

# SHARDA UNIVERSITY

## *Rules and Procedures of the Gender Sensitisation Committee against Sexual Harassment (GSCASH)*

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## **I. PREAMBLE**

These are the Rules and Procedures of the Gender Sensitisation Committee against Sexual Harassment which is the body constituted by Sharda University. The aim of the Gender Sensitisation Committee is to frame rules and procedures at the Sharda University, to provide all employees and students whether Men or Women or **Third Gender**, with equal opportunities and treatment. The guidelines below provide for protection from sexual harassment and basic right to work with dignity and to handle related complaints received or referred by the any employees or students at Sharda University. The Gender Sensitisation Committee is also in accordance with 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 workplace. The Hon'ble Supreme Court in a subsequent judgement titled *Apparel Export Promotion Council Vs A. K. Chopra*, on 20th January, 1999 has reiterated that incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty. It may be pointed out that although these Rules and Procedures follow the spirit of the above mentioned judgements, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education.

## **II. SEXUAL HARRASSMENT**

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

- a. When unwelcome sexual advances, requests for sexual favours and verbal or physical conduct of asexual nature, explicitly or implicitly are made a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity
- b. When unwelcome sexual advances and verbal non-verbal or physical conduct such as loaded comments, slander remarks or jokes, letters, phone calls or e-mail, SMS, gestures showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive campus environment or
- c. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law.

### III. OTHER DEFINITIONS

- i. “**Academic staff**” includes any person on the staff of Sharda University who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall also include employees employed on a casual or project basis.
- ii. “**Appeal Committee**” as defined in Section X (3) herein.
- iii. “**Campus**” includes all places of work and residence in the Greater Noida or any other campus of Sharda University. It also includes all places of instruction, research and administration, as well as hostels, guesthouses, public places and places of residence allotted and administered by Sharda University,
- iv. “**Complaints Screening Committee**” as defined in Section VI.3 (B) herein.
- v. “**Counselor**” includes any woman, empanelled by GSCASH 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.
- vi. “**Eminent woman academician**” includes a senior woman academician who is not a member of either the academic or the non-teaching staff of Sharda University, and who has experience in working for gender equality.
- vii. “**Inquiry Committee**” as defined in Section VI.4 herein.
- viii. “**GSCASH**” shall refer to the Gender Sensitisation Committee against Sexual Harassment of Sharda University.
- ix. “**NGO**” includes any Non-Governmental Organisation registered under the Societies’ Registration Act as a public charitable trust recognised under law. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for minimum of three years prior to the date of empanelment. Two thirds of the registered membership of such society or charitable trust shall be outsiders with respect to Sharda University; i.e., at least two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of Sharda University.
- X. “**Non-teaching staff**” includes any person on the staff of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wage, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
- xi. “**Outsider**” includes any person who is not a student, resident, or member of the academic or non-teaching staff of Sharda University. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residences in the Sharda University campus.
- xii. “**The Policy**” shall refer to the Sharda University Policy against Sexual Harassment.

xiii. “**Resident**” includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and or allotted by Sharda University, irrespective of whether he/she is the person to whom the accommodation is officially allotted. It shall not include any such person who is in temporary or permanent residence in the campus of an autonomous institution to which Sharda University is the authority awarding degrees. It shall also not include any person who is in temporary or permanent residence in an autonomous institution that has its premises and/or residences in the Sharda University campus.

Xiv. “**Service provider**” includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes and any other such similar services.

XV. “**Student**” includes any person who is enrolled for any course, whether full time or part time, with Sharda University and includes an undergraduate or Post graduate 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 Sharda University or short-term course at Sharda University.

