

**RULES GOVERNING THE FUNCTIONING OF THE INTERNAL COMPLAINTS COMMITTEE
CONSTITUTED BY THE UNIVERSITY UNDER THE UNIVERSITY GRANTS COMMISSION
(PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN
EMPLOYEES AND STUDENTS IN HIGHER EDUCATION INSTITUTIONS) REGULATIONS, 2015**

1. These rules, shall be in addition, and not in derogation of the University Grant Commission (Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations, 2015.
2. **Policy Advisor:** The University shall appoint a “Policy Advisor” who shall assist the University in ensuring compliance with the mandate prescribed in Section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the UGC Regulations.

CHAPTER 1: FACILITATORS

3. The University shall appoint facilitators to assist it in the implementation of the UGC Regulations, 2015
4. Appointment of Facilitators shall take place in the following manner–
 - (i) At the commencement of each academic year, the University shall call for volunteers from amongst students to be “Facilitators”
 - (ii) A training programme shall be conducted by the University, with the assistance of an NGO working with gender issues, for those students who volunteer to be Facilitators for the next academic year. Students who successfully complete the training programme to the satisfaction of the University and the trainers, shall be eligible to be appointed to become Facilitators.
 - (iii) The University shall then appoint appropriate number of Student Facilitators.
Provided that as far as possible there shall be effective representation from all batches.
 - (iv) A minimum of fifty per cent of the Facilitators shall be women.
 - (v) The Facilitators shall hold office for a period of one year.
5. Facilitators shall perform the following functions:
 - a. Act as the support system for the complainant
 - b. Take necessary steps to prevent further victimisation of the complainant, including:
 - i. Making diligent efforts to prevent the ostracisation of the complainant within the community,
 - ii. Assisting the complainant with filing a formal complaint, if such assistance is sought by the complainant.
 - iii. Creating awareness and sensitivity within the student body and University community
 - c. Provide assistance in organizing conferences, workshops or other events

for the sensitization of the NLUD community in matters relating to gender and sexual harassment;

- d. Spread awareness about the institutional mechanisms relating to sexual harassment through the process of orientation, dialogue and other processes which may be deemed fit;

6. A Facilitator may be removed if-

- a. The Facilitator acts in contravention to the UGC Regulations or against the spirit of the same, or
- b. A complaint of sexual harassment is lodged against the Facilitator

Provided that where a complaint has been lodged, the Facilitator shall be suspended temporarily during the inquiry proceedings, and shall be removed permanently if the ICC finds that he has committed sexual harassment.

CHAPTER 2: PROCEDURE FOR CONDUCTING INQUIRIES

7. General principles for inquiry proceedings -

- a. A quorum of at least half the members including the Chairperson shall be required for every sitting of the ICC. In the absence of the Chairperson, rules to fill casual vacancy as noted in the Sexual Harassment of Women at the Workplace Act and Rules 2013 shall apply.
- b. All proceedings shall be documented. In particular, all testimonies and all questions put to witnesses shall be recorded verbatim as far as possible
- c. The inquiry proceedings shall be confidential. All parties shall be bound by such confidentiality, including confidentiality of the name of the Complainant, nature of the complaint, and contents of any documents received by the ICC in connection with the proceedings. The ICC and Facilitators will take adequate measures to ensure that norms of confidentiality are strictly maintained.
- d. The proceedings shall be conducted as expeditiously as possible.
- e. The ICC shall adhere to principles of natural justice in conducting the inquiry.
- f. The ICC shall ensure that at all times during the proceedings the dignity and autonomy of all parties concerned are safeguarded
- g. Parties shall be provided with an opportunity to clarify or question any allegations/contention raised against/concerning them. However, ICC shall not permit questions that are intended only to intimidate, harass, browbeat or humiliate any witness (including the Complainant or Respondent.)
- h. In accordance with the provisions of The Sexual Harassment of Women at Workplace Act 2013 and in compliance with decisions of the Supreme Court, the ICC will consider the past sexual history of complainants as irrelevant for the purposes of the inquiry.
- i. If the Complainant or any witness so desires, the ICC shall take adequate steps to ensure that the Complainant or such witness is not made to sit facing the Respondent. Further, if the Complainant so desires (or if any other witness so requests, and the ICC considers the request justified) the

ICC shall require the Respondent to submit any questions to be put to the Complainant or such witness in writing to the ICC and the ICC will ask the question to the Complainant or such witnesses. The ICC may decide, for reasons to be recorded in writing, to not ask a question if it violates any norms stated above, or for the same reason may re-frame the question in a manner that keeps its meaning intact.

