 Inquiry Committee.

(xv) 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 Inquiry Committee, which may reject a question or questions if it is irrelevant or inappropriate to the proceedings being conducted at that time.

(xvi) Where the Inquiry Committee is convinced that the absence of either of the parties to the dispute is on valid grounds, it 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 without valid reason.

(xvii) All proceedings of the Inquiry 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.

(xviii) The Inquiry Committee shall have the power to ask for any official papers or documents pertaining to the complainant as well as the defendant.

(xix) Where either party desires to tender any documents by way of evidence, the Inquiry Committee shall supply true copies of such documents to the opposite party.

(xx) All persons heard by the Inquiry 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 as outlined in the relevant Rules below.

(xxi) The Inquiry Committee shall have the right to terminate the inquiry 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 Inquiry Officer.

(xxii) The Chief Inquiry Officer shall be responsible for making the defendant and the complainant aware that counseling services can be made available if so desired.

(xxiii) After concluding its inquiry, the Inquiry Committee shall submit to the Chairperson of the CPSH a detailed reasoned report in which it shall record its findings, including dissenting opinions, on whether sexual harassment has been committed by the defendant, and whether it amounts to misconduct according to the University statutes. It shall further

record its recommendation/s regarding the nature of disciplinary action/s to be taken as referred in Rule 9.

(xxiv) If the Inquiry Committee finds no merit in the complaint, it shall write to the Chairperson of CPSH, giving reasons for its conclusions.

7.4 PROCEDURE TO BE FOLLOWED BY THE CPSH UPON RECEIPT OF THE INQUIRY COMMITTEE'S REPORT

(i) Within three to seven working days of the receipt of the report and recommendations of the Inquiry Committee, the Chairperson of CPSH shall convene an Emergency meeting of the CPSH.

(ii) Each member of the CPSH shall have the right to access the entire inquiry proceedings, or any part thereof.

(iii) The report of the Inquiry Committee shall be deliberated upon by the CPSH and a decision taken whether the same is adopted or otherwise. The report of the Inquiry Committee together with the summary of the opinions of the members of CPSH (including dissenting opinions) at such meeting shall be deemed to be the Report of the CPSH on the complaint of sexual harassment before it.

(iv) Within three working days of such meeting, the Chairperson of CPSH shall forward the report of the CPSH, including dissenting opinions, to the Vice-Chancellor.

(v) Within three working days of such meeting, the Chairperson of CPSH shall forward the report of the CPSH to the defendant and the complainant.

(vi) Nothing precludes CPSH from taking cognisance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings and even after the communication of the findings to appropriate University authorities, and from re-convening the Inquiry Committee in order to examine the complaint in light of the said new fact or evidence.

Provided that such reconvened Inquiry Committee shall consist of at least three members of the Inquiry Committee that originally enquired into the said complaint.

(vii) The report of such reconvened Inquiry Committee shall be examined by the CPSH as provided under sub-clause (i) to (iv) above.

(viii) Where the report of the CPSH recommends the imposition of a penalty under Rule 9 or any other disciplinary action against the defendant, the Vice Chancellor shall forward the report of the CPSH to the concerned disciplinary authority for taking a decision upon the recommendation of the CPSH, or take a decision herself/himself in the event she/he is the disciplinary authority, in accordance with the University Rules and Procedures.

(ix) In the event that a decision is not taken by the disciplinary authority of the University within three weeks of the receipt of the CPSH report, the office of the Vice Chancellor shall communicate the reasons to the CPSH in writing.

(x) Based on the findings of the Inquiry Committee, and after due application of mind, if the CPSH arrives at a considered view that a complaint has been based on frivolous grounds or with intentions that are mala fide, it may consider recommending appropriate disciplinary actions against a complainant.

7.5 WITHDRAWAL OF COMPLAINT AND/OR APPEAL

(i) The complainant may submit a request in writing to withdraw his/her complaint or appeal at any time during the complaints receiving or inquiry or appeals procedure.

