

# By-law relating to Sexual and Gender-Based Violence

By-law relating to Prevention and Response to Sexual and Gender-based Violence enacted by the Council of the University of Jaffna, Sri Lanka under Section 135 of the Universities Act No. 16 of 1978 as amended by Acts No. 7 of 1985 and No. 26 of 1988 and enforced with effect from 26<sup>th</sup> August 2017 and amended by the Council of the University at its 454<sup>th</sup> meeting held on 09<sup>th</sup> June 2021.

## PART I: General

1. This By-law may be cited as the Sexual and Gender-Based Violence By-law No.02 of University of Jaffna. Short title
2. The University of Jaffna, Sri Lanka (*hereinafter referred to as “the University”*) hereby adopts this By-law as approved by the Council of the University (*hereinafter referred to as “the Council”*) at its 421<sup>st</sup> meeting held on 26<sup>th</sup> August 2017 being prepared under the provisions of the Section 135 of the Universities Act No. 16 of 1978, as amended by the Universities. (*Amendment*) Act No. 7 of 1985 and No. 26 of 1988, (*herein after referred to as “the Act”*). The amended By-law was approved by the Council in its 454<sup>th</sup> meeting held on 09<sup>th</sup> August 2021. By-law adopted by the Council
3. This By-law supersedes any other By-laws or Regulations that may have been issued earlier. Effecting the By-law
4. Notwithstanding anything to the contrary in any of the provisions of this By-law, the Vice Chancellor shall take appropriate action that he/she deems necessary to maintain discipline at the University and nothing in this By-law shall be construed in a manner to detract from the powers, duties, and functions conferred on or imposed upon the Vice Chancellor by the Universities Act No. 16 of 1978 (herein after referred to as the “Act”) or by any other instrument. Power of the Vice Chancellor
5. Pioneer Committee
  - (a). The Vice Chancellor shall appoint the Members to the Pioneer Committee of CGEE with the approval of the Council.
  - (b). Members of the Pioneer Committee shall hold office for two (02) years from the date of appointment.
6. Upon coming into operation of this By-law, there shall be established a Committee of Centre for Gender Equity and Equality (CGEE) (*hereinafter referred to as the “Committee of CGEE”*) constituted as provided in Paragraph 13. Establishment of the Committee of CGEE

## PART II: Committee of Centre for Gender Equity and Equality

7. Formation of the  
Committee of CGEE
- (a). Two members (one male and one female) nominated by the Council from among its non ex-officio (non ex-officio means all but Deans, Rector and VC/CA)
  - (b). Proctor, Director of Student Welfare, Chief-Marshall and DR/SAR/AR of Legal Affairs and Documentation Branch are ex-officio members of the Committee of CGEE.
  - (c). The election of representatives of students, and academic, non-academic and administrative staff shall be conducted by an independent five-member Election Committee (EC).
  - (d). Two academics (one male and one female) either retired or in service, from any other State University in Sri Lanka, with proven scholastic record in gender issues, appointed by the Vice Chancellor on the recommendation of the Senate
  - (e). Two non-state actors (one male and one female) engaged in gender related activism appointed by the Vice Chancellor in concurrence with the Council
  - (f). A representative from the Police Children & Women Bureau located at Kopay Police Station appointed by the Vice Chancellor in concurrence with the Council, based on recommendation of Officer in Charge of Kopay Police Station.
  - (g). Appointment of non-elected members shall be announced one (01) month prior to the expiration of the existing Committee of CGEE.
8. Election
- (a). Election shall be conducted once every two years by the Election Committee in accordance with the Election Procedure (Annexure I) as approved by the Council at its 438<sup>th</sup> meeting held on 30<sup>th</sup> June 2019.
  - (b). The electoral process set out in the Election Procedure shall commence six (06) months before and be completed one (01) month prior to the expiration of the existing Committee of CGEE.
9. Ground for Eligibility
- Any person possessing a certificate of participation in the awareness programme conducted by the CGEE shall be eligible for election to the Committee of CGEE.

