

## **NUJS Policy on Prevention, Prohibition and Redressal of Sexual Harassment 2016**

The West Bengal National University of Juridical Sciences ('NUJS') is committed to maintaining and strengthening an educational, employment and living environment free of harassment and intimidation. Sexual harassment impedes equal employment and educational opportunities and is antithetical to the standards of the University community. NUJS does not tolerate acts of sexual harassment. This University policy, framed in pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the allied Rules and University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015, seeks to ensure prevention and prompt redressal of acts of sexual harassment.

### **PART- I - APPLICATION AND DEFINITIONS**

#### **1. Title, Scope and Application**

- (1) This Policy may be called the NUJS Policy on Prevention, Prohibition and Redressal of Sexual Harassment 2016.
- (2) This Policy applies to students, academic staff, non-academic staff, service-providers, residents and outsiders who engage with any University Functionary or student.

#### **2. Definitions**

- a) "Academic staff" includes any person appointed or engaged by the University for the purposes of teaching or for research. This would include employees who have permanent positions by way of tenure or those employed on a contractual or casual basis. Additionally it would also include those who are part-time, or ad-hoc, or visiting, or honorary members of the staff and persons interning at the University.
- b) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- c) "Aggrieved Person" means a person of any gender, who alleges to have been subjected to any act of sexual harassment by the respondent.
- d) "Consent" must be affirmative, unambiguous, conscious and voluntary. It may only be given verbally.

Explanation 1: The burden to obtain consent lies with the person initiating any sexual activity.

Explanation 2: Consent does not imply a blanket acquiescence. It must be ongoing and applies only to the specific sexual activity the initiator seeks to engage in. It can be revoked at any point.

Explanation 3: An incapacitated person cannot give consent. Silence or lack of resistance cannot be construed as consent. Nor can a mere previous sexual or past/current dating relationship form the basis for assuming consent.

Explanation 4: Presumptions based upon contextual factors (such as clothing, alcohol consumption, frequent communication or correspondence, or dancing) are irrelevant, and cannot be considered as evidence of consent.

Explanation 5: It shall not be a valid excuse to claim that consent arose from the intoxication or recklessness of the respondent.

e) "Counsellor" includes any person appointed/authorised by the University authorities, who has established credentials and expertise in the field of social and personal counselling on issues pertaining to incidents of sexual harassment.

f) "Eminent woman" includes a woman or a trans-woman not employed or otherwise attached to the University, and one who has experience of working in the field of gender equality.

g) "Incapacitation" is a state of physical and/or mental inability wherein a person lacks the awareness and capacity to make informed rational decisions. Illustratively incapacitation includes but is not limited to sleep, blackouts, and psychotic breakdowns.

In situations where intoxicants or medication are involved, incapacitation connotes a state where consumption has impaired awareness, decision-making capacity, and the ability to make fully informed judgments. Voluntary intoxication on the part of the complainant cannot be used as a defense by the respondent.

h) "NGO" includes any Non-Governmental Organisation registered under the Societies Registration Act 1860 or as a public charitable trust recognised by law. It must have been engaged in working for gender justice, especially in terms of alleviating the status of women.

i) "Non-teaching staff" includes persons engaged in discharge of administrative functions or those functions with respect to academic affairs and would encompass persons working in the Registrar's office, the accounts office, the Assistant Registrar Academic's office, the Hostel and the library. It shall include persons employed on a casual basis or employed through contractors.

j) "Outsider" includes any person who is not a student, or a resident, or service provider, or academic member or part of the non-teaching staff.

- k) "Resident" includes any person who permanently or temporarily resides in the accommodation/premises owned or managed or allotted by the University.
- l) "Rules" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
- m) "Service provider" includes any person who caters to services on the campus. It includes security staff and persons, who work in the canteen, hostels including the mess, provider of healthcare service, as well as persons working in any premise allotted on the campus. It shall also include persons employed through contractors.
- n) "Sexual Harassment": For the purposes of this policy, one or more unwelcome sexual advances or requests for sexual favours, whether express or implied, as well as any physical, verbal, non-verbal conduct of a sexual nature constitute sexual harassment when:
- i) A person's employment or education or living conditions or involvement in University activities is made contingent on submission to the referred conduct; or
  - ii) Evaluation of decisions, and the making of decisions regarding a person's employment or education or living conditions or participation in University activities, are made factoring in submission to or rejection of such conduct; or
  - iii) When the referred conduct either unreasonably interferes with professional or academic progress or creates a hostile environment in the University.