(ii) The Inquiry Committee or the Appeals Committee, as the case may be, shall make every reasonable attempt to ascertain that such request for withdrawal is not the consequence or effect of coercion and intimidation exerted by the defendant or any person on her/his behalf, on the complainant or any person on her/his behalf.

(iii) Where the concerned Committee is informed, knows, or has reason to believe, that the request of the complainant is a result of such coercion or intimidation, it shall immediately inform the CPSH, which shall strive to provide counseling and other support to help the complainant in overcoming the fear and let the Committee complete the inquiry or appeal.

(iv) The inquiry or appeals procedure shall be terminated if the complainant refuses to revise her/his decision to withdraw the complaint or appeal.

7.6 APPEALS

(i) In the event that the CPSH fails to take any action on a complaint, or where the complainant or the defendant wants to appeal against the report of the CPSH, she/he shall have the right to appeal in Form VII to an Appeals Committee within a period of 3 months from the date of the receipt of the report of the CPSH in the manner as provided below.

(ii) 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.

(iii) The Appeals Committee shall forward a copy of the appeal to the opposite party who shall have an opportunity to present her/his opposition to the appeal in writing and shall also be heard in person by the Committee.

(iv) The Appeals Committee shall have the power to summon any person as witness as well as any official record/s. The Appeals Committee/Committee shall further inquire into the matter, if on the basis of all the records before it, including the deposition of the appellant, it is satisfied that the matter needs to be further inquired into.

(v) The Appeals Committee shall prepare a detailed reasoned report with its findings and recommendations and forward the said report to the office of the Vice-Chancellor, with copies to the complainant, defendant and the Chairperson of the CPSH.

(vi) The relevant authority of the University shall take action upon the report of the Appeals Committee in terms of the procedure provided in Rule 7.4 sub-rules (viii) and (ix) above.

8. OBLIGATIONS OF UNIVERSITY

8.1 OBLIGATIONS OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES

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

(ii) The University authorities shall strive to provide enabling conditions and encouragement by way of awarding points or similar incentives to serving members of the

CPSH and for members of the Committees formed under the present Rules and Procedures, and in particular to members of the Inquiry Committee and the Appeals Committee during the period when an Inquiry or an appeal into a case of sexual harassment is in progress.

(iii) The University authorities will ensure that the Policy and the present Rules are included in the University website and references to them are included in the Admission Brochure and circulated at the time of admission. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: *Ambedkar University Delhi has a Policy on Prevention, Prohibition and Redressal of Sexual Harassment and Discrimination based on Gender Identity and Sexual Orientation and is committed to providing an environment free from gender discrimination and harassment.*

(iv) The university, throughwith the CPSH and the Schools/Centres/ Institutions associated with it, will strive towards developing curricula of the University incorporating within it a gender perspective.

(v) In order to ensure the accessibility of the Policy and the present Rules and Procedures, the University authorities and functionaries shall strive to arrange for several copies to be placed on notice boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels, etc.

(vi) The University shall make available the Policy and these Rules and Procedures to individuals/agencies/hired service providers to ensure that they are aware of such Policy and Rules and their implications.

(vii) In cases in which sexually motivated conduct against a member, a resident, outsider, representative of NGO or outside organisation or partner institution or a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, the University, through the CPSH and its other relevant organs, provide legal, medical, counseling or any such assistance to the affected person, and in particular assist the affected party in making a complaint to the appropriate authority outside the University and in pursuing the legal recourse available.