Xvi. “**Supreme Court Judgement**” shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13 August 1997 in its ruling on the Writ Petition (Criminal) *Vishaka Vs State of Rajasthan* and the judgement titled *Apparel Export promotion Council Vs A. K. Chopra*, on 20th January 1999.

xvii. “**Third party**” shall include the NGO representative or the eminent woman academic serving on, or empanelled by GSCASH.

xviii. “**University authorities**” shall refer to the Vice-Chancellor of Sharda University, as well as any such person to whom such power may be delegated such as the Rector(s), and/or any person who is entrusted with any powers and functions to act on behalf of the University.

xix. “**University functionaries**” includes any person appointed, designated or nominated by the University authorities to a position of service in Sharda University, and includes, but is not limited only to, the following: Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, Provosts, Chief Warden/Warden/Assistant Wardens, security personnel, health professionals as well as persons discharging administrative responsibilities such as the Registrar and the Finance Officer.

xx. “**Vacations**” shall refer to the periods June 1<sup>st</sup> to July 31<sup>st</sup> and December 15<sup>th</sup> to January 5<sup>th</sup> or as may be decided by Sharda University authorities.

xxi. “**Vacations Committee**” as defined in Section V. 11 herein.

xxii. “**Chief Warden/Warden/Assistant Warden**” shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Chief Warden/Warden/Assistant Warden of a hostel allotted and/or administered by Sharda University.

Xxiii. “**Third gender**” as defined in the case of *National Legal Services Authority Vs union of India*, SC W.P (Civil) No400 of 2012 & No604 of 2013 dated 15/04/2014. Third gender is known as transgender hitherto and it stands applicable where ever there is a provision.

#### **IV. SHORT TITLE AND SCOPE**

These Rules and Procedures of the Sharda University Gender Sensitization Committee against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these Rules and Procedures of GSCASH shall apply to all students academic staff, non-teaching staff on active rolls. Part- time and on ad-hoc basis of the Sharda University as also to residents, service providers and outsider who may be within the territory of Sharda University at the time of commission of the act attracting GSCASH Rules, on the Sharda University campus, to the extent specified in these Rules and Procedures.

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

**IV(i)** By a student against a member of the academic or non-teaching staff or a co-student; or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff; in either case, if sexual harassment is alleged to have taken place **within the campus**.

**IV (ii)** By a resident against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place **within campus**.

**IV (iii)** By a service provider or an outsider against 3 students or a member of the academic or non-teaching staff or made by a student or 3 members of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

#### **V. COMPOSITION AND PROCEDURES OF GSCASH**

##### **V.1. Composition**

GSCASH shall have a membership of fifteen persons, of which at least half the members shall be women. The composition of these members is given below while the bodies, which shall elect or nominate these members, are given in the next section.

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

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

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

V.1 (iv) Chief Warden/Warden/Assistant Wardens (at least one woman)

V.1 (v) One representative each of the Sharda University class representative of each School/Department, Head of Departments (HODS) of each School/Department/Division having the reporting Authority to the Registrar/Deputy Registrar/Assistant Registrar.

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

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

V.1 (viii) One woman counsellor.

## **V.2. The Process for Formation of GSCASH**

**V.2 (i)** The election or nomination of the representatives of students, teachers, staff, and officers those referred to in Sections V.1 (i) – (iii) above] shall be conducted by the bodies responsible for conducting the elections or nominations of the Executives of the respective Schools and Departments. The procedure shall be completed by the month of September each year.

**V.2 (ii)** The representatives of the Chief Warden/Warden/Assistant Wardens (those referred to in Section V.1 (iv) above) shall be chosen by the Chief Warden/Warden/Assistant Wardens under Inter-Hostel Administration and will assume office by September each year.

**V.2 (iii)** The representatives of the Sharda University, class representative of each School/Department, Head of Department (HODS) of each School/ Department having the reporting authority as the Registrar/Deputy Registrar/Assistant Registrar shall be nominated by the respective appropriate Committees, and they will assume office by October each year.

**V.2 (iv)** GSCASH shall empanel a pool of counsellors, eminent women academicians, and NGOs, as defined in Section III (v), (vi) and (ix), respectively. However only one NGO representative, one eminent woman academician and one counsellor shall be invited by GSCASH to attend its meeting at one time.

