



# SOUTH ASIAN UNIVERSITY

Akbar Bhawan, Chanakyapuri, New Delhi – 110 021

No. : SAU/4-6/2012

31<sup>st</sup> May 2018

## NOTIFICATION

In partial modification to the notification no. SAU/4-6/2012 dated 4<sup>th</sup> May 2018 notifying the constitution of Gender Sensitization Committee (GSC), the President, SAU has re-constituted the Gender Sensitization Committee (GSC) under clause 4 of the Byelaws on Rules Governing issues of Sexual Harassment as under:

1	Dr. Deepa Sinha, Associate Professor, Department of Mathematics, Faculty of Mathematics & Computer Sciences, SAU	Chairperson
2.	Dr. Namrata Gulati, Assistant Professor, Faculty of Economics, SAU	Member
3	Dr. Stellina Jolly, Assistant Professor, Faculty of Legal Studies, SAU	Member
4	Dr. Ananda Mustafiz, Assistant Professor, Faculty of Life Sciences and Biotechnology, SAU	Member
5	Prof. Malashri Lal, Former Dean of Colleges & Chairperson of Women's Studies of Delhi University	External Member

The term of reference of the Committee are:

1. The committee shall function in accordance with the Byelaws on the subject matter, as amended from time to time.
2. The Chairperson and Members of the committee shall hold office initially for a period of one year from the date of this Notification.

A copy of Byelaws is enclosed for ready reference.

  
Registrar

Encl. : As above

To:  
All members of the Committee

Copy to:

1. EA/PS to President/Vice Presidents/OSD/Registrar/Director Finance
2. All Deans/Associate Deans/Chairpersons
3. All Deputy Registrar / Deputy Director /Executive Engineer (Civil)
4. All Assistant Registrars/Assistant Directors / Assistant Librarian / PRO/MO
5. AD(ICT) System Analyst (ICT) to upload on SAU's internal website
6. All Notice Boards
7. Notification File

# BYE-LAWS OF THE SOUTH ASIAN UNIVERSITY

## POLICY & RULES AGAINST SEXUAL HARASSMENT

### 1. SHORT TITLE, EXTENT AND COMMENCEMENT

Whereas all countries within the South Asian Association for Regional Cooperation (SAARC) are parties to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it is imperative for the South Asian University (SAU) to develop rules and procedures for gender sensitization and the redressal of complaints of sexual harassment in the workplace. These Rules are based on the initiatives for gender sensitization by SAU, and seek to maintain and create an academic and work environment free of sexual harassment for students, academic and non-teaching staff of the University.

These Rules shall apply to members of the University, on or away from campus, and outsiders on the University campus irrespective of their gender identity, to the extent specified herein.

These Rules affect no compromise on the freedom of thought, inquiry or debate but, in fact ensure an environment in which education, work, research and discussion are not disrupted by sexual harassment.

### 2. DEFINITION

In these rules, unless the context otherwise requires,

(i) **“Student”** includes any person who is enrolled for any course, whether full-time or part-time, in the South Asian University, New Delhi or any of its campuses and includes an undergraduate or postgraduate student, a research scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with South Asian University or for short-term courses at South Asian University.

(ii) **“Faculty”** includes any person on the staff of the South Asian University, who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation/lien/secondment/leave from his/her parent organisation and shall also include employees employed on a casual or project basis.

(iii) **“Non-Teaching Staff”** includes any person on the staff of the South Asian University, who is not included in the teaching staff. It includes employees who are full-time, temporary, ad-hoc, part-time, visiting honorary, or on special duty or deputation/lien/secondment/leave from his/her parent organisation, and employees employed on a casual or project basis. It also includes all service providers on contractual basis of any duration or otherwise.

(iv) **“Member of the University”** includes all those included in categories i – iii above.

(v) **“Outsider”** includes any person who is not a member of the University.

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(vi) **“Campus”** includes all places of work and residence owned, rented or purchased by the University. It includes, but is not restricted to, all places of instruction, research and administration, as well as students’ hostels, health centres, sports grounds, recreational facilities, residential facilities allotted and administered by SAU for its employees, guest houses administered by SAU, places of worship and gardens within the premises owned, rented or purchased by the University.

