



# Central University of Himachal Pradesh

(Established under Central Universities Act 2009)

PO BOX: 21, DHARAMSHALA, DISTRICT KANGRA – 176215, HIMACHAL PRADESH

## **GUIDELINES FOR THE FUNCTIONING OF SPARSH**

In compliance with:

- Ordinance No. 21 of Central University of Himachal Pradesh (CUHP);
- SHWW(PPR) Act, 2013 –[The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013];and
- SHWW (PPR) Rules, 2013 - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 reg. GSR 769(E)]
- CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965

### **1. PREAMBLE**

Central University of Himachal Pradesh (CUHP) is committed to create a workplace environment for its employees, which is free from any form of sexual harassment.

The organization believes that sexual harassment does not only infringes the victim's fundamental right to gender equality (Article 14) and the right to life and live with dignity (Article 21), but also transgress their right to practice any profession, or to carry out any occupation/trade/business [Article 19 (1)(g)]. The Supreme Court judgment in Vishaka & others vs. State of Rajasthan & others has held that each incident of sexual harassment results in the violation of the fundamental rights of women as well as Human Rights Violation.

In order to reiterate its commitment towards creating a sexual harassment free work environment, Central University of Himachal Pradesh has framed an Ordinance 21 named Sensitization, Prevention and Redressal of Sexual Harassment (SPARSH) which states that CUHP shall be committed to the elimination of all forms of discrimination against women and shall take proactive steps towards gender sensitization and elimination of sexual harassment. In view of the Ordinance 21 of CUHP and other rules and policy matters relating to gender discrimination and sexual harassment, the following guidelines are formulated.

## 2. DEFINITIONS

**2.1 Sexual harassment** as defined in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and [Rule 3C of CCS (Conduct) Rules, 1964]

- i. It includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - a) physical contact and advances; or
  - b) a demand or request for sexual favors; or
  - c) making sexually colored remarks; or
  - d) showing pornography; or
  - e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
  
- ii. The following circumstances among other circumstances if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:
  - a) implied or explicit promise of preferential treatment in employment; or
  - b) implied or explicit threat of detrimental treatment in employment; or
  - c) implied or explicit threat about her present or future employment status; or
  - d) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - e) humiliating treatment likely to affect her health or safety.

**Explanation:**

- a) When unwelcome sexually determined behavior, including but not limited to, sexual advances, physical and /or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work or academic performance or of creating an intimidating, hostile or offensive employment, educational or living environment shall come under the purview of sexual harassment.

b) It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment. 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, educational or living environment.

**2.2 Workplace** in regard to CUHP includes:

- i. CUHP and its all constituents including Schools, Centres, Departments; or
- ii. any hospital, health centre or nursing homes in the University's campus; or other activities related thereto; or
- iii. any place visited by the employee or students arising out of or during the course of employment/study period in CUHP including transportation provided by the University for undertaking such journey; or
- iv. a dwelling place or a house for employees or hostels for students provided by the University.

**2.3 Teaching Staff** includes:

- i. Professors, Associate Professors, Assistant Professors and such other persons as may be designated as such for imparting education/instructions or for giving guidance or rendering assistance to students for pursuing any course of study;
- ii. any person or staff 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;
- iii. persons employed on a casual or project basis;
- iv. persons on the academic staff of any of the institutions associated with CUHP or participating in any workshop/ seminar/ training/ conference/ consultancies are covered by these rules during the official stay with the University.

**2.4 Non-Teaching Staff** includes any person on the staff of the University, who is not included in the category of teaching staff. It shall also include any administrative staff, technical staff, officers, consultants, support staff, contractual workers and daily wagers only to the extent that they are performing CUHP related activities.

- 2.5 Student** includes any person who has enrolled for pursuing any programme of study or research for that duration with CUHP.
- 2.6 Service provider** includes any person who runs or manages commercial enterprises, or provides services, on the University campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, bank, post office and any other such similar services.
- 2.7 Resident** includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by CUHP, irrespective of whether he/she is the person to whom the accommodation is officially allotted.
- 2.8 Outsider** includes any person who is not a student, resident, or member of the teaching or non-teaching staff of CUHP.
- 2.9 Complainant** means any teaching and non-teaching staff or student of the University who alleges to have been subjected to any act of sexual harassment by a staff, student, service provider, resident or outsider of the University.
- 2.10 Defender** means a person against whom the complainant has made a complaint which comes under the purview of sexual harassment.
- 2.11 Third party** shall include the NGO representative or the eminent woman academic serving on, or empanelled by SPARSH.