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

## **V.3. Term of Office of GSCASH members**

Subject to Section V.5 below and barring the third parties and the counsellor the tenure of each member of GSCASH shall be twelve months from the date of assumption of office.

## **V.4. Chairperson/Acting Chairperson of GSCASH**

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

## **V.5. Disqualification of Chairperson and Members**

A person shall be disqualified for being appointed, elected, nominated or designated, for being continued as a member of GSCASH if there is any complaint concerning sexual harassment pending against her/him, or if she/he has been found guilty of sexual harassment/serious misconduct.

## **V.6. Disqualification of an NGO**

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

## **V.7. Vacancy, of a Member Owing to Absence without intimation**

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

## **V.8. Resignation of a Member**

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

### **V.9. Filling Vacancy in GSCASH**

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

### **V.10. Meetings of GSCASH**

V.10 (i) GSCASH shall meet at least two times a semester or at such intervals as may be necessary,

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

V.10 (iii) Minutes of all meetings shall be adopted.

V.10 (iv) One-third of the existing members of GSCASH may request the Chairperson to call an Extra 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 GSCASH. Motions shall be carried by a simple majority of those present and voting.

V.10 (v) A Special meeting may be called by the Chairperson of GSCASH with at least twenty-four hours notice. It shall have a quorum of two-thirds of the existing members of GSCASH and the attendance of at least one of the third party members shall be mandatory, Motions shall be carried by a two-thirds majority of the members present and voting.

V.10 (vi) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.

V.10 (vii) GSCASH shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of GSCASH.

### **V.11. Vacations Committee**

“Vacations” shall refer to the period may be decided by Sharda University authorities or applicable to a particular school.

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

During the vacations, the GSCASH would comprise of our existing members present at the Sharda University campus having existing two female members and existing two male members.

In the event of no existing members being present at the Sharda University campus, the Vice Chancellor would be temporarily in charge.

### **V.12. Annual Report of GSCASH**

As required by the Supreme Court Judgement, the Annual Report of GSCASH together with a written report on the Action Taken by them on the recommendations of the GSCASH and the Appeals Committee would be forwarded to the suitable University authorities.

## **VI. FUNCTIONS OF GSCASH**

GSCASH shall be responsible for the implementation of these rules and procedures of Sexual Harassment and the Supreme Court Judgement GSCASH shall have four functions:

### **VI.1 Gender Sensitisation and Orientation**

**VI.1 (i)** GSCASH will ensure the publicity of the Policy in all prominent Centres, Schools, Hostels, coffee shops and fast food outlets, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc

**VI.1 (ii)** GSCASH will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialised NGOs and any campus body to carry out these programmes.

**VI.1 (iii)** GSCASH will conduct at least one major activity per semester involving large sections of University community.

### **VI.2 (A) Complaints Filing Process**

**VI.2 (A) (i)** Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint or sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff. Third party complaints and witness complaints shall be entertained. The GSCASH shall take suo motto notice of grave violations of the basic principles of gender sensitivity and justice on the campus.

**VI.2 (A) (ii)** Complaints can be lodged directly with any member of GSCASH or through existing channels for lodging grievances such as the University authorities, Chief Warden/Warden/Assistant Wardens, teachers, 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 GSCASH within two working days of its receipt by her/him.

**VI.2 (A) (iii)** upon receipt of the complaint, the GSCASH member to whom the complaint is made shall forward the same to the Complaints Screening Committee.

**VI.2 (A) (iv)** The complaint may be oral or in writing. If the complaint is oral it shall be reduced in writing by the Complaints Screening Committee or the GSCASH member receiving the complaint, on Form I, prescribed for the purpose, and authenticated by the complainant under his/her dated signature or thumb impression as the case may be

**VI.2. (A) (V).**Where the man or woman or third gender is unable to make a complaint on account of his/her actual in-capacity, a complaint may be filed by

- a) Her relative or friend or
- b) A special Educator or
- c) A qualified psychiatrist or psychologist or
- d) The guardian or authority under whose care she/he is receiving treatment or care or
- e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she/he is receiving treatment or care.