Examples of such conduct include but are not limited to:

- i) Unwanted sexually coloured statements whether they be made in person, in writing or electronically.
- ii) Sexual violence in forms including but not limited to rape, molestation, battery and assault.
- iii) Other unwanted physical or sexual advances including but not limited to groping or kissing or touching oneself in public.
- iv) Unwanted personal attention either via communication through any medium or visits or stalking or pressure for unnecessary personal interaction.
- v) Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent, even if the activity documented was consensual.
- vi) Sharing such recordings or other sexually harassing electronic communications without consent.
- vii) Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Explanation: Peer to peer harassment is also covered within the ambit of this clause.

o) "Student" means a person duly admitted and pursuing a programme of study, whether at the undergraduate, or post-graduate level, or for a diploma with the University or through regular mode or distance mode and includes exchange students.

Provided that a student who is in the process of taking admission in any programme in the University, although not yet admitted, shall be treated for the purpose of this Policy, as a student of the University, where any incident of sexual harassment takes place against such student;

Explanation: Students from any other college/university, visiting NUJS for a conference, workshop or seminar or as official representatives of their college/university, as the case may be, in any moot, debate, fest, or any other extracurricular competition or event, shall be covered by this clause for the duration of the concerned competition or event as the case may be.

p) "Third party" shall include a NGO representative or an eminent woman academician as appointed by the University.

q) "University authorities" shall refer to the Vice-Chancellor of the University, as well as any such person to whom his power may be delegated. For faculty members, non-teaching staff and service providers, the appropriate authority is the Executive Council. For students the appropriate authority is the Vice-Chancellor.

r) "University Functionary" includes academic staff, non-teaching staff and service provider engaged by the University.

s) University includes

- a. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided by the University;
- b. Any institute, stadium, sports complex, venue or facility, whether residential or not, used for programmes and activities of the University
- c. Any place visited by the employee or student arising out of or during the course of employment or study, including transportation provided for undertaking such journey or study.
- d. Any canteen, bank counter situated in University premises

## PART II - INTERNAL COMPLAINTS COMMITTEE AND SUPPORT COMMITTEE

### 3. Internal Complaints Committee

(1) An Internal Complaints Committee shall be constituted for investigating offences defined as sexual harassment under this policy.

(2) The ICC shall comprise of

- a) a Presiding Officer who shall be a woman and a member of the academic staff;
- b) three other members from the academic staff and/or the non-teaching staff, at least two of whom shall be women
- c) one other member from a NGO which is committed to the cause of women and as defined by clause 2 (g).
- (d) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's and research scholars programmes.

Such persons shall be nominated by the Vice-Chancellor. Provided however that student-members shall be nominated after consultation with the SJA Office-bearers.

(3) Notwithstanding anything stated in clause 3(2), the Vice-Chancellor may also nominate an additional member from the academic staff or the non-teaching staff on a case-by-case basis.

Provided that such appointment shall only be made if a request is made by the complainant in writing to the Vice-Chancellor.

(4) Members of the ICC shall hold office for a period of 3 years from the date of nomination.

Provided that no member shall be eligible for more than two continuous terms.

(5) Members of the ICC shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this policy.

The member shall also recuse himself if he/she is one of the parties to the proceedings.

(6) Presiding Officer or any Member of the ICC may also be removed from the office if there is sufficient reason to believe that he/she

- (a) has contravened the provisions of section 16 of the Act; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her
- (c) he/she has been found guilty in any disciplinary proceedings; or

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

Provided however that such removal can be effected only after a resolution by the Executive Council.

- (7) The member nominated from amongst NGOs shall be paid such fee or allowances for holding the proceedings of the ICC as may be approved by the Vice-Chancellor of the University, with approval from the Finance Committee.

