



By-Laws

related to the

Sexual and Gender Based Violence

(SGBV)

Uva Wellassa University of Sri Lanka

Badulla

Content

1) Objective	4
2) Vision	4
3) Mission	4
4) The Scope	4
5) Guiding Principles of CGEE	4
6) Management Structure of the University Gender Equity and Equality Committee	5
7) Overview of the Center for Gender Equity and Equality	6
7.1 Duties, Responsibilities and Functions of CGEE	6
7.2 Composition	7
7.3. Working Committee of Center for Gender Equity and Equality	7
7.4 The Code of Conduct	8
8) Monitoring, Evaluation and Accountability of CGEE	8
9) Setting of the Inquiry Committee	8
Authorities, Functions and Responsibilities of the Inquiry Committee	9
10) Making a complaint	9
11) Inquiry Procedure	9
12) Penalties	11
11.1 Penalties in Case of Academic Staff	12
11.2 Penalties in Case of Administrative and Non-Academic Staff	12
11.3 Penalties in Case of Students	12
11.4 Penalties in Case of Outsiders	13
11.5 Penalties in Case of Service Providers	13
13) Strategies to Prevent and Address SGBV	14
14) Dissemination of the By-Laws	15

By-Laws related to the Sexual and Gender Based Violence (SGBV)

Introduction

Various levels of sexual and gender-based violence (SGBV) have been reported in Sri Lankan university system. In order to be considered as a hub of intellectual accomplishment, a university must eliminate gender inequities. The University Grants Commission (UGC) of Sri Lanka has established a standing committee on Gender Equity and Equality (GEE) in October 2015 to offer direction on gender-related concerns and challenges (issues and difficulties). The UGC has also established the Centre for Gender Equity and Equality (CGEE) to support the development of gender-sensitive university subcultures and to create a safe and secure environment where all university personnel and students can work and study without fear of harassment or discrimination.

Accordingly, given below are the by-laws for the prevention and responding to Sexual and Gender – Based Violence (SGBV) which required for the establishment of the Center for Gender Equity and Equality of Uva Wellassa University of Sri Lanka (UWU).

Note:

Gender Equity and Equality (GEE)- Gender equity recognizes the differences between men and women depending on their biological sex, their gendered life experiences as well as their social distinctions / intersections. Gender equality is the notion that men and women are similar; that they have common needs, interests, and priorities based on their humanity that should be treated equally via equal rights, freedom, status, responsibilities, opportunities, access to resources and benefits, and control over them.

Sexual and Gender-based Violence (SGBV)- Sexual and gender-based violence refers to acts that inflict physical, mental, 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 (DM) and intimate partner violence (IPV) amongst other practices (based on the UN Declaration on the Elimination of Violence Against Women, 1993).

Harassment - Illegal behavior towards a person that causes mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching, or offensive language.

1) Objective

To ensure equal opportunities and terms for both genders among the university community while creating a gender sensitive environment within the university with zero tolerance to SGBV.

2) Vision

A university with a gender-just working and learning environment to all its members and are recognized for their excellent practices, with zero tolerance towards SGBV.

3) Mission

To enable the university to excel in providing a gender-just working and learning organizational environment and to integrate gender into the functions of the university in order to attain gender equity and equality to promote zero tolerance against SGBV.