## **VI.2 (B) Complaints Screening Committee**

### **VI.2 (B) (i) Composition**

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

### **VI.2 (B) (ii) Functions**

**a.** The Complaints Screening Committee shall receive and record complaints of sexual harassment on Form I (Schedule I) prescribed for the purpose. It shall carefully study the complaint and may hear the complainant and the defendant as well as other involved parties to determine whether an inquiry by GSCASH is to be instituted. The Complaint Screening Committee shall receive and record complaints of sexual harassment on form n prescribed for the purpose. The Complaints Screening Committee will issue the orders of restraint as contained in From No IV to all persons against whom the complaint is lodged and call for examination in Form III.

**b.** At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face; (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgement.

**c.** At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.

**d.** GSCASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below.

**e.** The Complaints Screening Committee shall communicate its recommendations, along with the reasons and documentary evidence if any, thereof, in writing to the Chairperson of GSCASH as soon as possible.

**f.** The Complaints Screening Committee shall be responsible for making counseling services available to a person requesting for it.

**g.** In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Complaints Screening Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, recommend the institution of Inquiry proceedings.

### **VI.2 (B) (iii)**

**a.** The complainant may withdraw his/her complaint in writing at any time during the complaints screening and/or inquiry procedure.

**b.** The complaints screening/inquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Complaints Screening/Inquiry Committee is informed, knows or has reason to believe, that the reasons for such withdrawal or the consequences or effect of coercion and intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the complaints screening/inquiry proceedings shall continue in accordance with the procedure outlined.

### **VI.2 (C) Restraint Order**

A restraint order in terms of GSCASH Rules shall be provided as on Form IV and the Chairperson of GSCASH and or the Chief Inquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him.

### **VI.3. Formal Inquiry**

Once the Complaints Screening Committee has decided that the complaint merits further investigation, it shall inform the GSCASH. The GSCASH shall conduct formal inquiry, and provide its resources to ensure the complainant's safety on the campus. Forth is purpose, the Chairperson of GSCASH shall convene an Emergency meeting to constitute the Inquiry Committee. GSCASH shall designate from within the members of such committee the Chief Inquiry Officer who shall be a Woman. The Forms for Inquiry Committee would be as per Form VI to IX.

#### **VI.3 (A) Composition of the Inquiry Committee**

The composition of the Inquiry Committee shall conform to the guidelines below:

- a. The Inquiry Committee shall consist of not less than three persons and not more than five persons.
- b. It shall have at least 50% women.
- c. It shall include at least one third-party i.e. the NGO representative or an eminent woman academician.
- d. In-cases involving students/academic staff/non-teaching staff, it shall include a representative of the constituency of the complainant and the defendant (i.e. if the complaint is filed by a student against an academic staff member, then the Inquiry Committee shall include one student and one academic staff member).
- e. No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a GSCASH Inquiry Committee.
- f. The membership of an Inquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections V.5 - 8.
- g. Members of GSCASH who are representatives of Schools/Departments of which the complainant and/or the defendant are also-members, shall not be eligible to serve on an Inquiry Committee.
- h. GSCASH may, at it's own discretion, co-opt any person(s) with demonstrable sensitivity to gender issues to be a part of an Inquiry Committee provided that the majority of members or the members of GSCASH. Such a person shall not serve as the Chief Inquiry Officer,

#### **VI.3 (B) Functions of the Inquiry Committee**

- a. The Inquiry Committee shall inquire into the complaint of sexual harassment using procedures inconformity with the principles of natural justice and gender sensitivity.
- b. The Inquiry Committee shall act on any violation of the order of restraint issued to the defendant in accordance with the procedure outlined.
- c. The Inquiry Committee shall submit a detailed report to GSCASH in which it shall communicate its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any.