- j. The Complainant shall have the right to request the ICC for an interim measure at any stage of the proceedings.
8. After receiving the written response of the Respondent, the ICC shall summon witnesses for the date specified for the commencement of proceedings or for any other date.
9. The Complainant, Respondent and any other witness shall narrate on oath their statements regarding the allegations. This statement shall then be the basis for cross-examination by the other party.
10. When any statement is provided or any document produced at the inquiry, reasonable time shall be given to all parties to peruse such statement or document.
11. All statements shall be read over to, rectified and signed by the person making the statement. The ICC shall initiate disciplinary proceedings in the case of any lying or intentional misleading on oath.
12. After conclusion of the oral hearing, the ICC will issue a reasoned order within one week from the day after the conclusion of the oral hearing, stating whether or not the allegations have been proved and reasons for the same. If the allegations have been proved, the order shall also contain the ICC's recommendations as to the remedial action to be taken by the University.
13. A Copy of the Order shall be sent to the Complainant, Respondent and Executive Authority. The parties shall be informed that they may file an appeal to the Executive Authority within a period of thirty days from the date of the findings/recommendations of the ICC. The procedure and the grounds for the same should be mentioned within the Order.
14. All notices, orders, summons, interim measures, and any other communication to any person should be routed through the office of the Registrar. The office of the Registrar is bound by confidentiality.
15. The Chairperson of the ICC shall maintain a catalogue which shall include;
 - i. The names and accounts of witnesses
 - ii. All material placed before the ICC by any party to the proceeding

Provided that after the conclusion of the appellate procedure, or once the right to appeal has lapsed, it is the duty of the Presiding Officer of the ICC to ensure that the aforementioned materials are destroyed
16. Nothing in these rules shall prevent the ICC from exercising its inherent powers to determine its own rules, including the modification of these rules, power to summon additional witnesses, and undertake any other measure for the fair conduct of any other proceedings.

CHAPTER 3: CONCILIATION

17. The following principles shall be adhered to if the complainant opts for conciliation under the UGC Regulations:

- (i) The process of conciliation shall be initiated only on receipt of a request in writing from the complainant.
- (ii) A complainant may submit such a written request for conciliation at any point during the proceedings.
- (iii) If the complainant requests for conciliation, the Chairperson of the ICC shall within a period of one week of the receipt of such request, summon the complainant in order to ensure that she has not opting for conciliation under any form of coercion/threat. In the event that the Chairperson of the ICC concludes that an element of coercion is involved, she may, with the consent of the complainant file a separate complaint regarding “Victimisation” as defined in Regulation 2(n) of the UGC Regulations.
- (iv) The process of conciliation shall be conducted by the Internal Complaints Committee, or by a sub-committee of the ICC, constituted by the University for this purpose
- (v) Conciliation shall not include any component of monetary settlement or pecuniary benefit to either of the parties, but may include a verbal or written apology, counselling of respondent, bond of good conduct by the respondent, monitoring of the respondent’s good conduct by the University, or any other reasonable relief agreed to by the complainant.
- (vi) Notwithstanding anything contained in any other law for the time being in force, the conciliator and the parties shall keep confidential all matters relating to the conciliation proceedings. Confidentiality shall extend also to the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement.
- (vii) The conciliation process shall be completed within a period of 30 days from the time of receiving the request for the same from the complainant.
- (viii) The complainant may opt out of the conciliation process at any point during these thirty days, without any adverse inference being drawn against her for doing so.
- (ix) If at any point in the Conciliation process, the conciliator/s appointed deem that the conciliation has been unsuccessful, they shall present a detailed report to the ICC giving reasons for the same within a week of such decision.
- (x) If the conciliation process fails, the inquiry shall resume according to the provisions of these Rules.

Provided that the time period spent in the conciliation proceedings shall not be counted in the overall time limit for the proceedings of the ICC.