### **3. THE POLICY**

The Policy is directed to ensure zero tolerance towards any behavior/conduct of a sexual nature that directly or indirectly harasses or disrupts the work performance, or that creates an intimidating, offensive, or hostile environment.

#### **3.1 Key objectives of the Policy include:**

- i. To evolve a well-defined mechanism for the prevention, prohibition and redressal of sexual harassment of women within the jurisdiction of CUHP.
- ii. To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment.

- iii. To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate committees for purposes of gender sensitization.

### **3.2 Scope of the Policy:**

The Rules and Procedures of SPARSH shall apply to all stakeholders including teaching and non-teaching staff, students, as also to residents, service providers, and outsiders who may be within the province of the University at the time of commission of an act coming under the purview of SPARSH.

These rules and procedures shall be applicable to all complaints of sexual harassment made:

- i. By a student against a member of the teaching or non-teaching staff or a co-student; or by a member of the teaching or non-teaching staff against a student or another member of the teaching or non-teaching staff in case sexual harassment is alleged to have taken place within the workplace.
- ii. By a resident against a student or a member of the teaching or non-teaching staff; or made by a student or a member of the teaching or non-teaching staff against a resident in case sexual harassment is alleged to have taken place within the workplace.
- iii. By a service provider or an outsider against a student or a member of the teaching or non-teaching staff; or made by a student or a member of the teaching or non-teaching staff against an outsider or a service provider in case sexual harassment is alleged to have taken place within the workplace.

## **4. Sensitization, Prevention and Redressal Committees (Ordinance 21):**

In compliance with the mandate of the aforementioned Act(s), Regulations, guidelines and University Ordinance No. 21, the CUHP shall have two committees:

- Apex Committee (AC)
- University Complaint Committee (UCC)

**4.1 The Apex Committee:** In order to take proactive steps and sustained efforts towards gender sensitization and prevention of workplace harassment of all kind, the University shall have an Apex Committee.

### **4.1.1 Constitution of the Apex Committee**

The Apex Committee shall consist of the following:

- i. Three persons, of whom at least two shall be women, from amongst the teachers of the University, to be appointed by the Vice Chancellor,

- the senior most of the woman member shall be the Chairperson.
- ii. Two persons, of whom at least one shall be a woman, from amongst the non-teaching staff of the University, to be nominated by the Registrar.
  - iii. Two persons, of whom at least one shall be a woman, from amongst the Students of the University, to be nominated by the Dean of Students' Welfare (DSW).
  - iv. One representative of an NGO engaged in women rights, gender issues and social development etc. to be appointed by the Vice Chancellor.
  - v. One person to be appointed by the Vice Chancellor from the Students' Council.

#### **4.1.2 Responsibilities of the Apex Committee (Ordinance 21):**

The Apex Committee shall, with the approval of the Vice Chancellor of the University:

- i. evolve a permanent mechanism for prevention and redressal of gender based discrimination, sexual harassment and other acts of gender based violence;
- ii. promote gender equity, obliterate gender-bias, eliminate discrimination against women, prevent and protect women from sexual harassment and gender-based violence;
- iii. take measures necessary for creating a social and psychological environment for harmonious and healthy relationship at workplace;
- iv. shall design and organize awareness campaigns, gender-sensitization programmes, orientation and training for sensitizing the students, staff and teachers of the University about gender-based discrimination and workplace harassment;
- v. organize counseling, guidance and help centers aimed at preventing and protecting women against discrimination and sexual harassment;
- vi. frame and issue policies and guidelines of good conduct and behavior amongst the students, staff, and teachers of the university;
- vii. ensure that the provisions of the ordinance are implemented in letter and spirit through proper reporting and redressal of the complaints.

#### **4.1.3 Meetings of the Apex Committee**

- i. Apex Committee shall meet at least once in a semester or 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. Any member of Apex Committee may request the Chairperson to call an Ordinary Meeting. Forty-eight hours notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall

- be one-third of the existing members of Apex Committee. Motions shall be carried by a simple majority of those present and voting.
- v. Any member of Apex Committee may request the Chairperson to call an Emergency Meeting. At least twenty-four hours' notice shall be required for such a meeting to be called. The quorum for an Emergency Meeting shall be one-third of the existing members of Apex Committee. Motions shall be carried by a simple majority of those present and voting.
  - vi. A Special meeting shall be called by the Chairperson of Apex Committee with at least twenty-four hours' notice. It shall have a quorum of two-thirds of the existing members of Apex Committee. Motions shall be carried by a two-thirds majority of the members present and voting.
  - vii. If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.