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| <p>10. A person shall be disqualified from being appointed or elected or designated to or continuing in the Committee of CGEE on the following grounds:</p> <p>(a). A complaint against the person concerning SGBV/serious misconduct/ breach of confidentiality is pending or under investigation.</p> <p>(b). The person has been found guilty of SGBV/serious misconduct/ breach of confidentiality.</p>   | <p>Grounds for disqualification of membership</p> |
| <p>11.</p> <p>(a). The first meeting of the newly formed Committee of CGEE shall be presided by the Vice Chancellor and convened by the Registrar.</p> <p>(b). The Director from among the six elected members of the Academic Staff shall be elected by the members of Committee of CGEE at this meeting.</p> <p>(c). The Secretary from among the two elected members of the Administrative Staff shall be elected by the members of Committee of CGEE at this meeting.</p> <p>(d). Subsequently, the Director and the Secretary shall be appointed by the Council</p>  | <p>Appointment of Director and Secretary</p>      |
| <p>12. The Director of the CGEE shall be the Chairperson of the Committee of CGEE and preside over all meetings of the Committee.</p>   | <p>Chairperson</p>                                |
| <p>13. The Committee of CGEE shall consist of the following members, who shall hold office for a period of two (02) years with effect from the date of appointment.</p> <p>(a). Two members (one male and one female) nominated by the Council from among its non ex-officio</p> <p>(b). Proctor</p> <p>(c). Director of Student Welfare</p> <p>(d). Two Wardens of Hostels (one male and one female) appointed by the Vice Chancellor</p> <p>(e). Chief Marshal or his/her nominee</p> <p>(f). DR/SAR/AR of Legal Affairs and Documentation Branch of University of Jaffna</p> <p>(a). Two academics (one male and one female) either retired or in service, from any other State University in Sri Lanka,</p> | <p>Composition of the Committee of CGEE</p>       |

- (b). Two non-state actors (one male and one female) engaged in gender related activism.
  - (c). Six elected representatives (three males and three females) from among the academic staff including Director of CGEE.
  - (d). Two elected representatives (one male and one female) from among the administrative staff including Secretary of Committee of CGEE.
  - (e). Two elected representatives (one male and one female) from among the non-academic staff
  - (f). Six elected representatives (three males and three females) from among the students
  - (g). A representative from the Police Children & Women Bureau appointed by the Vice Chancellor in concurrence with the Council, based on recommendation of Kopay Police Station
14. The quorum for meetings shall be two-thirds of the membership. Quorum for meeting
15. Subject to the provisions of the Act and of any other appropriate instruments, the Committee of CGEE shall work under the directive of the Vice Chancellor, who is responsible for the maintenance of discipline in the university. The Committee of CGEE shall have the following powers, duties and functions: Powers, Duties & Functions of the Committee of CGEE
- (a). to conduct meetings once in two months to address the GEE and SGBV issues and report to the Council through the Vice Chancellor;
  - (b). to conduct special meetings as necessary;
  - (c). to make recommendations to the Vice Chancellor on the appointment of a Committee of Inquiry into SGBV matters;
  - (d). to establish a Working Committee and Sub-committees for Resource Mobilization, Education and Research, Monitoring and Evaluation and Grievances, as described in the Policy Framework for Gender Equity and Equality.
  - (e). to create TORs for the said sub-committees in (d) above.
  - (f). to ensure gender balance in faculty representation during appointments to the said sub-committees;
  - (g). to establish any other sub-committee as necessary with the approval of the Vice Chancellor;
  - (h). to monitor all sub-committees established under the CGEE.
  - (i). to advise the Vice Chancellor on matters related to SGBV within the University;

- (j). to provide the necessary support to the Committees of Inquiry;
- (k). to carry out all other acts incidental to the aforesaid powers, duties and functions as may be required in order to further the objectives of this By-law; and
- (l). to amend/revise/repeal/replace when necessary any provision of the By-law with the approval of the Council.
16. Any question regarding the interpretation of the By-law shall be referred to the Council whose decision thereon shall be final. Interpretation of provisions of the By-law
17. The code of conduct for the CGEE includes: Code of Conduct for the CGEE
- (a) being impartial;
- (b) maintaining confidentiality;
- (c) being patient;
- (d) not compromising in matters under consideration;
- (e) being professional; and
- (f) being supportive.
18. Members of the Grievances Sub-committee shall conduct 'preliminary investigations' in accordance with the procedure outlined in Part IV. Preliminary Investigation
19. A 'formal inquiry' subject to paragraph no. 46 shall be conducted by a 'Committee of Inquiry' consisting of three (two external and one internal) or five (three external and two internal) members (depending on the nature of complaint and alleged violence) appointed by the Vice Chancellor on the recommendation of the CGEE. The internal members shall be from among senior academics trained or experienced in SGBV inquiry procedures and free of any SGBV offence. The external member(s) shall be from among senior executive officers of other Institutions with experience in inquiry process and not known to have committed any SGBV offence. Balanced gender representation shall be ensured. Formal Inquiry
20. The Committee of Inquiry shall have the following powers, functions and duties: Powers, functions and duties of the Committees of Inquiry
- (a) to conduct independent inquiry and give recommendation in writing to the Vice Chancellor through the CGEE;
- (b) to submit a detailed report based on the inquiry conducted as stipulated in Part IV to the Vice Chancellor through the CGEE. Any reason for delay shall be recorded in writing;

- (c) to act according to the procedure outlined in Part IV of the By-law;
- (d) to act in conformity with the provisions of the Establishment Code of Sri Lanka and UGC-approved University Establishment Code (UEC) in the event of a member of the staff of the University faces charges under the By-law; and
- (e) to inquire into complaints according to the procedure stipulated in Part IV and in conformity with the principles of natural justice and gender sensitivity.