4) The Scope

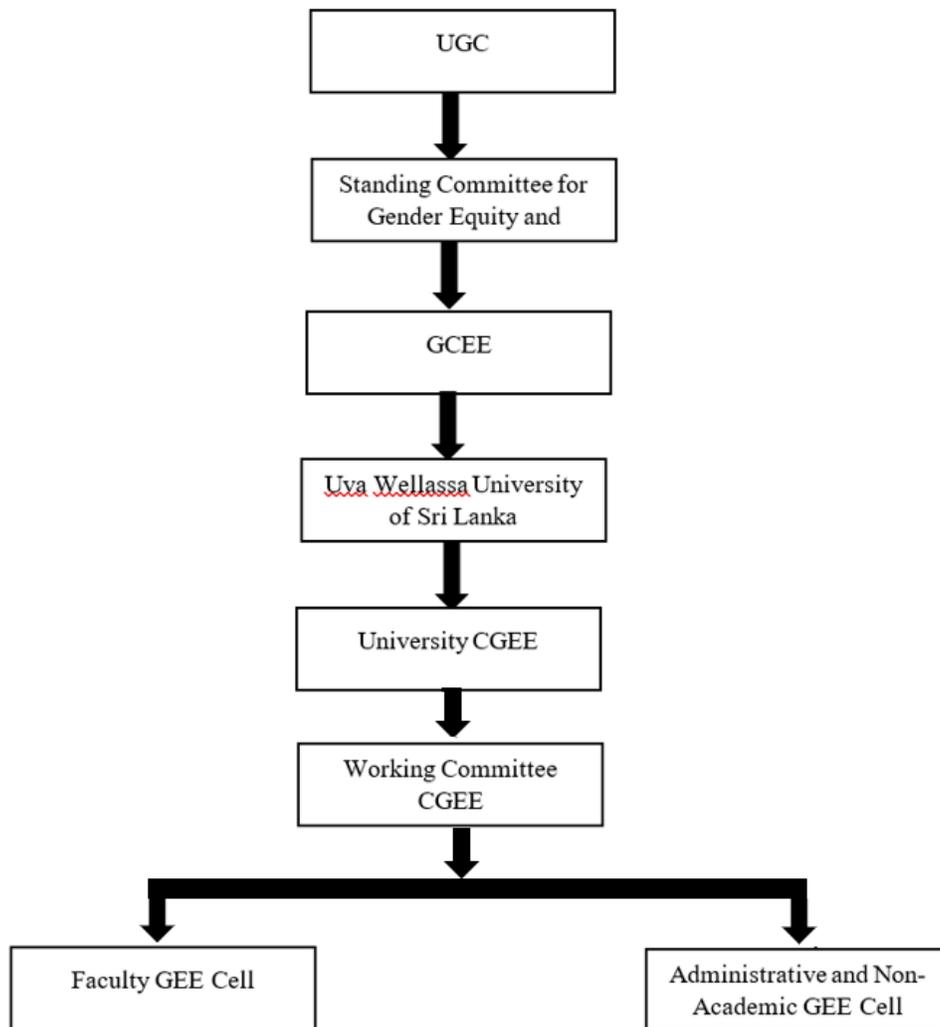
The by-laws are established to promote equity and equality between women and men in Uva Wellassa University. This applies to all members of the university, including students, employees, visitors, any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the university. This also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the university community.

5) Guiding Principles of CGEE

- Principles of CGEE shall be upheld.
- In the adoption of the by-laws, equal participation of male and female staff and students shall be upheld.
- Ensuring gender equity and equality.
- Transparency, accountability, confidentiality and sensitivity in the adoption of the bylaws shall be upheld.

- Partnership and collaboration between staff and students are essential to the realization of a conducive learning and working environment free from SGBV.
- Principle of zero tolerance to SGBV shall be upheld.

6) Management Structure of the University Gender Equity and Equality Committee



7) Overview of the Center for Gender Equity and Equality

- Director on CGEE is appointed by the Vice-Chancellor with the approval of the council.
- Faculty members for the CGEE are nominated by the respective faculty boards.
- The CGEE shall request to consider the gender balance when nominating the faculty representatives.
- Members of the committee shall hold office for three (03) years from the date of appointment.
- The quorum of the meeting shall be 2/3rd of the members.
- Appointments of the members shall be announced one (01) month prior to the expiration of the existing CGEE.
- The CGEE shall function under the direction of the Vice-Chancellor who is responsible for maintaining university discipline according to the provisions of the University Act and any other necessary instruments.