(vii) **“NGO”** includes any Non-Governmental Organisation registered under the Societies’ Registration Act or comparable legislation in any of the eight South Asian countries or as a public charitable trust recognised under law in any state within South Asia. Such a society/ charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to South Asian University; i.e. at least two-third of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of South Asian University.

(viii) **“Sexual harassment”** includes any unwelcome sexually determined behaviour or conduct, whether directly or by implication, namely:

- (1) physical contact and advances; or
- (2) demand or request for sexual favours; or
- (3) making sexually coloured remarks; or
- (4) showing pornography; or
- (5) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

In particular, it shall include, but shall not be confined to, the following:

- a) When unwelcome sexual advances, requests for sexual favours, sexual overtures and verbal or physical conduct of a sexual nature, explicitly or implicitly through any form of communication, are made a term of condition of academic performance, extracurricular activities, instruction, employment, participation, entitlement to services or opportunities at South Asian University, or evaluation of a person’s engagement in any academic or campus activity.
- b) When unwelcome sexual advances and inappropriate verbal or non-verbal conduct such as slander, remarks, jokes, gestures, physical contact or molestation, stalking, taking of photographs, letters, phone calls, e-mail, SMS messages or other forms of electronic, digital or non-electronic/digital communication, have the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or creating an intimidating, demeaning, degrading, hostile or otherwise offensive work or educational environment at South Asian University.
- c) When a member of the staff (teaching or non-teaching) requests or accepts sexual favours from or solicits a romantic or sexual relationship with any student who is enrolled in a course taught by that member or otherwise subject to that staff member’s academic supervision before a final grade on the student’s supervised academic performance has been submitted to the University.

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### **3. SCOPE OF THE RULES**

These Rules shall be applicable to all complaints of sexual harassment made:

- 1) by a member of the university against any other member of the university irrespective of whether the harassment is alleged to have taken place within or outside the campus as defined above;
- 2) by an outsider against a member of the University or by a member of the university against an outsider if the sexual harassment is alleged to have taken place within the campus;
- 3) by a member of the university, against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the appropriate Committee shall recommend that the university authorities initiate action by making a complaint with the appropriate authority. Further the appropriate committee will actively assist and provide available resources to the complainant in pursuing the complaint.

### **4. CONSTITUTION OF COMMITTEES**

Implementation and monitoring of the University's policy against sexual harassment shall be achieved through the working of two committees, Gender Sensitization Committee (GSC) and University Complaints Committee (UCC), set up for this specific purpose as described below.

The University shall notify all concerned about the constitution of the GSC and UCC through notification as appropriate and also display the names of the members of these two committees along with their respective contact details on the University website, to be duly updated as appropriate.

#### **4.1 GSC: Composition**

- 1) There shall be a Gender Sensitization Committee (GSC), recommended by the President, SAU to propose the University's policy and guidelines relating to prevention of sexual harassment cases and other acts of gender discrimination. It shall be approved by the Executive Council of the South Asian University. GSC will function as an apex body
- 2) The GSC shall have five members including a Chairperson who will preferably be a women..
- 3) Four out of these five members shall be regular full-time faculty members drawn from four different faculties/departments of the University.
- 4) The Chairman will appoint on a rotational basis one of the members to function as a secretary and all correspondence from the GSC will be sent under the signature of the chairperson.
- 5) The fifth member will be an external member who shall be a women academician who has experience/expertise in working on sexual harassment/women/gender issues or an NGO representative.
- 6) Tenure: The Chairperson and other members of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination.
- 7) Dis-qualification: Where the Chairperson or any member of the Committee:
  - (a) contravenes the rules of confidentiality, or

## **BYE-LAWS OF THE SOUTH ASIAN UNIVERSITY**

(b) has been convicted for an offense or been the subject of an inquiry (i.e., pending a decision) into an offense under any law for the time being in force, or

(c) has been found guilty in any disciplinary proceeding or a disciplinary proceeding is pending against such Chairperson or Member, or

(d) has so abused his/her position as to render his/her continuance in office prejudicial to public interest.