21. The Code of Conduct for the Committees of Inquiry includes:

Code of Conduct for  
Committees of Inquiry

- (a) treating victims and alleged persons with compassion, sensitivity and respect;
- (b) being impartial;
- (c) maintaining confidentiality;
- (d) investigating thoroughly;
- (e) being patient;
- (f) not compromising in matters under consideration;
- (g) being professional; and
- (h) being supportive.

### **PART III: Strategies and Actions to Prevent and Address SGBV**

The CGEE shall *inter alia* be empowered to formulate strategies and actions as follows:

22. The Education and Research Sub-committee shall be empowered to formulate strategies and actions as follows:

Dissemination of  
Information

- (a) Dissemination of information on GEE policies, SGBV and related grievance handling procedures to staff and students through awareness programmes, interactive dialogue, brochures, handbooks and flyers in Tamil, Sinhala and English;
- (b) Creating awareness on GEE and SGBV during the Orientation and Induction Programmes in association with the Faculty concerned and the Staff Development Centre.
- (c) Enabling interactive dialogue by faculty-wise programmes for staff and students in consultation with CGEE;
- (d) Incorporating GEE and SGBV into the curriculum through the Faculty Curriculum Committee in consultation with CGEE;

- (e) Distribution of brochures, handbooks and flyers jointly with the Resource Mobilization Sub-committee during registration of new entrants;
- (f) Dissemination of information about GEE policies and CGEE activities by posting/circulating relevant materials through relevant channels to the University Community together with other sub-committees of CGEE;
- (g) Sensitizing staff who deal with student welfare and discipline annually together with other sub-committees of CGEE; and
- (h) Designing and implementing a gender-responsive cross-generational leadership and mentoring programme for all female staff in association with the Staff Development Centre.

23. The University under the leadership of the Vice Chancellor shall endeavour to: Implementing the Policy

- (a) provide assistance to implement the By-law and Policy Framework for GEE;
- (b) provide the necessary resources, infrastructure facilities and support for the smooth functioning of the CGEE;
- (c) ensure GEE in recruitment and nominations as relevant;
- (d) be committed to incorporating GEE and prevention of SGBV into the curriculum and ensuring zero tolerance towards SGBV;
- (e) ensure a secure environment that includes street and security lighting, posting security at strategic points, providing night surveillance services, availing hotlines for emergencies etc., with particular attention to halls of residence; and
- (f) invest in on-campus child care facilities for the benefit of parenting staff.

24. Resource Mobilization and Education and Research Sub-committees shall create widespread awareness of the grievance handling mechanism to address complaints of SGBV by: Spreading Awareness

- (a) sensitizing the University Community about the policies and grievance handling mechanism;
- (b) displaying in the Library, offices and online portals information on the grievance redressing mechanism; and
- (c) raising consciousness on SGBV and grievances among their peers.

25. Resource Mobilization and Education and Research Sub-committees shall create awareness and capacity building and

encourage staff and students towards the zero tolerance of SGBV within the university.

26. The CGEE shall ensure that there is proportionate representation of male and female as office bearers in student bodies and staff unions/associations/societies by Proportionate representation in Unions/Associations/Societies
- (a) bringing amendments to the existing constitutions of students' and employees' unions/associations/societies through the Vice Chancellor and the Council;
  - (b) encouraging registered trade unions to amend their constitutions accordingly through the Education and Research Sub-committee of the CGEE; and
  - (c) sensitizing about proportionate representation through the activities of CGEE by the Education and Research Sub-committee of the CGEE.
27. Allocation of Funds for CGEE
- (a) The University shall provide an annual allocation for CGEE activities in its annual budget based on the proposal prepared by the Resource Mobilization Sub-committee and submitted by the CGEE.
  - (b) The CGEE shall follow up and process the financial allocation and disbursements as per University Financial Regulations through the Resource Mobilization Sub-committee.
28. The CGEE shall provide institutional avenues along with the Wellbeing Centre for victims as well as offenders to meet trained counsellors and address immediate issues of SGBV by Counselling
- (a) establishing a counselling division at the university Health Centre if necessary;
  - (b) training student counsellors to deal with SGBV victims and offenders;
  - (c) sensitizing the university community to direct SGBV victims to the appropriate authority;
  - (d) providing an accessible helpline; and
  - (e) submitting to the Vice Chancellor a detailed report produced by the Chairperson of Education and Research Sub-committee on the root causes of SGBV and making recommendations for prevention, based on reports from the counselling division and student counsellors.
29. The CGEE shall compile a database of reported incidents of SGBV within the University in the form of a statistical report, based on reports from the Counselling Division and student counsellors, Compiling a database



collected by the members of Grievances and Education and Research Sub-committees.