- (viii) The various organs of the University shall, within a maximum of 3 working days from receipt, forward all complaints of sexual harassment to the CPSH, save in cases in which the complainant has expressly prohibited such forwarding.
- (ix) The various organs of the University shall maintain full confidentiality with respect to matters pertaining to the CPSH enquiries into complaints of sexual harassment.
- (x) The relevant University authorities shall extend all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.
- (xi) The relevant organs of the University shall strive to provide the CPSH with the referral support of empathetic legal, psycho-therapy and health experts for ready first aid, consultation and guidance.
- (xii) The relevant authorities of the University shall strive to create a workplace in which the functioning of the CPSH and the interests of justice are not subjected to undue pressure from senior levels.
- (xiii) The Board of Management of the University shall be presented the Annual Report of CPSH together with a report on the action taken upon the decisions/recommendations of the CPSH and/or the Appeals Committee. A summary of the above shall be included in the Annual Report of the University which, as provided for under the Act and Statutes, shall be presented to the Board of Management, Court and the State Legislature.
- (xiv) It shall be the obligation of the relevant functionaries and authorities of the University to strive to provide all necessary resources to ensure the complainant's safety on the campus during the pendency of any proceedings under the present Rules and Procedures, and also thereafter.
- (xv) It shall further be the obligation of the relevant University authorities to strive to provide all necessary financial, administrative, infrastructural support to the CPSH during the process of its constitution through elections and nominations.
- (xvi) The University shall strive to conduct a gender audit at regular intervals to assess the effectivity of gender sensitization initiatives and policy measures and to update any requirement towards ensuring a gender equal and sensitive institutional culture and practices.

8.2 FINANCIAL ASSISTANCE

The University will strive to allocate adequate funds for the functioning of the CPSH and the allied Committees each year, and an office space, with required infrastructure.

8.3 ADDITIONAL ADMINISTRATIVE MEASURES

(i) The University will strive to work towards achieving the following measures towards prevention of sexual harassment:

(a) Roads are adequately lit on the University campus and residential areas within it.

(b) Vehicular traffic within the Campus is regulated.

(c) Safe transportation is provided to students, employees and other members who are required by the University to work on campus after office hours.

(d) Every hostel authority shall act as per the Policy and measures provided in the present Rules, and students shall give an undertaking to abide by the Policy at the time of admission to the hostel.

(e) Washrooms are well lit.

(f) Trained security personnel (both men and women) should be deployed on all premises under the university's jurisdiction.

(g) Women members are not to be asked to work over time alone in late evening hours and on holidays.

(ii) The University shall, in collaboration with the CPSH, facilitate the conduct of a safety audit on an annual basis of the University campuses and premises associated with it, in order to identify spaces that are unsafe, and shall take remedial measures to address the same.

9. PENALTIES

9.1 PROCEDURE FOR RECOMMENDING PENALTIES

(i) On the recommendation of CPSH, the appropriate disciplinary authorities of the University shall, in accordance with the University Act, statutes and regulations, be empowered to effect penalties and disciplinary action, including but not limited to the

penalties provided herein below in order of severity, against any person, including member, service provider, resident, or outsider, who is found to have committed sexual harassment as provided under the present Rules.

(ii) In case of a second or subsequent offence, the disciplinary authorities, on the recommendation of CPSH, may consider imposing a penalty of greater severity.

9.2 TYPES OF PENALTIES

Keeping in mind the impact of the offence on the atmosphere of learning and intellectual inquiry in a gender sensitive environment in the University, the disciplinary action against a person who is found to have committed sexual harassment under the present Rules may include one or more of the following penalties:

- (i) Warning, reprimand, tendering apology vide Form VIII and/or censure;
- (ii) Transfer, including transfer to another hostel;
- (iii) A letter communicating her/his misconduct to her/his place of education, employment or residence;
- (iv) Withdrawal of hostel accommodation for varying durations upto the entire period of study and/or a bar on hostel accommodation during a future programme of study offered by the University;
- (v) Withdrawal of the right to an official character certificate or testimonial from the University;
- (vi) Rustication from the University for varying periods of time;
- (vii) Declaration of the University campus as out of bounds for her/him for varying periods of time;
- (viii) A bar on appearing for the future entrance examination/interview to any programme of study offered by the University;
- (ix) Expulsion from the University;
- (x) Withholding of a degree awarded by the University;
- (xi) Withdrawal of a degree awarded by the University;
- (xii) Issuing Strictures;
- (xiii) Withholding of increments;