The Chairperson or Member as the case may be, shall be removed from the Committee and the vacancy so created shall be filled by due process.

- 8) Vacancy (i) When a permanent vacancy on GSC is created and till the time of the next Executive Council meeting of SAU, as an interim measure, the President in consultation with Chairperson, GSC may nominate a faculty member or a member-secretary or an external member, as the case may be, to serve on the GSC. The continuation of such nominated member(s) on the GSC shall be subject to the approval of the Executive Council at its next available meeting.
- (ii) If a temporary vacancy is created in GSC, the Chairperson GSC shall recommend to the President for nominating a faculty member or a member-secretary, as the case may be, to serve on the GSC till the time the original member re-joins the university. The university shall inform the Executive Council of such temporary appointment. The temporary member shall discharge all duties as mandated by the Chief Inquiry Officer, GSC.

### **4.2 University Complaints Committee (UCC)**

1. There shall be a UCC to inquire into and redress all complaints of sexual harassment in the first instance as per the rules described herein.
2. The Chairperson, GSC in consultation with the President shall recommend names of individuals to be appointed to the UCC.
3. The Executive Council of SAU shall appoint the UCC considering the names recommended by the Chairperson, GSC.
4. The UCC shall have five members including three faculty members from three faculties/departments of the university, one member-secretary who shall be a non-teaching staff holding the position of Assistant Registrar/Deputy Registrar/Director/Assistant Director or equivalent, and one external member who shall be a woman academician who has experience/expertise in working on sexual harassment/women/gender issues or an NGO representative. The member-secretary shall enjoy all powers as other members of the UCC.
5. The UCC shall have at least half of the members as women.
6. The UCC would be headed by the senior-most woman academician amongst the three SAU faculty members appointed to the UCC and shall be known as the Chairperson, UCC.
7. No member of the GSC can be appointed to the UCC and vice-versa.
8. In case a complaint is filed by a student or has been filed against a student, at least one student will be appointed to the UCC to serve as an observer. The Chairperson, UCC shall inform the Chairperson GSC about the same. The selection of the student-observer/s will be made by the Chairperson, GSC following objective criteria. The student observer (s) shall participate in the UCC deliberations just for the said inquiry. To facilitate the appointment of student observers, a pool of fourteen students will be elected directly from the student body on the basis of two students by each academic Department/Faculty which would reflect gender and nationality criteria as laid down in SAU rules to the extent possible. The Chairperson UCC through the Chairperson, GSC will inform Heads of Departments and Deans of Faculties whenever elections for this purpose should be held.

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9. For a particular inquiry, if the Chairperson, UCC is of the view that additional members need to be co-opted to assist in the inquiry process or if such co-option is in the interest of fairness and transparency, the Chairperson, UCC shall recommend the same to the Chairperson GSC.

10. Based on this recommendation, the Chairperson, GSC shall consider appointment of additional member/s to serve on the UCC just for the said inquiry again following objective criteria. No more than two members can be so co-opted. The objective criteria followed will be articulated clearly in the final report of the UCC pertaining to the specific case.

11. Tenure and Disqualification: The tenure and disqualification of UCC may be treated, *mutatis mutandis*, as per similar clauses enumerated above for GSC, namely clause 4.1(6) on the tenure of members and item 4.1(7) on the disqualification of a member or Chairperson UCC respectively.

12. Vacancies:

(i) When a permanent vacancy on UCC is created and till the time of the next Executive Council meeting of SAU, as an interim measure, the President in consultation with Chairperson, GSC may nominate a faculty member or a member-secretary or an external member, as the case may be, to serve on the UCC. The continuation of such nominated member(s) on the UCC shall be subject to the approval of the Executive Council at its next available meeting.

(ii) If a temporary vacancy is created in UCC, the Chairperson GSC shall recommend to the President for nominating of a faculty member or a member-secretary, as the case may be, to serve on the UCC till the time the original member re-joins the university. The university shall inform the Executive Council of such temporary appointment. The temporary member shall discharge all duties as mandated by the Chief Inquiry Officer, UCC.