30. The CGEE shall make recommendations to the relevant university authorities regarding the review and updating of policies/forms/procedures on the use of gender inclusive language and prohibition of public display of visual and audio-visual materials that offend human dignity. Use of Gender Inclusive Language
31. The CGEE along with the Education and Research Sub-committee shall adopt a gender-responsive research environment that will improve the understanding of the national development issues, and impact positively on the lives of men and women through Adopting a Gender Responsive Environment
- (a) training of staff and students on gender-focused research skills in association with Staff Development Centre;
  - (b) development of guidelines to ensure that research processes and innovations integrate gender analysis wherever relevant;
  - (c) recommending an affirmative action programme to encourage participation of female members of staff, with specific budget allocations to support their multiple roles in society; and
  - (d) creating a research forum or an agenda in the existing research conferences in the University to facilitate the dissemination of gender focused research findings.
32. The Committee of CGEE shall in its general meeting recognize and reward “champions” who actively promote gender equity and equality and act to eliminate SGBV by recommending annually to the Council Rewarding Champions
- (a) the name of one staff member; and
  - (b) the name of one student
- for the award according to the criteria to be set out by the Committee of CGEE.

## **PART IV: Inquiry Procedure**

The inquiry procedure below shall be read in compliance with the procedure laid out in the University Establishment Code. In case of conflict between the two, the University Establishment Code shall prevail.

33. All complaints, allegations, and reports of SGBV under this By-law shall be made to the Grievances Sub-committee. Complaints

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| 34. All complaints, allegations, and reports of SGBV shall be submitted in writing on a prescribed form made available on the University website.  | Written Complaint                         |
| 35. Where a complaint is made verbally to the Grievances Sub-committee, a prescribed form shall be filled and signed by the complainant for purpose of record.   | Verbal Complaint                          |
| 36. If a complaint is received by anyone other than a member of the Grievances Sub-committee, the complaint shall be referred to the Grievances Sub-committee at the earliest possible.  | To whom Complaint should be made          |
| 37. Anyone coming within the scope of the GEE Policy, who considers himself/herself to be a victim of sexual or gender-based violence shall be eligible to file a complaint.   | Eligibility criteria for complainant      |
| 38. A complaint may also be filed by a third party, such as a member of the staff or a representative of workers or students, who is aware of an incident of gender-based harassment. In such cases, the Secretary of the Grievances Sub-committee shall use his/her discretion to assess the nature of the complaint and whether or not to entertain the complaint. | Complaint by Third party                  |
| 39. All members of the university community have the duty to report to their Heads/Deans/Supervisors and to the Secretary of Grievances Sub-committee on any possible incident of SGBV that they may be aware of.  | To be an informant                        |
| 40. The complainant shall make the complaint to the Secretary of the Grievances Sub-committee within one month of the date of the incident. Where the complaint is made after the said period, the complainant shall explain to the Committee the grounds for the delay in reporting. The decision of the Committee shall be final in accepting the complaint.       | Timeline for making complaint             |
| 41. The Grievances Sub-committee shall notify the Vice Chancellor of all complaints against employees of the University, except those forwarded by the Vice Chancellor.  | Informing the Vice Chancellor             |
| 42. Upon receiving notice of a Complaint, the Grievances Sub-committee shall promptly assess the nature of the Complaint.  | Assessment on the nature of the Complaint |
| 43. For this purpose, the Grievances Sub-committee is authorized to conduct a preliminary investigation which shall be completed within 14 days of receiving the complaint. If the Grievances Sub-committee requires more time, it shall request the Director of   | Preliminary Investigation                 |

CGEE explaining the exceptional circumstances requiring a time extension. In any event, the preliminary investigation should be concluded within 30 days of receiving the complaint.

In the event that if a complaint is against a member of the academic staff, the preliminary investigation shall be conducted by members of the Grievances Sub-committee whose ranks are equal or above that of the member of the staff concerned. In such event, the Sub-committee may, where necessary, invite with the approval of the Council a suitable person or persons outside the Sub-committee to assist with the conduct of the preliminary investigation.