#### **4. Support Committee**

- (1) The Vice-Chancellor may also nominate a support committee consisting of not more than 4 members, two of whom shall be women, to facilitate the proceedings.

Provided that, at least half of the members so nominated shall be students. Such students shall be nominated after consultation with the SJA Office-bearers.

- (2) The Support Committee should receive appropriate training from an organization or a body of experts committed to the cause of sexual harassment.

- (3) The Support Committee should act as facilitator and mediator in the proceedings and not as representative of either party.

The Support Committee members should act as observers during the proceedings, to ensure that the proceedings are conducted in compliance with this policy.

Any member of the Support Committee may offer the necessary assistance to either party including filing of documents or advising on available recourse and remedies.

- (4) Members of the Support Committee shall hold office for a period of one year.

### **PART III - COMPLAINT AND INVESTIGATION PROCEDURE**

#### **5. Reporting**

- (1) Any aggrieved person - student, member of academic staff, member of non-teaching staff, service provider or resident - who believes that he/she has been a victim of sexual harassment, may make a complaint to the Internal Complaints Committee constituted under Section 3 of this Policy.

The complaint may also be made by a witness or any other person having knowledge of the sexual harassment, with the consent of the affected person.

In the absence of a complaint, the ICC shall have the power to investigate incidents that may amount to sexual harassment, as defined under these Rules, after obtaining due consent, in writing from the affected person. Following such investigation, the ICC may take appropriate remedial action.

(2) The complaint may be lodged directly with the ICC or with any of the members of the ICC.

(3) A complaint may also be lodged with the Vice-Chancellor, a member of the academic staff, a member of the non-teaching staff, or the SJA office-bearers in accordance with the procedure established under these Rules.

(4) If the complaint is made through any such channel mentioned in the preceding clause, the person to whom such complaint is made shall bring it to the notice of the ICC within three working days of its receipt. On receiving a complaint from such intermediary, the ICC shall contact the aggrieved person and inform him/her of the recourse available under these Rules.

(5) Notwithstanding anything provided in this provision, any complaint alleging sexual harassment by the Vice-Chancellor shall be filed before the Local Complaint Committee constituted under Section 6 of the Act and having jurisdiction over the University.

#### **6. Time-limit on complaints**

The complaint should be made within three (3) months of occurrence of the incident/(s), and in the case of a series of incidents, within a period of three months from the date of the last incident, amounting to the alleged sexual harassment.

Provided that if due to any extenuating circumstances, such complaint cannot be made within the specified time frame, such circumstances may be considered by the ICC and if the reasons are found to be strong, the time frame for filing the complaint may be extended up to six (6) months from the occurrence of the alleged incident.

#### **7. Form of the Complaint**

(1) The complaint may be oral, in writing or by email. If the complaint is oral, it shall be reduced in writing by the member of the ICC receiving the complaint and authenticated by the complainant under his/her signature or thumb impression.

(2) The complaint should comprise of the date/(s) of the incident/(s) and details about the incident/(s) including the name/(s) of the respondent.

The complainant may also attach names of witnesses or any documentary evidence to substantiate his/her complaint. However, the absence of such evidence at the time of the complaint shall not affect the substance/merit of the complaint.

### **8. Cognizance and investigation**

(1) The ICC shall take cognizance of the complaint at the earliest and in any case within 7 days of receiving the complaint.

A copy of the complaint and other supporting documents shall be sent to the respondent within 7 days of receiving the complaint.

(2) Upon receipt of the copy of the complaint, the respondent shall file his/her reply to the complaint, along with a list of documents and names and addresses within a period of ten days.

(3) The ICC shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate, in accordance with the principles of natural justice.

In conducting the investigation, the ICC shall also follow the procedure for conducting enquiries as may be laid down by the Service Rules of the University.

(4) At least 3 members, including a woman member, of the ICC shall be present for each hearing.

(5) Both parties shall be given the opportunity to appear before the ICC and present their case and/or submit names of any witnesses or documentary evidence substantiating their case. The ICC shall have the power to call upon any such witnesses and record their statements. The proceedings shall be conducted in such language as may be familiar to the complainant and the respondent.