### **5. Powers and Functions of the Committees**

#### **5.1 Gender Sensitization Committee (GSC)**

1 The (GSC) shall be the primary institution in SAU dealing with the overall policy of preventing cases of sexual harassment and sensitising all stakeholders about equality and gender justice.

2. GSC's main functions include:

(a) To create and ensure a safe educational environment, regardless of gender or sexual orientation, that is free from sexual harassment.

(b) To create an atmosphere promoting equality and gender justice.

(c) To publicise the policy of the University against sexual harassment in English widely, especially through prospectus, notice boards, the university website etc.

(d) To publicise in English, the names and official phone numbers of members of the committees.

(e) To plan and carry out programmes for gender sensitisation with the assistance of any other SAU bodies or departments as needed. These programs may include workshops, seminars, dialogues, dramas, films and **mandatory** interventions in the annual university or departmental orientations at the time new students are admitted. The GSC may enlist the help of specialized NGOs or subject experts in carrying out this work.

(f) To act as the appellate committee to hear appeals against the decision of the UCC. In such cases, the aggrieved person needs to write to the Chairperson, GSC why an appeal is needed with adequate documentation. Before an appeal is heard, the GSC must ascertain internally the reasonability of such an appeal on the basis of the complaint received as well as evidence provided.

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(g) To recommend and enforce appropriate punishments once the accusation of sexual harassment has been established (see below, section 8).

### **5.2 UCC**

1 The UCC shall be the main body to inquire into and resolve complaints of sexual harassment in accordance with the rules as stated in section 6 below.

2. UCC's main functions include:

(a) To take cognisance of complaints of sexual harassment, conduct inquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.

(b) To recommend to the concerned authorities specific follow-up action and to monitor the same.

(c) To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling) to any of the parties involved in the dispute, if deemed appropriate or if a specific request is made.

(d) To ensure absolute confidentiality such that (i) the contents of the complaint, (ii) the identity and addresses of the complainant, the alleged harasser(s) and witnesses if any, and (iii) any information relating to the settlement or the inquiry proceedings or the action taken by the University, shall **not** be published, communicated or made known to the public, press or media in any manner whatsoever. This also means that confidential communications between the UCC and complainants or accused shall not be formally shared.

(e) To ensure that the principles of natural justice are adhered to and that all parties are given an equal opportunity to be heard and present their case.

(f) To ensure that no person shall be subject to harassment, intimidation or retaliation of any kind for having brought forward a good faith complaint of sexual harassment. Any such retaliation shall provide a separate ground for complaints against the retaliator regardless of the outcome of the original sexual harassment complaint in question.

## **6. PROCEDURAL RULES**

### **6.1 Procedure for Filing and Registering Complaint**

(i) All Complaints of sexual harassment shall be made by the aggrieved party in person, except in case of physical or mental incapacity or death to the Chairperson, UCC or any member of UCC.

(ii) Hereafter the term 'complainant' shall apply collectively to all members jointly making a single complaint or that by just one person.

(iii) Similarly, all those named (whether one or more individuals) in a single complaint shall heretofore be collectively referred to as 'the defendant'.

(iv) If the complaint is made to any member of UCC (i.e., other than the Chairperson, UCC) or to any other member of the University, the concerned member shall immediately refer the matter and all related material, if any, to the Chairperson of the UCC.

(v) The Complaint may be made orally or in writing. If made orally, the person to whom the complaint is made shall be responsible to reduce it in writing and to get it authenticated with the date and signature of the person who made the complaint.

(vi) While registering an event, the complainant may be accompanied by a representative.

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(vii) In case of an alleged harassment against an outsider, the UCC along with the relevant university authorities and with the consent of the complainant may initiate action by making a complaint with the appropriate authorities having jurisdiction over the offence.

### **6.2 Inquiry Procedure for complaints filed during the Monsoon and Winter Semesters**

(i) Upon receipt of a complaint, the Chairperson, UCC, within five working days, shall ask one or more members of UCC to look into the complaint and examine whether the complaint falls within the purview of these rules. The said member(s) shall make a recommendation to the Chairperson, UCC in this regard in writing within five working days from the day when Chairperson, UCC referred the matter to the said member(s).