- (xiv) Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the University campus, including termination of any existing contract or agreement;
- (xv) Removal from an administrative/teaching position;
- (xvi) Debarment from holding an administrative/teaching position;
- (xvii) Withdrawal of residential accommodation provided by the University;
- (xviii) Suspension from service for varying periods of time;
- (xix) Compulsory retirement;
- (xx) Dismissal from service.
- (xxi) Initiate action by making a complaint with the appropriate authorities having jurisdiction over the offence.
- (xxii) Any other action as may be necessary.

10. AMENDMENTS

10.1 AMENDMENT TO THE RULES & PROCEDURES OF CPSH

Amendments to the present Rules shall be effected in the following manner:

- (i) Amendments to the present Rules and Procedures may be proposed by a decision taken in a special meeting of the CPSH called for the purpose, to the Board of Management of the University, which will consider the same, as provided for in the Act and the Statutes;
- (ii) Amendments may also be made by the Board of Management in accordance with the University Act and Statutes, after prior consultation with the CPSH through a special meeting of the CPSH called for the purpose;
- (iii) The proposed amendment(s) as made in clause (i) or (ii) above, as the case may be, together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment(s) to all the members of the CPSH at least fifteen working days prior to the Special Meeting called for the purpose.
- (iv) The minutes of the special meeting of the CPSH called for the purpose of considering any amendment to the present Rules shall be forwarded to the Board of Management along with any recommendations and suggestions.

(v) An Amendment motion in the CPSH shall be carried by two-thirds of the members present and voting. In the event of an equal number of votes in favour and against the motion, the Chairperson of the CPSH shall have a casting vote.

10.2 MISCELLANEOUS

(i) These Rules shall be duly incorporated within any other Statute(s), Circular(s) or Ordinance(s) of the University as may be relevant.

(ii) The proceedings under these Rules and Procedures of the CPSH shall not, in any way, be affected by any other proceedings against the defendant simultaneously undertaken by the complainant under any other provision of civil or criminal law, except to the extent specifically directed by a court of law.

(iii) The provisions of these Rules and Procedures of the CPSH shall not restrict the powers of the University or the right of 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.

SCHEDULE OF FORMS

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

FORM I

Proforma for Recording Complaint of Sexual Harassment

(See PSH Rule 7.1)

I. COMPLAINANT(S)

STUDENT/RESIDENT/ACADEMIC STAFF/NON-TEACHING STAFF/ OUTSIDER/ SERVICE
PERSON

Name _____

Age _____ Sex _____

Address _____

Centre/School _____

Phone number _____

Email _____

Name _____

Age _____ Sex _____

Address _____

Centre/School _____

Phone number _____

Email _____

II. PERSON (S) AGAINST WHOM THE COMPLAINT IS LODGED:

STUDENT/ RESIDENT/ ACADEMIC STAFF/ NON-TEACHING STAFF/ OUTSIDER/ SERVICE
PERSON

If the contact details are not known, please give physical description.

Name _____

Age _____ Sex _____
Address _____
Centre/School _____
Phone number _____
Email _____

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

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

III. THE COMPLAINT (additional details may be recorded on a separate sheet)

1. Is the defendant known to the complainant(s)?
2. Is this the first incident of this kind? If yes, skip 3 and 4.
3. Were 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 incidents (starting from the most recent):

Complaint recorded by

Signature _____ Date _____

Name _____ Place _____

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

**FORM II
Inquiry Committee
Summons to the Defendant
(See PSH Rule 7.3)**

Dear

A complaint of sexual harassment against you has been lodged with the CPSH by _____(name(s) of complainant(s)) on _____(date). The complaint refers to an incident(s) that allegedly took place on/in _____(date/period in which the alleged incidents took place) in _____(locations), where you allegedly _____.