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| 44. At the end of preliminary investigation, the Grievances Sub-committee shall prepare a report titled "Preliminary Investigation Report".  | Preliminary Investigation Report                    |
| 45. Where the Grievances Sub-committee, based on the preliminary investigation report, decides that the Complaint should be subject to a Formal inquiry, the report and charge sheet framed against the respondent(s) by the Grievances Sub-committee shall be forwarded to the Vice Chancellor through the Director of CGEE for the purpose of initiating a formal Inquiry.     | Setting up a Formal Inquiry                         |
| 46. The Director of CGEE may set up a pool of members selected from inside and outside of the University from among whom members shall be appointed to the committee to conduct a formal inquiry in accordance with paragraph no. 19. The pool of members for the Committees of Inquiry shall be subject to recommendation by the Committee of CGEE and approval by the Council. | Pool of Members for Committees of Inquiry           |
| 47. The Vice Chancellor, subject to paragraph nos. 19 and 46, shall name the members of the Committee of formal Inquiry and send them letters of appointment within 5 working days of receiving the report and charge sheet.   | Appointment of Members to the Committees of Inquiry |
| 48. The Committee of Inquiry shall be supported by the Grievances Sub-committee with respect to documentation.   | Support to be given by Grievances Sub-Committee     |
| 49. The Charge Sheet framed against the respondent(s) shall be issued to the respondent by the Vice Chancellor and the Grievances Sub-committee shall ensure that the respondent(s) receive(s) the charge sheet at least fourteen (14) days before the commencement of the inquiry.  | Issue of Charge Sheet                               |
| 50. The procedural mechanism shall ensure that complaints are addressed with due regard to key principles including  | Ensuring the key principles                         |

confidentiality, impartiality, objectivity, timelines, accuracy and thoroughness.

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| 51. The Committee of Inquiry shall complete its task within 30 days of commencement of the formal inquiry. If the Committee needs more time, it shall request an extension of time from the relevant authority by explaining the exceptional circumstances under which the extension is sought. Under no circumstances shall the time for inquiry exceed 60 days. | Timeframe for the Committee of Inquiry |
| 52. The Committee of Inquiry shall maintain proper documentation of all evidences gathered during the inquiry including recorded evidences.   | Maintenance of Documents of Evidence   |
| 53. A complaint once made stands.   | No right to withdraw                   |
| 54. The University shall ensure that victims are provided with full information of their rights when pressing charges so that they are discouraged from withdrawing SGBV complaints.  | Information on Rights                  |
| 55. Inquiry into a complaint shall be carried out independently of external influence.  | Independence in conducting inquiry     |
| 56. The Secretary to the Grievances Sub-committee shall ensure confidentiality of all records of SGBV cases, and all relevant files/documents shall be stored in a secure place.  | Confidentiality                        |
| 57. The final outcome and the recommendation of the Committee of Inquiry shall be communicated in the form of a report to the Vice Chancellor for information of the Council to decide on appropriate action.   | Decision Making                        |
| 58. Where the respondent(s) is/are employee(s) of the University, the Vice Chancellor shall place the report before the Council for a decision.   |  |
| 59. Where the respondent(s) is/are not an employee(s) of the University, the Vice Chancellor shall make a decision based on the recommendation of the Committee of Inquiry and communicate the decision in writing to the Council.  |  |
| 60. Where the Vice Chancellor overrules the recommendation of the Committee of Inquiry, he/she shall provide justification for his/her decision in writing to the Council and to the CGEE. Copies of all decisions shall be forwarded to the Secretary of the Grievances Sub-committee through the Director of CGEE for documentation.                            |  |

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| 61. Parties to SGBV proceedings shall be protected from any form of intimidation, threat or reprisal following the reporting of an incident.   | Protection from<br>intimidation, threat or<br>reprisal |
| 62. Any perpetrator of an offence on whom punishment has been imposed by the Council or any victim who is not satisfied with the decision of the Committee of Inquiry may appeal to the Vice Chancellor against such punishment or decision within a period of one month from the date of communication to him/her of such punishment or decision. | Appeal to the Vice<br>Chancellor                       |
| 63. If such appeal is made by a member(s) of the staff of the University, the Vice Chancellor shall refer the appeal to the University Services Appeal Board (USAB) of UGC.  | Appeal to the USAB                                     |

## PART V: Penalties

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| 64. Any member of the academic 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 others, in accordance with the rules governing the conduct of employees and the University Establishment Code.<br>(a) Warning, reprimand, or censure<br>(b) Withholding of one or several increments<br>(c) Removal from administrative positions at the level of a Unit, Department, Faculty and/or University<br>(d) Debarment from holding an administrative position at the level of a Unit, Department, Faculty and/or University<br>(e) Suspension from Service for a limited period<br>(f) Compulsory retirement<br>(g) Dismissal from service<br>(h) Further, recording the penalty imposed in his/her Personal File | Penalties for Offences by<br>Academic Staff                            |
| 65. Any member of the non-academic 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 others, in accordance with the rules governing the conduct of employees and the University Establishment Code.   | Penalties for Offences by<br>Administrative and Non-<br>Academic Staff |