Explanation: Absent exceptional circumstances, the complainant and respondent should inform the ICC in writing at least 48 hours in advance of the hearing the names of any witnesses he/she wishes to testify. Any information shared during a hearing is confidential.

An advisor of the complainant's choice may accompany the complainant to any meeting with University authorities, investigation or hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant and the advisor shall not address any other participant or the hearing panel without the permission of the Presiding Officer. The Presiding Officer shall ordinarily grant such permission wherever it appears to her that the complainant is unable to present his/her views and questions.

A complainant or respondent shall not question each other or other witnesses directly, but may raise questions to be asked of that party through the ICC, which will determine whether to ask them.



(6) The minutes of the proceedings of the ICC shall be recorded in English and where the complainant or the respondent is not conversant with English, in addition, in such language as may be familiar to them.

(7) If a party is not present for more than 3 consecutive hearings, without sufficient cause, the ICC may, after giving that party a notice of 15 days, give an ex parte decision on the complaint.

(8) The ICC will make every effort to complete its investigation within ninety days of a report of sexual harassment.

(9) The Inquiry Report of the ICC, including its decision and recommendations, and reasons for arriving at such decision, will be communicated to the concerned parties and the Vice-Chancellor, in writing, at the earliest and in any case within 7 days of completion of the investigation.

Notification of the decision and the reasons shall be individually given to the respondent and complainant on the same day.

(10) If the allegations against the respondent are proved to be true, the ICC shall also recommend the penalties or corrective action that may be taken against him/her to the Vice-Chancellor.

(11) The Vice-Chancellor shall act on the recommendation of ICC within a period of thirty days from the date of receipt of the Inquiry Report, unless an appeal against the findings is filed within that time by either party.

## **9. Conciliation**

At any point before the submission of the Inquiry Report of the ICC under clause 8 (9) of the Policy, the aggrieved party may seek conciliation, through a written request to ICC, in order to settle the matter. No monetary settlement shall be made as a basis of conciliation. The ICC shall facilitate a conciliation process through ICC, once it is sought.

Explanation: Conciliation cannot be prescribed by the ICC on its own even where subsequent consent is given by aggrieved party. A prior written request from the aggrieved party shall be mandatory.

## **PART IV - PROTECTION OF COMPLAINANT AND CONFIDENTIALITY**

### **10. Protection of the Complainant**

(1) The ICC shall also take note of the inherent power asymmetry and/or the vulnerability of the complainant in such cases and take steps to ensure that he/she is not subjected to a hostile environment during the investigation.

The ICC may request the Vice-Chancellor to take any such measures to ensure that the complainant is not subjected to a hostile environment during this investigation. Such a request shall be implemented by the Vice-Chancellor without delay.

(2) The ICC shall also take steps to ensure that the complainant is offered the services of a counsellor in accordance with this policy. Such counselling shall not however be mandatorily imposed on the complainant.

### **11. Counselling**

(1) The complainant shall be informed by the University authorities of the option to avail counselling, concurrent with the lodging of a sexual harassment complaint. Thereafter it is the complainant's prerogative to decide whether he/she wishes to go to a counsellor.

(2) A female counsellor should be made available in pursuance of the mandate in the preceding clause.

(3) If the complainant does avail the services of a counsellor, such services shall be provided in a strictly confidential manner to the extent permitted by law.

(4) The counselling may be provided throughout the investigation process and even after its culmination, if the complainant so wishes.

(5) In the event that the individual who has been harassed wishes to keep the matter private and not lodge a complaint, assistance in the form of counselling is still available, if he/she wishes to avail the same. Such an individual may directly approach the counsellor appointed by the University authorities in such case. In such situations the contents of the exchange between the counsellor and complainant shall be kept confidential, unless not revealing such information would put the complainant's safety at stake.

(6) Additionally any member of the University - a student, staff or service provider - may approach the counsellor for information on preventing and coping with sexual harassment. The nature of this exchange shall be confidential as well, to the extent permitted by law.