The CPSH has determined that this complaint falls within its purview in terms of the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment based on Gender Identity and Sexual Orientation at the Workplace, 2014 and has instituted an Inquiry proceeding into the complaint.

The CPSH has designated an Inquiry Committee of _____persons, and the Chief Inquiry Officer of the same is the undersigned.

Based on the complaint the CPSH Inquiry Committee will look into the following charge(s) against you:

You are required to appear before the CPSH Inquiry Committee on _____, at _____ a.m./p.m. in _____. 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

Inquiry Officer (in writing) the names, postal addresses and telephone numbers of such person(s) on or before.....(date). Requests for change in time or date of your deposition must also be directed to the Chief Inquiry Officer.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the CPSH formal redressal procedures, an order of restraint can be issued by the competent authority to every person against whom such a complaint is lodged. Copy of such order datedis enclosed and you are directed to abide by the conditions laid down in this order.

For information, please find enclosed a copy of the abovementioned complaint and a copy of the Rules and Procedures of the CPSH. Please note that failure to appear at the hearing without a valid reason could go against you according to Rule 7.3.(xxi) of the said Rules and Procedures.

Yours truly,

_____ Phone (O) _____ (R) _____

Chief Inquiry Officer

Date:

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

FORM III

**Inquiry Committee
Summons to the Complainant
(See PSH Rule 7.3)**

Dear

This is with reference to the complaint of sexual harassment against _____(name(s) of defendant(s)) that you lodged with the CPSH on _____(date). The CPSH has determined that a formal inquiry proceeding be conducted into your complaint under the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace, 2014. The CPSH has designated an Inquiry Committee of _____persons, the Chief Inquiry Officer of which is the undersigned.

Based on your complaint the CPSH Inquiry Committee has prepared a summons to the defendant. A copy of this summons along with a true copy of your original complaint has been made available to the defendant, and I enclose a copy for your records.

This is to request you to meet with the CPSH Inquiry Committee on_____, at ___ a.m./p.m. in the CPSH 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 Inquiry Officer(in writing) the names, postal address and telephone numbers of such person(s) on or before(date). Requests for change in time or date of your deposition must also be directed to the Chief Inquiry Officer.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the CPSH grievance redressal procedures, the competent authority can issue an order of restraint to any person against whom a complaint is lodged.

(names(s) of person(s) against whom complaint is lodged), has/have been issued this order on _____(date).

Any violation of the restraint order must be reported to the CPSH immediately. For any clarifications regarding the CPSH Rules and Procedures, or for a change in the time or date of your appointment with the CPSH Inquiry Committee, please contact the undersigned. Please find enclosed a copy of the Rules and Procedures of the CPSH for information.

Yours truly,

_____Phone(O)_____ (R)_____

Chief Inquiry Officer

Date:

AMBEDKAR UNIVERSITY DELHI

FORM IV

Order of Restraint (in duplicate)

(See PSH Rule 4.2)

Issued to _____ on _____ by _____

This is with reference to the complaint lodged by _____ on _____

alleging _____ on _____ at _____.

During the pendency of the CPSH's investigative and inquiry procedures into the complaint against you, you are enjoined to respect the human rights and the confidentiality of the complainant, her/his/their family, friends, and witnesses.

You shall not commit any act (either directly or by implication) that invades the privacy of the complainant(s), threatens her/his/their security, violates her/his/their human rights, or adversely affects her/his/their living, working, and/or educational environment. You (or any person on your behalf) shall not make any attempt to contact the complainant(s), or any person in her/his/their confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, especially those that pertain to her/his/their complaint of sexual harassment against you.

You (or any person on your behalf) shall respect the right of complainant(s) to full confidentiality on all matters, especially those pertaining to his/her/ their 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 her/his/their lodging a complaint of sexual harassment against you.

You are put to notice that any attempt on your part or by persons acting on your behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence or any of the witnesses, or any violation of this order of restraint may prove prejudicial to your case resulting in an adverse inference being drawn

against you and it may also induce the CPSH to recommend immediate disciplinary action against you, in accordance with the provisions of of the CPSH Rules & Procedures.