- (a) Warning, reprimand, or censure
  - (b) Withholding of one or several increments
  - (c) Suspension from Service for a limited period
  - (d) Compulsory retirement
  - (e) Dismissal from service
  - (f) Further, recording the penalty imposed in his/her Personal File
66. Any student 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 others, in accordance with the rules governing the students in practice at the time.
- Penalties for Offences by  
Students
- (a) Warning or reprimand
  - (b) Withdrawal of hostel accommodation from one semester up to the entire period of study
  - (c) Withdrawal of the right to an official character certificate from the University
  - (d) Withdrawal of financial benefits (Mahapola Fund, Bursary Fund, VC's Fund or any other)
  - (e) Suspension from the University for up to two semesters
  - (f) Expulsion from the University, and/or a bar on appearing for any University examination or following any programme of study offered by the University
  - (g) Withholding of any or all degrees awarded by the University.
  - (h) Any other penalties for the offences committed within the scope of the By-laws referred to in UGC Circular No.946.
  - (i) Further, recording the penalty imposed in his/her Personal File
67. Any service provider 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 others, in accordance with the rules governing the conduct of employees.
- Penalties for Offences by  
Service Providers
- (a) Warning, reprimand, or censure
  - (b) A letter communicating his/her misconduct to his/her employer
  - (c) Declaration of the University out of bounds for him/her

- (d) Withdrawal of the right to run/manage/work in any commercial enterprise within the University or provide services in the University
- (e) Any other action as may be deemed necessary
68. Any outsider 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 others. Penalties for Offences by Outsiders
- (a) Warning, reprimand, or censure
- (b) A letter to his/her place of education, employment or residence informing of his/her misconduct
- (c) Declaration of the university as out of bounds for him/her, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the University
- (d) Any other action as may be deemed necessary
69. A second or repeated offence, may, on the recommendation of the CGEE, attract a major penalty. Penalty for repeated offence
70. In addition to the penalties specified under 64 to 69 above, the offender could be required to undergo counselling and gender sensitization, and to give a written and/or public verbal apology to the complainant. Referral
71. The victim may be referred to counselling if necessary to overcome mental suffering.

## **PART VI: Monitoring and Evaluation**

72. The Monitoring and Evaluation Sub-committee as described in the Policy Framework on GEE shall take the following steps to put into effect to appraise measures taken to implement the By-laws and their success:
- (a) design mechanisms to monitor and evaluate the performance of the CGEE and the University in implementing this policy and the related By-law;
- (b) put in place performance indicators with time frames to measure the progress in implementation of the above;
- (c) create avenues for receiving views of the University Community on the GEE policy and By-law relating to SGBV;

- (d) review the By-law relating to SGBV from time to time, considering emerging issues and trends highlighted by research findings; and
- (e) monitor the updates in existing policies, By-laws, procedures and forms related to GEE and SGBV.

## PART VII: Definitions

The following definitions shall be used in this By-law:

73.

Complaint

- (1). "Complaint" means a complaint lodged with the University in the form of a letter, a Pro-forma document, an e-mail or verbal communication, and may concern any of the following:
  - (a) Direct discrimination;
  - (b) Indirect discrimination;
  - (c) Sexual harassment;
  - (d) Racial or religious vilification;
  - (e) Victimization;
  - (f) Authorizing and assisting any of the above;
  - (g) Breach of freedom of rightful association; and
  - (h) Bullying or harassment
- (2). A written complaint shall be marked "Private and Confidential". In case of a verbal complaint, the complainant shall be required to sign the record of the statement.

74. A Complainant is the person who lodges a complaint.

Complainant

75. Some types of sexual harassment and other misconduct may be criminal offences and so may be referred to the Police. Such types of misconduct include:
- (a) physical molestation or assault;
  - (b) indecent exposure;
  - (c) sexual assault;
  - (d) stalking;
  - (e) obscene communication (verbal or written, through any medium); and
  - (f) serious racial or religious vilification.

Criminal Misconduct



## (g) Victimization

76. When a complaint of sexual or other, harassment and/or discrimination is brought to the attention of a respondent, the respondent could sometimes threaten to sue for defamation.

Defamation

Defamation comprises the publication of a statement about a person that could lower the reputation that the person concerned has with other people or cause the person to be shunned, avoided or brought into ridicule.