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

(iii) Upon a recommendation by the said member(s) of the UCC that the complaint falls within the purview of the present Rules, Chairperson, UCC shall convene a meeting of the UCC within seven working days to discuss the complaint and initiate the enquiry process as appropriate.

(iv) All meetings of the UCC shall be called by the Chairperson, UCC or the Member-Secretary under instruction.

(v) The UCC shall be bound by confidentiality during the inquiry process and thereafter and shall be free to develop its own method to conduct the inquiry subject to the rules laid out herein.

(vi) The UCC shall complete the inquiry within 60 working days of its first committee meeting relating to the said complaint, which may be extended to 90 working days provided reasons are given for the same.<sup>1</sup>

(vii) During the inquiry, the UCC shall first call the complainant to present his/her case. The deposition of the complainant shall be written down and signed by the complainant. The complainant shall share all the evidence under his/her possession with the UCC. The complainant shall also name possible witnesses who may be in a position to corroborate his/her claim.

(viii) The UCC shall inform the accused in writing of the charges levelled against him/her and (s)he should be given a period of five days from the receipt of the notice to respond to the said charges in writing. A copy of the complaint, along with pertinent supporting evidence, if any, shall be given to the accused.

(ix) The UCC shall call the defendant to depose before the committee to respond to the charges and evidence thereof. The deposition/response of the defendant shall be documented and signed by the defendant. The defendant shall be asked to provide all evidence in support of the said deposition and name possible witnesses who may be in a position to corroborate the contents of the deposition.

(x) The UCC shall then share a copy of the written response of the defendant with the complainant.

(xi) The UCC shall call all the witnesses named by the complainant and the defendant and, in addition, any other person(s) to appear as witness(es) if that is deemed helpful to the inquiry.

(xii) If a witness fails to appear before the UCC despite being called **thrice**, the UCC shall proceed without the statement of such witness.

(xiii) All witness statements to the UCC shall be documented and duly signed.

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<sup>1</sup> The period falling during University summer and winter vacations shall not be counted in calculating these 60 days.



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- (xiv) The UCC shall have the right to call the defendant, complainant and witnesses as many times as required for the inquiry to be concluded.
- (xv) All persons heard by the UCC shall observe confidentiality about the proceedings. Any violation of this oath may invite disciplinary proceedings.
- (xvi) The UCC shall have the right to cease the proceedings at any point and give an *ex-parte* decision on the complaint, should the defendant fail, without valid ground, to present herself /himself for three consecutive UCC hearings.
- (xvii) If the complainant, defendant, or witnesses desire to appear before the UCC accompanied by a colleague of their choice, they shall communicate the name of that person to the Chairperson, UCC in writing prior to the hearing. Such a person shall only have observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- (xviii) The complainant and the defendant shall have the right to examine written statements of the witnesses. The complainant/defendant should inform the Chairperson, UCC specifically in writing if they wish to exercise this right. **This examination can be done only inside the room where the inquiry is taking place and in no circumstance can any document be taken out of the room.**
- (xix) The complainant and the defendant shall have the right to cross-examine each other and all witnesses through the UCC. **For this purpose, the complainant and the defendant shall furnish written questions to the UCC.** The UCC shall put these questions to the other party and share the responses with the concerned party. The UCC may reject one or more questions if deemed irrelevant or inappropriate to the matter under investigation. **This right shall not extend to face to face cross examinations of any party.**
- (xx) A second and final round of cross-examination on the responses given by either the complainant or the defendant may be allowed by the UCC if necessary. The method of cross-examination for this round shall be same as in the first round mentioned above.
- (xxi) **In no circumstance, shall the complainant and the defendant be brought face-to-face during the inquiry process.**
- (xxii) Any behaviour, verbal or otherwise, on the part of either the complainant or the defendant or their nominee(s), that is designed to intimidate or subject any of the parties involved to mental and physical trauma, shall be construed as an obstruction of these proceedings.
- (xxiii) The UCC shall have the power to ask for any official University records or Documents related to the complainant as well as the defendant.
- (xxiv) After concluding its inquiry, the UCC shall submit its reasoned report to the Chairperson GSC. This report should contain details of date-wise proceedings of the committee, its findings, dissenting opinions if any, on whether sexual harassment has been committed by the defendant or not. This report shall include all the statements of all the witnesses and all other evidence on record. It shall further record its recommendation detailing the nature of disciplinary measures to be taken.
- (xxv) On receiving the UCC report, the Chairperson GSC, within a period of five working days, shall provide a copy of the said report to both the complainant and the defendant.