### **12. Other Action Pending Inquiry**

The Internal Complaints Committee, at the written request of the complainant and on being satisfied that there is prima facie basis in the complaint, may recommend to the Vice-Chancellor, to

- a) Restrain the respondent from reporting on the work performance of or working in the same school/department as the complainant
- b) Restrain the respondent, where the complainant is a student, from supervising any of his/her academic activity
- c) Suspend the respondent from work or, hostel or the University (where the respondent is a student), till the completion of the inquiry,
- d) Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction,
- e) Grant leave to the aggrieved person with full protection of status and benefits for a period of up to three months,
- f) Direct recusal of any member of the Internal Complaints Committee due to conflict of interest, or
- g) Such other measures as may be commensurate to the gravity of the complaint and necessary for protecting the complainant during the pendency of the inquiry.

### **13. Confidentiality**

(1) All information shared during counseling, on lodging a complaint and during the process of inquiry, including but not limited to the identity and address of the complainant, the respondent and witnesses as well as recommendations made by the Internal Complaints Committee/Appeals Committee and actions taken, shall be kept confidential to the extent permitted by law and this Policy.

(2) The obligation to maintain confidentiality is on any person entrusted with the duty to handle or deal with, in any manner, counseling, complaints, investigation, recommendations and action with respect to sexual harassment, which includes but is not limited to University authorities, the counselor, members of the Internal Complaints Committee and Appeals Committee, the aggrieved person, the respondent and witnesses.

(3) In addition to the exceptions provided by law, this obligation shall not apply in the event the University fails to take action on a complaint. In such cases, if the complainant or his/her representative feels compelled to communicate such inaction to the media or public, such person shall not be bound by this clause.

(4) The complainant or the respondent may discuss the Report of the ICC or the Appeals Committee with any other person for the purpose of pursuing further legal redress. Any such discussion shall not be considered a breach of the obligation of confidentiality.

Any violation of confidentiality clause would attract penalties as prescribed by the service rules if applicable. Where no service rules apply, a penalty of Rs.5,000, as prescribed by law, may be imposed by the University.

## PART V - PENALTIES AND CRIMINAL COMPLAINT

### 14. Criminal Complaint

(1) Where, the complaint indicates the commission of a criminal offence and the investigation of the ICC leads to *prima facie* evidence supporting the complaint of sexual harassment, it shall be the duty of the ICC to inform the complainant of his/her right to initiate action in accordance with the law with an appropriate authority.

(2) The ICC may also recommend, after obtaining written permission of the complainant, to the Vice-Chancellor that a criminal complaint be filed before the appropriate forum.

### 15. Penalties/Corrective Action

If the respondent is held guilty of sexual harassment as defined in this policy, the ICC may recommend to the Vice-Chancellor to take any or a combination of the following penalties:

- (1) In the event the respondent is a student,
  - (i) Warning, reprimand or censure which shall be recorded in his/her character certificate.
  - (ii) Public written apology displayed prominently on all notice boards in the University.
  - (iii) A "no contact" order between the respondent and the complainant.
  - (iv) Withholding of privileges such as access to the library, auditoria, halls of residence, scholarships, allowances, etc.
  - (v) Bar on representing the University in any co-curricular/extra-curricular activities.
  - (vi) Removal and/or bar on holding any positions of responsibility in the University.
  - (vii) Suspension from the Hostel
  - (viii) Rustication from the University.
  - (ix) Performance of community service
  - (x) Mandatory attendance in a sexual harassment workshop or counselling program.

Explanation: Any such order shall also be communicated to his/her parents.

(2) In the event the respondent is a member of the academic staff or non-teaching staff, appropriate action in accordance with the relevant service rules.