7.1 Duties, Responsibilities and Functions of CGEE

- To conduct meetings once in two months to address the GEE and SGBV issues and report to the Council through the Vice-Chancellor.
- To conduct special meetings if necessary.
- To provide recommendation to the Vice Chancellor in relation to GEE and SGBV issues.
- To establish and monitor the working committees for Resource Mobilization, Education and Research, Empowerment, Leadership and Grievances with the approval of the Vice Chancellor.
- To provide the required assistance to the Inquiry Committees.
- If necessary, amend / revise /repeal / replace any provisions of the by-law with the approval of the council.
- By refereeing the By-laws, to provide an interpretation that will be questioned by the council.
- Formation of the sub-committees according to the requirements (ie; Grievance Committee)

7.2 Composition

- Vice-Chancellor (Chairperson)
- Deans of Faculties
- Registrar
- Librarian
- Bursar
- Director UWU, CGEE (Co-Chair)
- Director/Staff Development Center
- Senior Student Counselor
- Two academic representatives from each faculty representing the working committee of CGEE (one male and one female)
- Assistant Registrar/Senior Assistant Registrar/ Deputy Registrar (Legal and Documentation)
- Two representatives representing administrative and non-academic staff (one male and one female)
- Two student representatives from each Faculty representing Faculty GEE Cell (one male and one female)

7.3. Working Committee of Center for Gender Equity and Equality

Members of the working Committee of the CGEE are appointed by the Vice Chancellor with the approval of the council.

Composition

- Director CGEE
- Director/Staff Development Center
- Two academic representatives from each faculty representing faculty GEE cell (one male and one female)
- Assistant Registrar/Senior Assistant Registrar/ Deputy Registrar (Legal and Documentation)

- Two representatives representing administrative and non-academic staff (one male and one female)

Responsibilities of the working committee CGEE

- Provide training on gender equity and equality (including social intersections) for the establishment of a core team of gender experts.
- To conduct research, review policies and contribute policy inputs in the university level.
- Facilitate to do the curricular reforms to inculcate the concepts and practices of GEE.
- Facilitate to prevent and respond to SGBV by developing relevant skills.
- Identifying ways and means of preventing SGBV in the university and empowering staff and students to prevent and respond to SGBV by developing relevant skills.

7.4 The Code of Conduct

- Being equitable to all
- Confidentiality protection
- Being patient
- Being professional
- Being supportive
- Treating victims with compassion, sensitivity, respect and patience

8) Monitoring, Evaluation and Accountability of CGEE

All individuals in UWU and all those who are associated with UWU have a responsibility to adhere to the by-laws and apply it in their day-to-day activities. The overall responsibilities in relation to these by-laws relies on the Council, the Vice Chancellor, the Director and Deans of the faculties.

9) Setting of the Inquiry Committee

An 'Inquiry Committee' of three (3) or five (5) members shall be appointed by the Vice Chancellor with the consultation of the Director CGEE on the recommendation of the CGEE. The members

shall be senior academics trained or experienced in SGBV inquiry procedures and free from any SGBV offenses. Gender representation shall be ensured.

Authorities, Functions and Responsibilities of the Inquiry Committee

- To conduct independent inquiry and provide recommendation in writing to the Vice Chancellor through the CGEE.
- To submit a detailed report based on the inquiry procedure to the Vice-Chancellor through the CGEE. Any reason for delay should be recorded in writing.
- To act with the procedure outlined in the By-laws (Section 11).
- To inquire into the complaints using procedures in conformity with the principles of natural justice and gender sensitivity.

10) Making a complaint

Complaints must be made in writing to the Director/CGEE in order to proceed for an inquiry.

a) Protecting the complainants and witnesses

CGEE will take necessary actions to protect the privacy of victims and witnesses. If defendant or related parties tries to harass the victims and witnesses in any way, they are advised to inform / complain about those incidents to CGEE.

b) False Complaints

Actions will be taken against false complaints

11) Inquiry Procedure

The inquiry procedure shall be read harmoniously with the procedure laid out in the University Establishment Code. Where there is a conflict between the two, the University Establishment Code shall prevail.