### **6.3 Inquiry procedure when the complaint is filed during university vacations:**

- (i) The procedure to file complaint during this period shall be same as during the monsoon and winter semester described in section 6.1 above. However, in case the Chairperson, UCC is not available, then the complaint filed to any member of UCC or to any other university authority shall be directed to a Vice-President, SAU.

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- (ii) If all the members of UCC are available, then the UCC shall conduct the inquiry as per the procedure described in 6.2
- (iii) If all members of UCC are not available, the Chairperson, GSC shall constitute an Interim Complaint Committee (ICC) drawing upon the three members of UCC who may be available. Any vacant position shall be filled by nominating another person. The ICC shall have at least 50 per cent women members and shall have at least one external member such as an NGO representative or a woman academician who has experience of working in gender/women issues.
- (iv) In the absence of the Chairperson GSC, the designated Vice-President SAU shall constitute the ICC following the procedure described above.
- (v) In the absence of the Chairperson, UCC, UCC the Chairperson GSC shall choose one of the woman members out of the three ICC members to serve as the Acting Chief Inquiry Officer.
- (vi) In the absence of the Chairperson GSC, the designated Vice-President SAU shall choose one of the women members as the Acting Chief Inquiry Officer.
- (vii) The ICC shall possess all powers as the UCC with regard to the inquiry for the said complaint is concerned and shall conduct its inquiry following the procedures laid out in section 6.2 above.
- (viii) The ICC shall submit its report to the Chairperson GSC. In the absence of the Chairperson, GSC, the report shall be submitted to the designated Vice-President.
- (ix) The ICC shall stand automatically dissolved once it completes the inquiry process and submits its report.

## **7 APPEALS**

### **7.1 PROCEDURE TO FILE AN APPLICATION FOR APPEAL**

1. The complainant and the defendant shall have the right to appeal against the decision of the UCC within 10 working days from the date they receive the copy of the report from the Chairperson, GSC.
2. If no appeal is filed within 10 working days, then the decision of the UCC shall be final and binding.
3. All appeals should be filed with the Chairperson, GSC in person, except in case of physical or mental incapacity or death. Appeals can **only** be filed in writing.
4. The appeal can be filed against the decision of the UCC or against the punishment recommended by UCC or against both.

### **7.2 Procedure to be followed to hear appeals during the monsoon and winter semesters**

1. The GSC acting as the appellate committee shall hear out the party that has made the appeal. The copy of the appeal shall be shared with the complainant or defendant as the case may be.
2. The complainant or defendant shall be given three to five working days to respond to the appeal by appearing before the GSC.

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3. The GSC after carefully considering the grounds on which the appeal has been filed shall review the report of the UCC.
4. The grounds for review shall include possible procedural lapses in the UCC inquiry process or functioning or violation of any principle of natural justice.
5. During the appeal process, the GSC shall carefully review the UCC report, hear out both parties, and duly examine any new evidence that any of the parties may bring forward before the GSC. Following upon this process, the GSC shall have the power to either approve the original report of the UCC, which would include either (i) approving the decision along with the punishment, or, (ii) reverse the decision of the UCC, or (iii) approve the decision of the UCC but upgrade/downgrade the punishment recommended by the UCC.
6. In any case, the GSC shall prepare a reasoned report giving reasons in support of its decisions.
7. From the date when the report is finalised, the Chairperson GSC shall provide a copy of the report to both the complainant and the defendant within five working days.
8. This report shall be final and binding on both parties to the dispute with no further scope of appeal of any kind.
9. The appeal process shall be completed in a period not exceeding 30 working days.<sup>2</sup>