- (3) In the event the respondent is a service provider,
- (i) Termination of any subsisting contractual arrangement,
  - (ii) Suspension for such time as the Committee may deem fit,
  - (iii) Debarment from any further contractual arrangement or other financial arrangement with the University.
- (4) In the event the respondent is an outsider,
- (i) Debarment of the person from participation in any University programme or activity or entering the premises of the University.
  - (ii) Forwarding of the complaint and the Report of the ICC
    - (a) to the Internal Complaints Committee of the concerned organization, where the respondent is employed or otherwise works for any other workplace or establishment including law firm, company, non-governmental organisation or a university, or
    - (b) to the Head of the Academic Institution where the respondent is currently studying.
- (5) Any other remedy or corrective action in accordance with the law that the ICC may deem fit.
- (6) The aggrieved person is entitled to the payment of compensation. The Vice-Chancellor shall issue direction for payment of the compensation recommended by the ICC, which shall be recovered from the offender. The compensation payable shall be determined on the basis of
- (a) mental trauma, pain, suffering and distress caused to the aggrieved person;
  - (b) the loss of career opportunity due to the incident of sexual harassment;
  - (c) the medical expenses incurred by the aggrieved person for physical or psychiatric treatment;
  - (d) the income and status of the alleged perpetrator and the victim; and
  - (e) the feasibility of such payment in lump sum or in instalments.
- (7) The ICC may request the Vice-Chancellor to take any such measures to ensure that the complainant is not subjected to a hostile environment as a result of the penalties imposed on the respondent.

#### **16. Sexual Harassment as a Misconduct under Service Rules**

Acts defined as sexual harassment under this policy shall be deemed to be a misconduct under the NUJS Service Rules.

#### **17. Action against malicious complaint**

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been knowingly provided during the inquiry, the complainant shall be liable to be punished as per the provisions of Clause 15 (1) of this Policy where the complainant is a student, as per clause 15 (2) of this Policy where the complainant is an employee and Clause 15 (3) where the complainant is an outsider.

Provided that the mere inability to substantiate a complaint or provide adequate proof shall not attract the provisions of this clause.

Provided further that no penalty shall be taken in pursuance of this clause without an inquiry, in accordance with the procedure prescribed in Clause 8 of this Policy.

## PART VI - APPELLATE MECHANISM

### 18. Appeals Committee

(1) The Vice-Chancellor shall, within one month of this Policy coming into force, constitute an Appeals Committee.

(2) The Appeals Committee shall be independent of the Internal Complaints Committee and shall comprise of a Chairperson, and four other members.

Provided that at least two of the members so nominated shall be women.

Provided further that at least one of the members so nominated shall be 'third party members' (as defined in this Policy)

(3) Members of the Appeals Committee shall hold office for a period of 3 years from the date of nomination.

Provided that members are eligible for not more than two continuous terms.

(4) Members of the Appeals Committee shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this policy.

The member shall also recuse himself if he is one of the parties to the proceedings.

(5) Presiding Officer or any Member of the Appeals Committee may be removed from the office if there is sufficient reason to believe that he/she

- (a) has contravened the provisions of section 16 of the Act; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him
- (c) he/she has been found guilty in any disciplinary proceedings; or
- (d) has so abused his/her position as render his/her continuance in office prejudicial to public interest.

Provided however that such removal can be effected only after a resolution by the Executive Council.

(6) The third party members nominated to the Appeals Committee shall be paid such fee or allowances for holding the proceedings of the Appeals Committee as may be approved by the Vice-Chancellor of the University, with approval of the Finance Committee.

### **19. Procedure and Form of Appeal**

(1) In the event the Internal Complaints Committee does not take any action on a complaint, or if the complainant or respondent is aggrieved with its decision or with the action taken by the University authorities, he/she shall, subject to clause 19, have the right to appeal to the Appeals Committee. The appeal may be made on one or more of the following grounds:

- (a) new information (available after a hearing) of a nature such that the verdict or sanction may have been different;
- (b) procedural errors within the hearing process which may have substantially affected the fairness of the hearing; and/or
- (c) the finding was inconsistent with the weight of the information.

(2) The appeal should be lodged either orally or in writing or through email,

(a) within 30 days after the decision is communicated in writing to the aggrieved party, where the appeal is against a decision of the ICC, and

(b) within 15 days of filing of the complaint, where the appeal has been made against inaction of the ICC.

Provided, if due to any extenuating circumstances, the appeal cannot be made within the specified time frame, the Appeals Committee may, for reasons in writing, extend the time frame for filing the appeal by another 15 days.

(3) The appeal may be lodged directly with the Chairperson of the Appeals Committee or with any member of the Appeals Committee.