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_____

Issued by a competent authority of the University designated for this.

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

FORM V

Inquiry Committee

Summons to Witnesses Named by the Complainant/Defendant

(See PSH Rule 7.3)

Dear

This is with reference to a complaint of sexual harassment against

_____ (name(s) of defendant(s)) lodged by _____

(name(s) of complainant(s)) with the CPSH on _____ (date). The complaint

refers to an incident(s) that allegedly took place

on/in _____ (date/period in which the alleged incidents took place) in

_____ (locations), where the defendant allegedly

_____.

The CPSH has instituted a formal inquiry proceeding into the complaint, the Chief Inquiry Officer of which is the undersigned.

_____ has requested that the CPSH Inquiry Committee solicit your co-operation to corroborate/clarify certain aspects of her/his testimony. We would therefore like to meet with you on _____, at ___ a.m./p.m. in the CPSH Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace, 2014 for information.

Yours truly,

_____ Phone(O) _____ (R) _____

Chief Inquiry Officer

Date:

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

**FORM VI
Inquiry Committee
Summons to Witnesses
(See PSH Rule 7.3)**

Dear

This is with reference to a complaint of sexual harassment against

_____ (name(s) of defendant(s)) lodged by _____

(name(s) of complainant(s)) with the CPSH on _____ (date). The complainant has alleged that the defendant _____.

The CPSH has instituted a formal inquiry proceeding against the defendant. In the course of its proceedings, the CPSH Inquiry Committee has formed the impression that you may be in possession of information that may prove relevant to the Committee's deliberations on the complaint, and this is to solicit your cooperation in this regard. In particular, the CPSH Inquiry Committee would like to ascertain your information of the following matter(s):
The CPSH Inquiry Committee would be appreciative if you could arrange to meet with the Committee on _____, at ___ a.m./p.m. in the CPSH Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace, 2014 for information.

Yours truly,

_____ Phone(O) _____ (R) _____

Chief Inquiry Officer

Date:

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

**FORM VII
Proforma for Appeal
(See PSH Rule 7.6)**

Before the Appeals Committee

Designated under the Ambedkar University Delhi Rules and Procedures for the Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace, 2014

Date: _____

1. Name and address of the :

Appellant/s :

Centre/School

Phone number

Email

2. Name and address of the :

Opposite party/parties

Centre/School

Phone number

Email

3. Date of Complaint :

4. Particulars of Report of CPSH :

against which appeal is preferred

5. Brief facts of the case :

6. Grounds for the appeal :

7. Prayer or relief sought :

Signature_____ Date_____

Name_____ Place_____

**COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (CPSH)
AMBEDKAR UNIVERSITY DELHI**

FORM VIII

Written Apology

(To be hand-written by the Defendant)

(See PSH Rule 9.2)

(Name of the complainant)_____

This is to place on record my understanding that my misbehaviour towards you on (date) _____ in (place)_____, constitutes an act of sexual harassment, which is a conduct that violated your right to dignity, equality and security in the University. Although I am aware that an apology for my unwelcome and gender-insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologise for my actions.

I, _____, undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy, threatens your security, violates your human rights, or adversely affects your living, working, and/or educational environment.

I, _____, undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating or exerting pressure upon you on all matters, especially those which pertain to your complaint of sexual harassment against me.

I, _____, undertake that henceforth, I or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint of sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality, character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, _____, undertake that I shall attend the gender sensitisation programmes organised by CPSH. I shall make every effort to ensure that I shall never again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by or to others.

Signature: _____ Name: _____

Date: _____ Place: _____

ANNEXURE

The Gender Issues Committee

Venita Kaul (Chairperson)

GhazalaShahabuddin

MamathaKarollil

Rachna Chaudhary

Sanju Thomas

ShubhraNagalia

AnupDhar

Rukmini Sen

Yogesh Snehi