**4.2 The University Complaint Committee (UCC):** For effective and efficient discharge of the complaints against sexual harassment, the University shall have a University Complaint Committee (UCC).

#### **4.2.1 Constitution of UCC**

University Complaint Committee (UCC) shall consist of the following members:

- i. One of the Members of Apex Committee to be appointed by the Vice Chancellor, who shall be the chairperson.
- ii. Three persons to be appointed by the Vice Chancellor from amongst the women teachers of the University.
- iii. One person to be nominated by the Registrar from amongst the women non-teaching staff of the University.
- iv. The chairperson and members shall hold office, as such, for a term of two years from the date on which they assume office or till such time as the Vice Chancellor may decide from time to time.

#### **4.2.2 Responsibilities of the University Complaint Committee**

The Complaint Committee shall have the rights and duties to:

- i. receive and register, in strict confidentiality, complaints from students, staff and teachers of the University and/or from any other person from

- outside the university against sexual harassment by a student, staff, teacher, service provider of the University;
- ii. request the university authorities to initiate necessary action for lodging complaint with the appropriate authorities, in case of sexual harassment by an outsider, i.e., by a person or persons unconnected with the University;
  - iii. take cognizance of complaints about sexual harassment, and conduct enquiries, provide assistance and redressal to the victims and recommend penalties and other action to be taken; and
  - iv. conduct a formal enquiry against the student / teacher / non-teaching staff / service provider of the University allegedly involved in a case on the basis of its findings during the preliminary enquiry maintaining strict confidentiality.

#### **4.2.3 Powers of the Committee**

Section 11(3) of The SHWW (PPR) Act, 2013 gives the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 for the purpose of making the investigation. University Complaint Committee shall have the powers to:

- i. Summon and enforce the attendance of any person and examining him on oath;
- ii. Requiring the discovery and production of documents; and
- iii. Any other matter which may be prescribed.

#### **4.2.4 Complaints Filing Process**

- i. Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff within a period of three months from the date of incident. However, the UCC has the power to extend the time limit for filing the complaint (for not more than three months), if it is satisfied that circumstances were such which prevented the victim from registering the complaint within the initial time limit.
- ii. All complaints must be brought by the complainant in person. In exceptional circumstances, third party/witness complaints may be entertained.
- iii. All complaints must be lodged directly with any member of UCC, or through existing channels for lodging grievances, such as the university authorities, wardens, teachers, students, union/association representatives, administrative superior, etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of UCC within two working days of its receipt by her/him.



- iv. The aggrieved party may lodge complaint of sexual harassment, either in writing or orally, directly to the Vice-Chancellor, Pro Vice Chancellor, Dean Student Welfare, Proctor or Chairperson of the Apex Committee or to any Member of the UCC.
- v. Complaint shall be only in writing; no verbal complaint shall be entertained. If the complaint is oral, it shall be reduced in writing by the University Complaints Committee or the person receiving the complaint and authenticated by the complainant under his/her dated signature or thumb impression as the case may be. The complaint received as such or as recorded in writing shall be forwarded to the University Complaint Committee for conducting enquiry.
- vi. There is no specific format for filing complaints. However, the complainant is expected to give full details of the case, information about dates, place, timing and any witness (if available).
- vii. Complainant has all the rights reserved to make a complaint to the police.

#### **4.2.5 Complaints Screening and Recording Procedure:**

- i. On receipt of such a complaint, the Committee will immediately record complaints and arrange to fully investigate the matter.
- ii. It shall carefully study the complaint and may hear the complainant and the defendant as well as other involved parties to determine whether an enquiry by UCC is to be instituted.
- iii. The investigators, for the purpose of investigation, will call the complainant and accused separately to ensure freedom of expression and an atmosphere free of intimidation. The complaining party will be interviewed first, to ensure that all important details, evidences and witnesses are identified promptly.
- iv. At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems.
- v. The complainant will be allowed to be accompanied by one person during enquiry.
- vi. The UCC shall be responsible for making counselling services available to a person requesting for it.