#### **VI.3 (C) Procedure to be followed by the Inquiry Committee**

Where an Inquiry Officer or Inquiry Committee is appointed, the authorized Officer shall-

- (1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (2)The accused is required within the reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to State at the same time whether he desires to be heard in person.
- (3) The Inquiry Officer or the Committee as the case may be, shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence or the accused as maybe considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However every adjournment with reasons there for shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.

(5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he/she/it shall administer a warning, and if there after he/she/it is satisfied that the accused is acting in disregard of the warning he/she/it shall record a finding to that effect and proceed to complete the inquiry in such manner as he/she/it thinks, best suited to do substantial justice.

(6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his/her or its finding sand the ground thereof to the authorized officer.

#### **VI.4.Crisis Management and Mediation**

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

(ii) GSCASH will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is 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, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.

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

(iv) GSCASH will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitisation crisis mediation and management duties of GSCASH, but shall not participate in the task of formal redressal of complaints under these Rules and Procedures of GSCASH.

(v) Cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, GSCASH shall assist the affected party in making complaint to the appropriate authority outside the University.

#### **VII. COMMUNICATION OF FINDINGS**

**VII (i)** within three working days of the receipt of the report and recommendations of the Inquiry Committee, the Chairperson or GSCASH shall convene an Emergency meeting. Each member of GSCASH shall have the right to access the entire inquiry proceedings, or any part thereof, and to participate in GSCASH deliberations on the complaint within two working days of the adoption of there port of the Inquiry Committee, the Chairperson of GSCASH shall forward the report of the Inquiry Committee, together with a summary of the opinions of the members of GSCASH (including dissenting opinions) to the Registrar/Vice-Chancellor/Chancellor as the case may be.

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

## **VIII. 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 GSCASH, and the fact that GSCASH is the University body responsible for gender sensitisation and inquiries into complaints of sexual harassment.
- ii.** The University authorities will ensure that the Policy is made available on the website and reference included in the Admission Brochure 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: “Sharda University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.”
- iii.** In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several notices to be placed on board, for display in prominent places such as the entrances to the campus, academic and administrative buildings, hostels, etc.
- iv.** The University authorities and functionaries shall provide legal, medical and counselling assistance to the complainants who have to take recourse to the law.
- v.** The University authorities and functionaries shall forward all complaints of sexual harassment to GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.
- vi.** The University authorities shall maintain full confidentiality with respect to matters pertaining to GSCASH inquiries 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 GSCASH.
- vii.** As is required by the Supreme Court Judgement, the University authorities and functionaries shall strive to create a workplace in which the functioning of GSCASH and/or the interests of justice are not subjected to undue “pressure from senior levels”.
- viii.** As required by the Supreme Court Judgement the University authorities shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on Action Taken by them upon the decisions recommendations of the GSCASH and/or the Appeals Committee.

## **IX. PENALTIES**

Any student, service provider, resident, outsider, or member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below are indicative, and shall not constrain the University authorities from considering other penalties in accordance with the rules governing the conduct of employees and students in practice at the time.

Penalties: - (1) The following are the minor and major penalties, namely

### **(a) Minor Penalties:**

- (i)** Warning, apology (as in Form X), reprimands, or censure
- (ii)** Withholding, for a specific period promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- (iii)** Stoppage for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar;
- (iv)** Recovery from pay of the whole or part of any pecuniary loss caused to Sharda University by negligence or breach of orders;
- (v)** Declaration of the campus as out of bounds for him/her.

### **(b) Major Penalties:**

- (i)** Withholding of one or more increments for a period not exceeding one year.
- (ii)** Removal from an administrative position at the Centre, School and/or University levels.
- (iii)** Disqualification from holding an administrative position at the Centre, School and/or University levels.