It is not defamatory to complain to a person such as a Contact Officer, Conciliator or Investigator who has a legitimate right to know about any unpleasant incident in order to seek redress under Inquiry procedure (Part IV). Where the duties of persons such as Contact Officers, Conciliators and Investigators involve receiving information and documenting it for reporting to the appropriate persons, they are, under normal circumstances, protected from liability for defamation by the defence of “qualified privilege”.

77.

Discrimination

- (1). Direct discrimination means treating someone with a protected attribute less favourably than someone without that attribute or someone with a different attribute under the same or similar circumstances.
- (2). Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed or proposed to be imposed on a person based on his/her protected attribute that makes it impossible for the person to comply with whereas a higher proportion of people without that attribute or with a different attribute can comply with.

78. The respondent is the person against whom a complaint has been lodged.

Respondent

79. Sexual and gender-based violence refers to acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life based on one’s gender and/or sexuality. It includes sexual harassment, domestic violence and intimate partner violence (IPV) amongst other practices.

Sexual and Gender-based  
Violence

80. Sexual harassment is defined as any provocation of a sexual nature that is unwelcome and occurs under circumstances where a reasonable person would anticipate that the person subjected to such provocation would feel offended, humiliated or intimidated.

Sexual Harassment

Sexual harassment can assume various forms and could include the following:

- (a) Unwelcome touching, hugging or kissing
- (b) Sexually suggestive comments or jokes
- (c) Unwarranted invitation to go dating or request for sex
- (d) Sexually explicit e-mail
- (e) Use of the University computer system for retention and distribution of sexually explicit material
- (f) Display of sexually explicit images as pictures, posters or computer screen savers
- (g) Accessing sexually explicit internet sites in the presence of another person
- (h) Intrusive questions or comments on a person's private life, body, or sex/gender.

81. Harassment comprises verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of the race, skin colour, religion, gender, national origin, age, or disability of the individual or his/her relatives, friends, or associates; and
- (a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
  - (b) has the purpose or effect of unreasonably interfering with the individual's work performance; and
  - (c) otherwise adversely affects the individual's employment opportunities.

Unlawful Harassment

82. Victimization is unlawful under workplace anti-discrimination policies or the law and in this context comprises selective unfair treatment of an individual, for exercising his/her rights in ways such as:
- (a) Inquiring about his/her rights under workplace policies, equal opportunity laws or occupational health and safety laws;
  - (b) Complaining of sexual harassment; and
  - (c) Serving as a witness, or participated, in the investigation of a complaint into discrimination or harassment.

Victimization

## **Annexure: (I)**

### **Election of Members to the Committee of Centre for Gender Equity & Equality, University of Jaffna**

(Approved by the Council at its 438<sup>th</sup> meeting held on 30<sup>th</sup> June 2019.)

#### **1. Preamble**

The election procedure described herein shall be applicable to the elections of members of the Committee of Centre for Gender Equity & Equality of University of Jaffna. The elections shall be held in accordance with the Policy Framework for GEE and By-laws relating to Sexual and Gender Based Violence (SGBV) of the University of Jaffna.

Election shall be conducted for electing 6 academic representatives, 2 administrative representatives, 2 non-academic representatives and 6 student representatives.

#### **2. Interpretation**

In the context of the Election Procedure, the following definitions are applicable in addition to other definitions contained in this document:

- a) "Ballot" means a published list of candidates, either in printed or electronic form, on which each Elector may indicate his/her voting preference or preferences.
- b) "Candidate" means a person who has validly nominated for a position to be elected by ballot.
- c) "Election Committee" means the Committee consisting of members identified in this document, who shall oversee the election.
- d) "Election material" means any written, printed or photographic material, letter, voting guide, poster, sign, leaflet, audio or visual display (including any electronic audio or visual display) whether attached to any fixed or mobile structure or not, provided that such material directly or indirectly supports any candidate or has the purpose of causing or opposing the election of any candidate or group of candidates at the elections.
- e) "Elections" means the General Elections referred in the Policy Framework for GEE and By-laws relating to SGBV of the University of Jaffna.
- f) "Prescribed areas" means areas in a University where election materials are allowed to be displayed.
- g) "University Rules" refers to the Rules and By-laws of the University.
- h) "Voter" is any person who is entitled to vote in an Election.

### 3. Election Committee

The five member Election Committee shall consist of two members (one male and one female) from the Council appointed by the Council; and two members (one male and one female) of the academic staff and one member of the administrative staff appointed by the Vice Chancellor on the recommendation of the Committee of the CGEE.

The Chairperson of the Election Committee shall be selected from among the Council appointed members, and the member of the administrative staff shall serve as Secretary to the Committee.