- vii. In a special provision for physically challenged complainants, or complainants in a serious medical condition, the UCC may, on determining the complaint to be a prima facie complaint of sexual harassment, recommend the institution of enquiry proceedings.
- viii. The complainant at any stage after filing complaint will have the right to withdraw the complaint. The Committee, on a written request of the complainant, shall permit her/him to withdraw the complaint. All investigations will be discontinued at this point, and the employer and the alleged party will be formally informed of the same.
- ix. Instances in which the UCC is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the complaints enquiry proceedings shall continue.

#### **4.2.6 Formal Enquiry**

- i. Once the UCC has decided that the complaint merits further investigation, it shall proceed with formal enquiry. The Chairperson of UCC shall act as Chief Enquiry Officer.
- ii. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a Enquiry Committee (UCC).
- iii. The membership of UCC shall not be changed or in any other way modified during its proceedings.
- iv. Members of SPARSH who are representatives of unions/associations of which the complainant and/or the defendant are also members, shall not be eligible to serve as member of enquiry committee.
- v. UCC may, at its own discretion, co-opt any person(s) with demonstrable sensitivity to gender issues to be a part of an Enquiry Committee provided that the majority of members are the members of UCC.

#### **4.2.7 Functions of Enquiry Committee:**

- i. The UCC shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice and gender sensitivity.
- ii. Within two days of the institution of enquiry proceedings by the UCC, the Enquiry Committee shall prepare a summon containing details of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant as well as to the defendant. It shall also intimate the defendant and the complainant the contact details of all members of the Enquiry Committee.

- The Enquiry Committee shall also make available to the defendant a true copy of the original complaint(s) lodged by the complainant(s).
- iii. Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the Chief Enquiry Officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.
  - iv. The Chief Enquiry Officer shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.
  - v. If the complainant, defendant, or witness desire to appear before the Enquiry Committee accompanied by one companion of their choice, they shall communicate to the Chief Enquiry Officer the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
  - vi. The Enquiry Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
  - vii. The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
  - viii. The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the defendant.
  - ix. The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
  - x. The Enquiry Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
  - xi. The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Chief Enquiry Officer.
  - xii. The Chief Enquiry Officer shall be responsible for making the defendant and the complainant aware that counselling services can be made available if so desired.
  - xiii. The Enquiry Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is

referred to it, except for reasons that the Enquiry Committee shall provide in writing to the Apex Committee.

- xiv. The identities of all witnesses shall throughout be protected by the Enquiry Committee by the use of a coding system for this purpose.
- xv. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of CUHP. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chief Enquiry Officer specifically if they wish to exercise this right within two working days on the receipt of the first intimation of the enquiry. The Chief Enquiry Officer may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the SPARSH.
- xvi. The complainant and the defendant shall have the right of cross-examination of all witnesses. Such cross-examination shall be conducted in the form of written questions and responses via the Enquiry Committee.
- xvii. The defendant/complainant shall submit to the Chief Enquiry Officer, a written list of questions that she/he desires to pose to the witness. The Enquiry Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by SPARSH.
- xviii. The complainant and the defendant shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Enquiry Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
- xix. All proceedings of the Enquiry Committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- xx. In the event that the Enquiry Committee thinks that supplementary testimony is required, the Chief Enquiry Officer shall forward to the

persons concerned a summary of the proceedings and allow for a time period of seven days for submitting such testimony in writing to the Enquiry Committee.

- xxi. All persons heard by the Enquiry Committee, as well as observers /nominees, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties against such person as specified in Section 5 of SPARSH Guidelines.