- (iv) Suspension from service for a limited period.
- (v) Compulsory retirement
- (vi) Dismissal from service.
- (vii) Transfer
- (viii) Withdrawal of the rights to run/manage work in any commercial enterprise or to provide services on the campus

## **X. OTHER FUNCTIONS**

### **X (1) False Complaint/Deposition**

- i.** If the Complaints Screening Committee or the Inquiry Committee finds no merit in any complaint/deposition it shall write to the Chairperson of GSCASH giving reasons for its conclusions.
- ii.** Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the recommendations of the Complaints Screening Committee or Inquiry Committee and to decide whether a show-cause notice shall be issued to the complainant/witness(s).
- iii.** Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant/witness(es). The show-cause notice shall cite the basis 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 him/her.
- 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 of GSCASH shall convene it Special Meeting to consider the explanation or any lack thereof.
- v.** In the event of insufficient or unconvincing explanation, GSCASH shall forward its findings to the appropriate University Authority for further action.

### **(2)Protection against Victimization**

- i.** If the complainant is a student and the defendant(s) is a teacher, (during the investigation and inquiry, and even after such an inquiry if the teacher is found guilty) the defendant(s) shall not supervise any academic activity of the student, including but not limited to evaluation and examination, re-examination and supervision of research.
- ii.** If a witness named by the complainant is a student and the defendant(s) is a teacher, (during the period of the investigation and inquiry, and even after such an inquiry if the teacher is found guilty), the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- iii.** If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, (during the period of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty) the defendant(s) shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- iv.** If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University (during the course of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty), the defendant(s) shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- v.** If the defendant(s) is an outsider, (during the period of the investigation and inquiry, and even after such an inquiry if the defendant is found guilty) the defendant(s) shall not be allowed to enter the campus, except for the purpose of attending the present inquiry.
- vi.** If the defendant(s) is a resident/service provider, (during the period of the investigation and inquiry and even after such an inquiry if the defendant is found guilty), the order of restraint issued in accordance with the procedures in Section Vi.3(C) shall be in force at all times.

**X (3) Provisions for Appeal**

There will be two appeal committees, constitution of which will be as under:

<b>Appeal / Committee</b>	<b>Chair</b>	<b>Other Members (2)</b>
Non Teaching Staff	Chancellor	To be nominated by the Registrar
Teaching Staff	Chancellor	To be nominated by the Vice Chancellor

**X (4) Amendment to the Rules & Procedures of GSCASH**

- i.** Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy and the Rules and Procedures as laid down in law from time to time.
- ii.** Amendments shall be effected by a decision taken in a Special Meeting of GSCASH called for the purpose.
- iii.** The proposed amendment(s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.
- iv.** An amendment motion shall be earned by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by-another Special Meeting to be called after at least fifteen working days.

**SCHEDULE-I**  
**PRESCRIBED FORMS FOR**  
**GSCASH INQUIRY AND REDRESSAL**



III THE COMPLAINT

1. Is the accused known to the complainant?
2. Is this the first incident of this kind? If yes, skip 3 and 4.
3. Was exactly the same person 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: \_\_\_\_\_



SHARDA UNIVERSITY

Form II

**Acknowledgement to the Complainant by the Complaints Screening Committee**

\_\_\_\_\_  
\_\_\_\_\_

Dear

The GSCASH Complaints Screening Committee is examining the complaint of sexual harassment against \_\_\_\_\_ [name(s) of accused] that you lodged with the GSCASH on \_\_\_\_\_ (date). The Complaint refers to an incident(s) that allegedly took place on/in \_\_\_\_\_ (date/period in which the alleged incident took place). In \_\_\_\_\_ (locations). Where the accused(s) allegedly \_\_\_\_\_. The GSCASH Complaints Screening Committee would like to meet you on \_\_\_\_\_ at \_\_\_\_\_ am /pm in the .....office to decide further action on the complaint.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the GSCASH grievance redressal procedure, the GSCASH has issued an order of restraint to every accused person(s) \_\_\_\_\_ (name of accused on \_\_\_\_\_ (date). Any violation of the restraint order must be reported to the GSCASH immediately. For any clarification regarding the GSCASH procedure, or for a change in the time or date of your appointment with the GSCASH Complaints Screening Committee, please contact the undersigned. I enclose a copy of the Rules & Procedure of the GSCASH for your information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Complaints Screening Committee