- Inquiry of the complaint shall be carried out independently by an Inquiry Committee.
- All complaints, allegations, and reports of SGBV under this By-law shall be made to the CGEE working committee.

- All complaints, allegations, and reports of SGBV may be submitted in writing on a prescribed form which is available on the university website.
- If the complaint is filed verbally to the CGEE working committee, a prescribed form shall be filled and it must be signed by the complainant for the record purpose.
- If the complaint is received by any person other than the members of CGEE working committee, it must be reported to the CGEE working committee at the earliest.
- Any person included within the scope of the CGEE policy, who considers him or herself to be a victim of SGBV may file a complaint.
- A complaint may also be filed by a third party who is aware of the situation of harassment, including heads of departments and workers or student representatives. In these cases, the Director of CGEE shall forward a copy of the complaint to the suspected victim so that he or she may ratify it, if appropriate.
- All members of the university community have the duty to report to their Heads / Deans / Supervisors and to the Director of CGEE on any situation of possible SGBV that they may be aware of.
- The complaint must be presented by the complainant to the Director of CGEE within a period of one month from the date of incident. If the complaint is made after the said period, the complainant shall justify the grounds for the delay to the said Committee. The decision of the Committee shall be final.
- Upon receiving notice of a “Complaint”, the CGEE shall promptly assess the nature of the complaint.
- Once the complaint has been accepted by the working committee of CGEE for processing, it shall be forwarded to the Vice-Chancellor by Director CGEE to submit the complaint to the Inquiry Committee. The Inquiry Committee may be supported by the CGEE with respect to documentation.
- Mechanisms shall ensure that all complaints are addressed with due regard to key principles including confidentiality, impartiality, objectivity, timelines, accuracy and thoroughness.
- The committee shall complete its work within a period of 30 days. If the inquiry committee requires more time, it should request an extension of time from the Director CGEE laying

out the exceptional circumstances requiring a time extension. In any event all inquiries shall be completed within 60 days.

- Inquiry Committee shall ensure proper documentation of evidence including recording during the inquiry.
- University ensures that victims are provided with information about their rights when laying charges to discourage withdrawal of SGBV cases.
- Secretary to the CGEE shall keep all records on SGBV cases confidential. All the files/documents should be kept in a secure area.
- The final outcome and decisions of the Inquiry Committee should be informed to the Vice-Chancellor through Director CGEE for information to the Council and to take necessary actions. If the decision of the inquiry committee is overruled by the Vice Chancellor, a justification for such action should be submitted in writing to the Council and CGEE. The Director of the CGEE of UGC is to be informed of the case and the outcomes by the Vice Chancellor.
- The parties involved in SGBV procedure are protected from any intimidation, threats or reprisals once an incident has been reported.
- Any perpetrator on whom punishment has been imposed by the Council (with the decision on the recommendation of the Inquiry Committee) or any victim who is not satisfied 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.
- Upon the receipt of an appeal, the Vice-Chancellor shall refer such appeal to the University Services Appeal Board (USAB) of UGC.
- Serious (sexual violence/harassment, criminal offenses) cases will be handed over to the relevant authorities with available evidence to proceed with the law of the country.

12) Penalties

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of SGBV shall be liable for disciplinary action. Depending on each case, penalty/penalties to be imposed against the offender will be decided by the inquiry committee. The

possible penalties an offender may face are listed below. It is noteworthy that 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 students in practice at the time and in accordance with the University Establishment Code.

11.1 Penalties in Case of Academic Staff

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments.
- c. Removal from an academic administrative position at the unit, department, faculty and /or University levels.
- d. Debarment from holding an academic administrative position at the unit, department, faculty and/or University levels.
- e. Suspension from Service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.
- h. Record the penalties in his/her confidential record.