#### **4.2.8 Communication of Findings:**

- i. A timely investigation of allegations of sexual harassment is of utmost importance for timely delivery of justice. The UCC is therefore required to complete the investigation within a period of 90 days from the date of complaint received.
- ii. After concluding its investigation, the Enquiry Committee shall submit a detailed report of its findings to the Chairperson of SPARSH within 10 working days of completion of such enquiry. In the event that it finds the defendant guilty of sexual harassment, it shall recommend the nature of disciplinary action to be taken on the complaint. It shall also recommend whether SPARSH and the University authorities should, after disciplinary action has been taken, publicise the identity of the offender, the act and the disciplinary action taken. If the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of SPARSH, giving reasons for its conclusions.
- iii. Within three working days of the receipt of the report and recommendations of the Enquiry Committee (UCC), the Chairperson of Apex Committee shall convene an Emergency meeting. Each member of Apex Committee shall have the right to access the entire enquiry proceedings, or any part thereof, and to participate in deliberations on the complaint.
- iv. Within three working days of the adoption of the Report of the Enquiry Committee by the Apex Committee, the Chairperson shall forward the Report together with a summary of the opinions of the members of Apex Committee (including dissenting opinions) to the Vice-Chancellor for consideration.
- v. Within a reasonable period of time, and not in any case exceeding 30 days from the date of communication of the Report Apex Committee, the appropriate University authority shall convene a meeting with Apex Committee, in which at least two-thirds of the Enquiry Committee shall be present, to discuss the findings and recommendations of the Enquiry Committee.

## **5. DISCIPLINARY ACTION**

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

Penalties may include the following but are not restricted to:

### **i. Penalties in Case of Employees including Teaching & Non-Teaching Staff:**

Employees of the CUHP & its Constituents covered under The CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965 and found guilty of sexual harassment shall be liable for disciplinary action as per rules of The CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965 as amended from time to time.

### **ii. Penalties in Case of CUHP Students:**

- a) Warning or reprimand.
- b) Written apology
- c) Bond of Good Behaviour
- d) Withdrawal of hostel accommodation for a period up to one semester.
- e) Withdrawal of hostel accommodation for the entire period of study.
- f) Debarring entry into hostel/campus
- g) Withdrawal of the right to an official character certificate from CUHP.
- h) Rustication from the University for a period up to two semesters.
- i) Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by CUHP.
- j) Withholding of a degree awarded by CUHP.
- k) Withholding of scholarship, if any.
- l) Denial of re-admission.

### **iii. Penalties in Case of Outsiders:**

- a) Warning, reprimand, or condemn.
- b) A letter communicating her/his misconduct to her/his place of education, employment or residence.
- c) Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by CUHP.
- d) Any other action as may be necessary.

### **iv. Penalties in Case of Service Providers:**

- a) Warning, reprimand, or condemn.
- b) A letter communicating her/his misconduct to her/his place of employment.

- c) Declaration of the campus as out of bounds for her/him.
- d) Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- e) Any other action as may be necessary.

In addition to the penalties specified above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant.

**v. Penalty in Case of a Second Offence:**

A second or repeated offence, may, on the recommendation of SPARSH, attract a major penalty as may be necessary.

**Note 1:** Employees, students and other offender(s) not covered under The CCS (Conduct) Rules and CCS (CCA) Rules, 1965 and found guilty of sexual harassment shall be liable for action as per relevant provisions / any other law for the time being in force.

## **6. FALSE COMPLAINT/ DEPOSITION**

- i. If the Enquiry Committee (UCC) finds no merit in any complaint or deposition, it shall write to the Chairperson of Apex Committee giving reasons for its conclusions.
- ii. Within four working days of the receipt of this communication, the Chairperson shall call a Special Meeting to discuss the recommendations of the Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant/witness(es).
- iii. Upon the decision to issue a show-cause notice, the Chairperson shall issue it to the complainant/witness (es). The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant/witness (es) to explain, within seven days (in writing and/or in person), as to why disciplinary action shall not be taken against her/him.
- iv. Within four working days of receipt of any explanation from the complainant/witness (es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson shall convene a Special Meeting to consider the explanation or any lack thereof.
- v. In event of no, insufficient, or unconvincing explanation, Apex Committee shall forward its findings to the appropriate University Authority for further action.

## 7. PROVISIONS FOR APPEAL

- i. In the event of the SPARSH not taking action on a complaint, or if the complainant or defendant is dissatisfied with the disciplinary action taken by the University authorities, she/he shall have the right to appeal with the University authorities/ Vice Chancellor of the University.
- ii. The University Authorities shall constitute an Appeals Committee to take up the case of the Complainant.
- iii. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall have the power to summon any person as witness as well as any official record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.
- iv. The Appeals Committee shall report its findings and recommendations on the nature of the action to be taken on the appeal to the University Authorities.
- v. The University Authorities shall after discussion with the Appeals Committee take necessary disciplinary action.