Date:

\_\_\_\_\_

SHARDA UNIVERSITY

Form III

Order for appearing to the accused before the Complaints Screening Committee

\_\_\_\_\_  
\_\_\_\_\_

Dear

A complaint of sexual harassment against you has been lodged with the GSCASH 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 incident took place) in \_\_\_\_\_ location/s, where you allegedly \_\_\_\_\_. The Complaints Screening Committee is at present examining the complaint, and would like to meet you on \_\_\_\_\_ at \_\_\_\_\_ a.m. /p.m. in \_\_\_\_\_ the office to decide further action on the complaint.

In order to ensure the safety and confidentiality of the complainant and the impartiality of the GSCASH formal redressal procedures, the Complaints Screening Committee issues an order of restraint to every accused person(s). You are requested to abide by the conditions laid down in this order. For any clarifications that you may require about the complaint or GSCASH procedures, please contact the undersigned. I enclose a copy of the Rules & Procedures of the GSCASH for your information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Complaints Screening Committee

Date:

\_\_\_\_\_

SHARDA UNIVERSITY

**Form IV**

**Order of restraint to the accused by the Complaints Screening Committee**

Issued to \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_

During the pendency of the GSCASH's investigative and inquiry procedures into the complaint of sexual harassment made by \_\_\_\_\_ against you, you are enjoined to respect the human rights and the confidentiality of the complainant, his/her family, friends and witnesses.

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

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

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

A violation of this order of restraint may prove prejudicial to your case and it may also induce the GSCASH to recommend immediate disciplinary action against you, in accordance with the provisions of clause 18(D) of the GSCASH Rules & Procedures which state that:

- (i) The complainant or any other person shall intimate in writing any member of the Complaints Screening Committee, the chairperson of GSCASH and/or the Inquiry Committee of a violation of the order of restraint by the accused or any persons acting on his/her behalf.
- (ii) Should the Complaints Screening Committee, the Chairperson of GSCASH, or the Inquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the accused in person and issue a verbal and written warning that such behavior may lead to an adverse inference being drawn against her/him, and/or report the offence to the University authorities recommending appropriate action. The Inquiry Committee or GSCASH shall retain the right to close the inquiry proceedings, and to give an ex-parte decision on the complaint.
- (iii) The Inquiry Committee and GSCASH shall consider all violations of the restraining order when determining the penalties to be awarded to an accused found guilty of sexual harassment.

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name: \_\_\_\_\_

Address \_\_\_\_\_

SHARDA UNIVERSITY

Form V

Order for appearing to the witness before the Complaints Screening Committee

\_\_\_\_\_  
\_\_\_\_\_

Dear

A complaint of sexual harassment against \_\_\_\_\_ [name(s) of accused] has been lodged with the GSCASH 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 incident took place) in \_\_\_\_\_ (locations), where the accused allegedly \_\_\_\_\_. The GSCASH Complaints Screening Committee is at present examining the complaint \_\_\_\_\_ has requested that we solicit your co-operation to corroborate/clarify certain aspects of his/her testimony. We would, therefore, like to meet to you on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the \_\_\_\_\_ 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 Rules & Procedures of GSCASH for information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Complaints Screening Committee

Date:

\_\_\_\_\_

SHARDA UNIVERSITY

**Form VI**  
**Order to the Complainant for appearing before the Inquiry Committee**

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against \_\_\_\_\_ [name(s) of accused] that you lodged with the GSCASH on \_\_\_\_\_ (date). The Complaints Screening Committee has recommended the institution of a formal inquiry proceeding into your complaint. The GSCASH has designated an Inquiry Committee of \_\_\_\_\_ persons, the contact details of whom are listed at the end of this communication.