11.2 Penalties in Case of Administrative and Non-Academic Staff

- a) Warning, reprimand, or censure.
- b) withholding of one or more increments.
- c) Suspension from Service for a limited period.
- d) Compulsory retirement.
- e) Dismissal from service.
- f) Record the penalties in his/her confidential record.

11.3 Penalties in Case of Students

- a) Warning or reprimand.
- b) Withdrawal of hostel accommodation for a period up to one semester or as specified by the inquiry committee.

- c) Withdrawal of the right to an official character certificate from the University.
- d) Withdrawal of any financial assistance (Mahapola Fund, Bursary Fund, VC Fund or any others)
- e) Rustication from the University for a period up to two semesters or as specified by the inquiry committee.
- f) Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the University, depending from altering conditions
- g) Withholding of degree awarded by the University.
- h) Record the penalties in his/her Personal File.

11.4 Penalties in Case of Outsiders

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

11.5 Penalties in Case of Service Providers

- a) Warning, reprimand, or censure.
- b) A letter communicating her/his misconduct to her/his place of employment.
- c) Declaration of the university as out of bounds for her/him.
- d) Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services in the university.
- e) Any other action that may be necessary for the inquiry committee.

Note:

- Type of penalties for respective levels of SGBVs will be formulated by the working committee of CGEE with the approval of the Vice Chancellor.
- In addition to the penalties specified under (11.1 - 11.5) above, the person may be advised to undergo counseling and gender sensitization, and to give a written and/or public apology to the complainant.
- A second or repeated offence, may, on the recommendation of CGEE, attract a major penalty.

13) Strategies to Prevent and Address SGBV

- Disseminate information on GEE policies, SGBV and related grievance handling procedures to staff and students through interactive dialogue, brochures, handbooks, flyers and websites etc.
- Leadership from the highest and at all levels is required in order to give the staff the responsibility for implementing the by-laws, the authority and mandate to carry out the relevant measures effectively.
- Workplace policy/Code of conduct which sets out acceptable behavior for staff and students; the by-laws enforced and appropriate mechanism for doing so establish and ensure consistency in addressing misconduct.
- The University takes gender issues into account in planning infrastructure development so as to ensure that gender sensitive infrastructure and facilities are in place.
- Create capacity building programs to gender-sensitize all staff and students.
- Promote gender and diversity research; especially on SGBV in the University.
- Create widespread awareness about the grievance mechanism to address complaints of SGBV and create suitable conditions for its implementation and encourage those affected to file complaints.
- Create awareness and encourage students and staff towards zero tolerance of SGBV within the University.

- Establish a special fund for student victims that are mandated to provide medical services, legal assistance and professional counseling from the point of making the initial complaint and throughout the inquiry.
- Train student counselors to handle victims of SGBV and establish victim support programs and a network of victim volunteers to offer support to complainants.
- Provide institutional avenues for offenders to meet trained counselors and deal with the root causes of offenders.
- Compile a database of reported incidents of SGBV within the University.
- Recognize and reward “champions” who are active in promoting gender equity and equality and eliminating SGBV.
- Ensure that the gender concerns conflict resolution, gender related problem solving, SGBV etc. are mainstreamed into staff development and other training programs.
- Train volunteer groups of students to raise consciousness on SGBV among their peers.
- Facilitate the provision of psychosocial support to victims of SGBV.
- Systematize data collection to strengthen the evidence based on the extent of SGBV experiences of staff and students and maintain disaggregated data in relation to SGBV.

14) Dissemination of the By-Laws

To ensure effective dissemination of the by-laws to all members of the University community:

- Utilize education and awareness campaigns and small group discussions to raise awareness of the CGEE policy and by-laws.
- Encourage media outlets to provide in-depth reporting about gender-based violence.
- Incorporate the by-laws in the orientation of new students and in mentoring programs.
- Develop pamphlets, booklets and radio broadcasts in all three languages explaining steps to follow when faced with SGBV and official procedures for relevant service provision.

- END -