### **7.3 Procedure to be followed to hear appeals if an appeal is filed during university vacations**

1. If all the members of the GSC are available, then the procedures given in 7.2 shall be followed to dispose the appeal.
2. If the Chairperson of the GSC and at least two more members of the GSC are available, then these three members shall dispose the appeal following the procedure given in 7.2
3. If the Chairperson GSC is not available, then the designated Vice-President SAU shall constitute a two member interim appellate committee drawing on any of the GSC members who are available. If none or only one GSC member is available, then the designated Vice-President shall nominate two members to dispose the appeal following the procedures given in 7.2. The Vice-President shall also nominate one of these members to act as the Chairperson. At least one member of the committee should be a woman.
4. This interim appellate committee shall possess all powers of an appellate body and shall submit its report to the Vice-President who then, shall provide a copy of the report to the complainant or defendant within five working days of receiving the report.

### **7.4 Withdrawal of Complaint and/or Appeal**

1. The complainant may submit a request in writing to withdraw his/her complaint or appeal at any

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<sup>2</sup> Period falling during vacations shall not be counted in calculating these 30 days.

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time during the inquiry or appeals procedure.

2. The UCC or the GSC, 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, Chairperson, UCCn and intimidation exerted by the defendant or any person on her/his behalf, on the complainant or any person on her/his behalf.

4. The inquiry or appeals procedure shall be stopped if the complainant declines to revise her/his decision to withdraw the complaint or appeal.

### **8. REDRESSAL**

- i. UCC/GSC may ask the University to suspend or transfer the alleged harasser from an administrative post/class if his/her presence is likely to interfere with the inquiry.
  - ii. Formal disciplinary sanctions shall be imposed only upon clear and convincing evidence.
  - iii. The disciplinary action/sanctions imposed shall be appropriate to the seriousness of the offence; the degree of intent, the degree of harm, other acts of harassment by the harasser (if any), the need for deterrence, and such other factors as reason and justice may require.
- A. Where a person, being either a faculty or a non-teaching staff member, is found guilty of sexual harassment as defined under these rules, he/she shall be liable for any or all of the following actions against him/her:
- i. Adverse remarks in the candidate's Personnel File at SAU, which shall remain in perpetuity.
  - ii. Debarring from supervisory duties for a specified period as recommended by the UCC/GSC.
  - iii. Denial of membership of statutory bodies for a period of five years.
  - iv. Suspension of increments/promotion for a period of five years.
  - v. The GSC can refer where it deems necessary, specific cases to the Executive Council.
  - vi. The Executive Council may decide to use any relevant and appropriate mechanism to address such cases.
- B. Where a person, being a student of the University, is found guilty of sexual harassment as defined under these rules he/she shall be liable for any or all of the following actions against him/her:
- i. Issuing a warning or reprimand
  - ii. Bond of good behaviour
  - iii. Entry debarred into hostel/campus for a specific period of time recommended by GSC/UCC
  - iv. Suspension not exceeding five years
  - v. Debarring from exams for a specific period of time recommended by GSC/UCC
  - vi. Debarring from contesting elections for a specific period of time recommended by GSC/UCC
  - vii. Debarring from holding executive posts for a specific period of time recommended by GSC/UCC
  - viii. Expulsion
  - ix. Denial of admission to SAU premises for a specific period of time
  - x. Any other relevant mechanism as decided by GSC/UCC

## **BYE-LAWS OF THE SOUTH ASIAN UNIVERSITY**

- C. The Chairperson, GSC shall have the power to enforce the punishments given in 8(B) (i) and (ii). The Chairperson, GSC may seek the help of the university for this purpose as appropriate.
- D. In the case of third party harassment, the University authorities shall initiate action by making a complaint with the appropriate authority.
- E. Where the inquiry reveals that a member of the University or an outsider has made a false complaint, knowingly, or maliciously or recklessly to the Chairperson, UCC or GSC , such person shall be liable to the same sanctions as enumerated in Rules 8A to 8D.

### **9. Procedure of Amendment**

1. On the recommendation of the Gender Sensitization Committee (GSC), the Executive Council (EC) of SAU may amend any part or whole of these rules and procedures.
2. The Executive Council (EC) may establish an interim committee to look into complaints and other functions of Gender Sensitization Committee (GSC) in the event of any gap in the appointment of the committees established under these rules.