## 8. MONITORING AND REVIEW

- i. UCC will send an Annual Report to the Apex Committee detailing the work undertaken by them.
- ii. The Apex Committee will provide a brief annual report to the Vice-Chancellor, CUHP of all complaints of sexual harassment monitored by it.
- iii. In the above-mentioned Annual Reports, confidentiality of the complainant and witnesses will be maintained.

## 9. OTHER TERMS AND CONDITIONS

- i. **Term of Office:** The chairperson and members shall hold office, as such, for a term of two years from the date on which they assume office or till such time as the Vice Chancellor may decide from time to time.
- ii. **Disqualification of Chairperson and Members:** A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of the committees of SPARSH if there is any complaint concerning sexual harassment pending against



- her/him, or if she/he has been found guilty of sexual harassment/serious misconduct.
- iii. **Vacancy of a Member Owing to Absence without Intimation:** If a member of the committees of SPARSH remains absent without written intimation to the Chairperson of the Apex Committee for three consecutive meetings, her/his office shall thereupon become vacant.
  - iv. **Resignation of a Member:** A member of SPARSH Committee may resign her/his office at any time by giving her/his resignation in writing to the Chairperson. Such a person shall be deemed to have vacated her/his office as soon as Chairperson has accepted the resignation.
  - v. **Filling a Vacancy in SPARSH:** If a vacancy arises in the committees of SPARSH, Chairperson shall coordinate with the relevant body to arrange for the filling up of the vacancy in the particular category. No act or proceedings of the Committees shall be invalidated merely by reason of the existence of a vacancy or vacancies.
  - vi. **Constitution of Sub-committees:** SPARSH shall have the right to constitute sub-committee(s) as per the requirement to fulfill the objectives of SPARSH.

## **10. OBLIGATIONS OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES**

- i. The University authorities shall, through a notification each academic year, notify the names and contact details of the members of SPARSH, and the fact that SPARSH is the University body responsible for gender sensitisation and enquiries into complaints of sexual harassment.
- ii. The University authorities will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: “CUHP has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.”
- iii. The University authorities shall display at any conspicuous place in the workplace stating that Central University is committed to provide safe working environment free from gender discrimination and sexual harassment. It shall specify what constitutes sexual harassment and the penal consequences of sexual harassments. It must also mention the order constituting the Internal Committee.
- iv. The University authorities and functionaries shall forward all complaints of sexual harassment to SPARSH, except in cases in which the complainant has expressly prohibited such forwarding.

- v. The University authorities shall maintain full confidentiality with respect to matters pertaining to SPARSH enquiries into complaints of sexual harassment. The University authorities shall extend all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures of SPARSH.
- vi. As is required by the Supreme Court Judgement, the University authorities and functionaries shall strive to create a workplace in which the functioning of SPARSH and/or the interests of justice are not subjected to undue “pressure from senior levels”.
- vii. As required by the Supreme Court Judgement, the University authorities shall forward to the government department concerned, the Annual Report of SPARSH together with a written report on the action taken by them upon the decisions/recommendations of the SPARSH.
- viii. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed on boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels, etc.
- ix. Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed.
- x. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.
- xi. Assist in securing the attendance of respondent and witnesses before the Internal Committee.
- xii. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code(45 of 1860) or any other law for the time being in force.
- xiii. Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- xiv. Monitor the timely submission of reports by the Internal Committee.

## **11. AMENDMENT TO THE RULES AND PROCEDURES OF SPARSH**

- i. On the basis of experience of the working of the policy, the Apex Committee, CUHP will have the power to make recommendations to the Vice-Chancellor about changes in the Rules and Procedures, as and when required in keeping with the preamble and objectives of the policy.
- ii. Amendments to the Rules and Procedures of SPARSH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, SHWW(PPR) Act, 2013 –[The Sexual Harassment of

- Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]; and CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965.
- iii. Amendments shall be effected by a decision taken in a Special Meeting of SPARSH called for the purpose.
  - iv. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.
  - v. An amendment motion shall be earned by two-thirds of the members present and voting.
  - vi. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days.
  - vii. Amendments, if any shall be forwarded to the University Authorities for necessary changes in the relevant Guidelines and Ordinance.

**Annexure:**

1. Ordinance No. 21 of Central University of Himachal Pradesh (CUHP);
2. SHWW(PPR) Act, 2013 - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013];and
3. SHWW (PPR) Rules, 2013 - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 reg. GSR 769(E)
4. Office Order of DOPT, GOI dated 27. 11. 2014 - Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.