

DUE PROCESS AT ASHOKA UNIVERSITY

#YOUTOOASHOKA #330DAYSOFINJUSTICE
#330DAYSOFTRAUMA

WHY HASN'T THE ADMINISTRATION CONVEYED THE ACTION TAKEN AGAINST MITUL BARUAH TO THE SURVIVOR?

1

Mitul Baruah has been found "guilty of misconduct according to all ethical norms of professional misconduct and conduct at workplace" based on the survivor's complaint by Ashoka's Disciplinary Committee. As per principles of natural justice the action taken on Mitul Baruah has to be conveyed to the survivor.

WHAT ABOUT "ABUSE OF PATRIARCHAL POWER" AND "MANIPULATIVE CONSENT"?

2

Without providing any clear understandable explanations, the CASH and Disciplinary Committee Reports have evaded the aspects of abuse of patriarchal power in the workplace and manipulative consent mentioned in the CASH report of the university where the complaint was first filed,

OBFUSCATION THROUGH THE USAGE OF THE TERM 'MISCONDUCT'

3

CASH report of Ashoka University talks of treating sexual harassment as misconduct, Disciplinary Committee overlooks this & uses the term 'professional misconduct' without any explanation. Through a play of words, aspects of sexual harassment, manipulative consent, abuse of patriarchal power are overlooked, thus protecting Baruah from any/all consequences of his actions.

WHERE IS THE AD-HOC COMMITTEE REPORT?

4

The survivor was not provided with the ad-hoc committee report based on which both the CASH and Disciplinary Committee made its findings. The transcription of her deposition was also not provided. In addition to this, she was not given an opportunity to make comments on the CASH report before it was finalised as per Ashoka CASH Policy..

SCREENING COMMITTEE OR AD-HOC COMMITTEE?

5

Why didn't the screening committee comprising of CASH members take a look at the case as per CASH policy? Why was an ad-hoc committee formed comprising of one member not part of CASH?

WHY WAS THE SURVIVOR MISLED AND PROVIDED WITH FALSE ASSURANCES AND HOPE?

6

The survivor has written 5000 words of emails till now to the administration. She was told by the administration that the Board of Management will take final action based on a meeting on March 28th 2018 after her repeated mails. Instead, she was called to campus on April 18th 2018 to collect the disciplinary committee report which was in fact signed on January 23rd 2018, 2.5 months ago.

EXCERPTS OF CASH REPORTS

#YOUTOOASHOKA #MITULBARUAH #WHATACTIONHAVEYOUTAKEN

CASH REPORT OF A UNIVERSITY IN DELHI

"...the interactions were largely structured around the premises of the workplace especially the defendant's office and the commutes to and from the workplace"

"...it involved manipulative consent on the part of the defendant with the abuse of patriarchal power in the professional sphere centred around the workplace."

"the defendant engaged in inappropriate and unprofessional behaviour given his position in the hierarchy vis a vis the complainant as a high ranking employee of the university in which both the complainant and the defendant had been working..."

*"...CASH Enquiry Committee recommends that -
The complaint should be forwarded to Internal Complaints Committee at Ashoka University for a detailed enquiry."*

"The defendant should be declared 'out of bounds'..."

ASHOKA UNIVERSITY CASH REPORT

"CASH is in agreement with the views expressed by the ad hoc committee in so far as the jurisdiction of the ad hoc committee is restricted to complaints regarding sexual harassment at the workplace as prescribed under the Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013 and the rules thereunder."

"Separately, Section 19 of the Act inter alia places an obligation upon the employer to treat sexual harassment as misconduct within the service rules of the University. The key difference here being that misconduct as contemplated under Section 19 of the Act is not restricted to sexual harassment at the workplace but includes within its ambit sexual harassment generally."

"The allegations made in the complaint are of a fairly serious nature and could possibly involve a criminal offence. If found true, it would amount to serious misconduct. In light of the prima facie evidence that there has been gross misconduct on the part of the defendant, but without expressing a final opinion on the guilt of the defendant...in light of the obligation placed upon the University by Section 19 of the Act, CASH deems it necessary to recommend that the Vice Chancellor take appropriate measures to inquire as to whether the defendant is guilty of misconduct as per the service rules of the University and as to what action should be taken."

DISCIPLINARY COMMITTEE REPORT

"...the Committee finds Dr. Baruah's conduct unbecoming of a faculty member of Ashoka University and in violation of the norms of adherence to the 'highest academic standards' and 'ideals of Ashoka University..."

"...in her testimony before this Committee repeatedly stressed that she is not only seeking justice for herself but also seeking to ensure conditions conducive to the safety concerns of women students at the university"

"The Committee unanimously finds that

...the Committee therefore agrees with the findings of the ad hoc committee set up by the CASH committee that the actions of the defendant 'would not fall under the ambit of sexual harassment at the workplace.'

However, Dr. Baruah is guilty of misconduct according to all ethical norms of professional conduct and conduct at the workplace as his relationship with ... continued while both were employees of unequal status of Ashoka University..."