- a) The Election Committee shall be responsible for;
  - announcing the date of the elections and calling for nominations
  - evaluating the nominations
  - publishing the names of eligible candidates
  - displaying the election rules and instructions
  - completing essential preparatory work to conduct the election
  - conducting the election on the date previously announced with a legitimate ballot
  - counting the votes and announcing the results
  - calling for re-election, if necessary
- b) Code of ethics contained in By-laws relating to SGBV shall apply to the Election Committee.

### 4. Nominations

- a) The nomination paper shall be prepared by the Election Committee and displayed at important places and circulated through proper channels (Academic Establishment, Non-academic Establishment and Student Welfare/Affairs Branches) to the university community. Nominations shall be made by the permanent staff (excluding probationary staff) of the university and students enrolled in the university. The nomination papers should be submitted either in person or by registered post one month prior to the date of election. Upon receipt of the nomination paper, the Secretary of Election Committee shall sign on it. During the evaluation of nominations, any false information given by a candidate shall be considered to be in violation of election rules and thus the candidate who violated the rules shall be deemed ineligible to contest the election and his/her nomination shall be rejected.
- b) The list of all eligible candidates shall be published in the University of Jaffna website two weeks prior to the date of election and displayed in the polling places on the Election Day.

### 5. Eligibility

The eligibility criteria for candidacy and voting are set-out in Paragraph nos. 10 and 11 of the By-law as follows:

10. Any person possessing a certificate of participation in the awareness programme conducted by the CGEE shall be eligible to the post of Director of CGEE and for election to the Committee of CGEE.

11. A person shall be disqualified from being appointed or elected or designated to or continuing in the Committee of CGEE on the following grounds:

- (a) A complaint against the person concerning SGBV/serious misconduct/ breach of confidentiality is pending or under investigation.
- (b) The person has been found guilty of SGBV/serious misconduct/ breach of confidentiality.

## **6. Campaign**

Any election campaign can be displayed or conducted only in the places approved or designated by the Election Committee. Any threat, intimidation or bribe shall be considered as a violation of election rules.

## **7. Ballot Paper**

The ballot paper shall be prepared with the names of all eligible candidates and kept under lock and key until the election date. Each ballot paper shall be signed by a member of the Election Committee on the date of election before handing it over to an eligible voter.

## **8. Voters**

- a) All permanent members of the academic staff in service on the date of election shall be eligible to vote for electing academic representatives.
- b) All permanent members of the administrative staff in service on the date of election shall be eligible to vote for electing administrative representatives
- c) All permanent members of the non-academic staff in service on the date of election shall be eligible to vote for electing non-academic representatives
- d) Students who are enrolled legitimately on the date of election shall be eligible to vote for electing student representatives

## **9. Register of Voters**

Secretary of the Election Committee shall prepare 4 separate registers of voters for academic staff, administrative staff, non-academic staff and students.

## **10. Voting**

By producing either the University Identity Card or National Identity Card to the member of Election Committee, each eligible voter can obtain the ballot paper for his/her category bearing the signature of a member of Election Committee. The voter can mark as prescribed against the name of only one candidate and insert the ballot paper into the sealed ballot box labelled with the appropriate category of contest. Voting shall start at 8.00 a.m. and end at 3.00 p.m. on the day of election.

## **11. Counting**

The ballot box shall be unsealed and opened in the presence of the members of the Election Committee and the candidates. The counting shall be carried out by the members of the Election Committee and/or staff appointed to do so (except the candidates). The candidate receiving the highest number of votes shall be declared elected and in the case of election for more than one position, the relevant number of candidates with highest number of votes shall be declared elected.

The names of those elected shall be announced either after the first count if unchallenged or after the second count if called for, and the list of those elected shall be displayed in public with the signature of all members of the Election Committee.

## **12. Re-election**

A re-election can be ordered by the Election Committee upon any finding of irregularity in the election process, within two weeks of announcing the election results.

## **13. Complaints**

Any complaint regarding the election process shall be made in writing to the Chairperson of the Election Committee. The deadline for such complaint shall be five (05) working days from the date of announcement of the results.

## **14. Observer Status**

Observer Status shall be granted to the following under the conditions specified:

- a) A representative of each relevant university level union, nominated by the union at least a day prior to the election, to serve between the commencement and end of voting.
- b) A representative of the candidate, named by the candidate at the time of application for election, to serve during counting.

## **15. Appointment**

The Election Committee shall prepare an Election Result Sheet listing the elected candidates and submit the same to the Vice Chancellor, who shall issue the letter of appointment.

## **16. Miscellaneous**

In the event of leading candidates for the same member category receiving equal number of votes, the winner shall be selected by lottery.