Based on your testimony before the Complaints Screening Committee on \_\_\_\_\_, a charge sheet has been prepared, which you authenticated on \_\_\_\_\_. A copy of this charge sheet has been made available to the accused, and I enclose a copy for your records.

This is to request you to meet the Inquiry Committee on \_\_\_\_\_ at \_\_\_\_\_ a.m. /p.m. in the \_\_\_\_\_ 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). Requests for a change in time or date of your deposition must also be directed to the Chief Inquiry Officer.

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

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Inquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

(Members)

SHARDA UNIVERSITY

Form VII

Order to the Accused for appearing before the Inquiry Committee

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment lodged against you by \_\_\_\_\_ [name(s) of complainant(s)] with the GSCASH on \_\_\_\_\_ (date). The Complaints Screening Committee has recommended the institution of formal inquiry proceedings into your complaint. The GSCASH has designated an Inquiry Committee of \_\_\_\_\_ persons, the contact details of whom are listed at the end of this communication.

Based on complainant's testimony before the Complaints Screening Committee on \_\_\_\_\_, a charge sheet has been prepared, which is enclosed.

This is to request you to meet the Inquiry Committee on \_\_\_\_\_ at \_\_\_\_\_ a.m. /p.m. in the \_\_\_\_\_ 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). Requests for a change in time or date of your deposition must also be directed to the Chief Inquiry Officer.

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

Yours truly,

\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Inquiry Officer

Date:

\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_

(Members)

SHARDA UNIVERSITY

**Form VIII**  
**Order to the witness for appearing before the Inquiry Committee**

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to a complaint of sexual harassment against \_\_\_\_\_ [name(s) of accused] lodged by \_\_\_\_\_ [name of the complainant(s)] with the GSCASH 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 \_\_\_\_\_ (location/s), where the accused allegedly \_\_\_\_\_

The GSCASH has instituted formal inquiry proceedings into the complaint. The contact details of the members of the Inquiry Committee are listed at the end of this communication.

\_\_\_\_\_ (name/s) has requested that the Inquiry Committee solicit your co-operation to corroborate/clarify certain aspects of his/her testimony. We would, therefore, like to meet you on \_\_\_\_\_, at \_\_\_\_\_ a.m. /p.m. in the \_\_\_\_\_ 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 Rules & Procedures of the GSCASH for information.

Yours truly,

\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Inquiry Officer

Date:

\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ ☎ (O) \_\_\_\_\_ (R) \_\_\_\_\_

(Members)

SHARDA UNIVERSITY

**Form IX**  
**Order to a third party for appearing before the Inquiry Committee**

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against \_\_\_\_\_

[Name(s) of accused] lodged by \_\_\_\_\_ [name(s) of complainants] with the GSCASH on \_\_\_\_\_ (date). The Complaint has alleged that the accused(s) \_\_\_\_\_.

The GSCASH has instituted formal inquiry proceedings against the accused. In the course of its proceedings, the 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 you co-operation in this regard. In particular, the Inquiry Committee would like to ascertain your information of the following matter(s):

The Inquiry Committee would be appreciative if you could arrange to meet the Committee on \_\_\_\_\_ at \_\_\_\_\_ am/pm in the \_\_\_\_\_ 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 Rules & Procedures of the GSCASH for information

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Inquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

(Members)

\_\_\_\_\_

SHARDA UNIVERSITY

**Form X**

**Written Apology: Suggested Format**

(Name of the complainant) \_\_\_\_\_

This is to place on record my understanding that my misbehavior towards you on (date) \_\_\_\_\_ in (place) \_\_\_\_\_, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality, and security in the campus. Although I am aware that an apology for my unwelcome and gender insensitive misconduct can not redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologies 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, the Sharda University policy against sexual harassment, 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, specially 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 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 sensitization programmes organized by GSCASH. 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 others.

Signature \_\_\_\_\_

Name: \_\_\_\_\_

Address \_\_\_\_\_

Place \_\_\_\_\_