(4) An appeal may also be lodged with any University Authority, academic or non-academic staff or the SJA (in case, the appellant is a student). In the event an appeal is lodged with any person other than a member of the Appeals Committee, that person shall submit the written appeal to the Appeals Committee within 3 days of its receipt.

(5) If lodged orally, the appeal must be converted to writing by a member of the Appeals Committee and shall be authenticated by the complainant by signature or a thumb impression.

(6) The Appeals Committee shall take cognizance of the appeal within 7 days of receiving the appeal.

(7) The Appeals Committee shall dispose the appeal at the soonest and no later than 90 days from the receipt of the appeal.

- (8) At least 3 members, including a woman member, of the Appeals Committee shall be present for each hearing.
- (9) The Appeals Committee shall report to the Vice Chancellor and the parties concerned its findings and recommendations on the nature of the action to be taken, in writing, within 7 days of completion of hearing the appeal.

#### **20. Powers and Duties of the Appeals Committee**

- (1) While hearing the appeal, the Appeals Committee shall have the same powers as the ICC to summon any person as witness as well as any official record.
- (2) All parties shall be given an opportunity to be heard and present their case adequately. The Appeals Committee shall be bound by the principles of natural justice.
- (3) The Appeals Committee shall take every step to ensure that the complainant is not subject to hostile treatment/environment during the appeal.
- (4) The Appeals Committee shall also take steps to ensure that the complainant is offered the services of a counselor in accordance with this Policy. Such counseling shall not however be mandatorily imposed on the complainant.
- (5) Members of the Appeals Committee shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this Policy.

Provided that a member shall also recuse himself if he is one of the parties to the proceedings.

- (6) The Appeals Committee shall have the same powers as vested with the ICC under Part V of the Policy.

#### **21. Appeal as prescribed by law**

In the event the appeal is not heard, or if the appellant or respondent is aggrieved with the decision of the Appeals Committee or with response of the University authorities in pursuance of such decision, he/she shall have the right to appeal as prescribed by any law.

### **PART VII- MISCELLANEOUS**

#### **22. General Duty of the University Administration**

The University Administration, particularly the Vice-Chancellor, shall take every step to ensure that the complainant is not subject to hostile treatment/environment during the proceedings.



arising out of a complaint under this Policy.

### **23. Information Dissemination**

The University Administration, particularly the Vice-Chancellor, shall inform, students, faculty and staff, through periodic emails and display of notice at conspicuous places on campus of:

- a) Composition of the Internal Complaints Committee, the Support Committee, and the Appeals Committee,
- b) Method of initiating a complaint against sexual harassment,
- c) Penal consequences of sexual harassment, and
- d) Content of this Policy

### **24. Orientation Workshops**

The University Administration, particularly the Vice-Chancellor, shall take steps to

- a) Organize compulsory workshops and awareness programmes on an annual basis for the students, staff and Faculty of the University in languages they understand.
- b) Conduct capacity building programmes for the Members of the Internal Complaints Committee.
- c) Conduct sensitization programmes and workshops for all members of various Committees set up under this policy.

Such workshops and programmes shall, preferably, refer to the UGC Saksham Report, for incorporation of training modules.

### **25. Annual Report**

The Internal Complaints Committee shall submit to the District Officer constituted under Section 5 of the Act and to the Vice-Chancellor an Annual Report in the month of March every year. This Annual Report shall contain the following details:

- a) Number of complaints of sexual harassment received in the year
- b) Number of complaints disposed of during the year
- c) Number of cases pending for more than ninety days
- d) Number of workshops or awareness programmes carried out
- e) Nature of actions taken by the University Administration

### **26 Complaint against Staff and Students of NUJS for acts done outside the University**

This Policy shall extend to acts done by staff, teaching or non-teaching and students of the University, while representing the University in academic or extracurricular event. Any complaint pertaining to acts amounting to sexual harassment committed by staff, teaching or non-teaching and students of the University, while representing the University in academic or extracurricular event, shall be addressed in same manner as a complaint filed under Part III of the Policy.

**27. Review**

The Internal Complaints Committee shall conduct a regular and half yearly review of the efficacy and implementation of the anti-sexual harassment policy.

**28. Commencement**

This Policy shall come into force on December 1, 2016.