

**NLUJ RULES TO COMBAT SEXUAL  
HARASSMENT, 2024**

## TABLE OF CONTENTS

<b><i>I. Preamble</i></b>	<b>4</b>
<b><i>II. Preliminary</i></b>	<b>4</b>
1. Title, Scope and Application	4
2. Definitions	4
3. Prohibition of Sexual Harassment	7
<b><i>III. Procedure</i></b>	<b>7</b>
4. Recourses under the Rules	7
5. Complaint	7
6. Facilitators	7
7. Composition of Facilitator Pool	8
8. Mediation	8
9. Internal Complaints Committee	9
10. Time Frame for Inquiry	10
11. Initiation of Inquiry	10
12. Inquiry	11
13. Interim Actions Pending Inquiry	11
14. Report on Inquiry	12
16. Grounds for Appeal	12
17. Request for Appeal	13
18. Confidentiality	13
19. <i>Ex-parte</i> Proceedings	13
20. Corrective and Penal Actions	14
21. Compensation	15
22. Victimization	15
23. Action against malicious complaints	16
24. Recusal	16
25. Criminal Proceedings	16
<b><i>IV. Support and Awareness</i></b>	<b>16</b>
26. Appointment of POSHPA	16
27. Functions and Duties of the POSHPA	16

28.	Responsibilities of the University	17
29.	Maintenance of Records	17
30.	Review of these Rules	18
31.	Saving Clause	18
	ACKNOWLEDGEMENT	19
	ANNEXURE – I	20
	ANNEXURE- II	21

## I. PREAMBLE

National Law University, Jodhpur [“**NLUJ**” or “**University**”] is committed to creating a safe environment for all individuals associated with the University. We strive for a campus where every individual feels respected and can lead a life of dignity. We endeavour to ensure that each member can be part of a community free from sexual harassment, irrespective of their sex, gender, race, caste, class, sexual orientation, disability, economic status, or any other factor.

In pursuance of this goal, the NLUJ Rules to Combat Sexual Harassment, 2024 [“**Rules**”] have been framed and are to be read in conjunction with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

## II. PRELIMINARY

### 1. Title, Scope and Application

- a) These rules may be called the NLUJ Rules to Combat Sexual Harassment, 2024.
- b) The Rules shall apply to all instances of sexual harassment as provided herein –
  - i. Occurring on the University Campus, irrespective of the parties; or
  - ii. Between or among members of the NLUJ community; or
  - iii. Where the complaint is made by a third party against a member of the NLUJ community and where such third party is or was involved in an activity pertaining to the University.
- c) These Rules are applicable to all events hosted by the University.

### 2. Definitions

- a) “academic staff” shall refer to any person appointed or engaged by the University for the purposes of teaching or for research, including employees who have permanent positions by way of tenure or those employed on a contractual or casual basis, part-time, or ad-hoc, or visiting or honorary members of the staff and persons interning at the University;
- b) “Act” shall refer to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;
- c) “accused/s” shall refer to a person/s against whom a complaint under Rule 5 has been filed;
- d) “aggrieved person” shall refer to a person who alleges to have been subjected to any act of sexual harassment as provided in these Rules;
- e) “Campus” shall refer to the location or the land on which the University and its related institutional facilities are situated and any location where classroom or associated University activities are undertaken, including virtual settings, and also includes extended campus and covers within its scope places visited as a student of the University including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-

term placements, places used for camps , cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the University;

- f) “complainant” shall refer to the person filing a complaint under Rule 5;
- g) “documents” shall include formal request for inquiry, notice to parties, written submissions, written statements of witnesses, replies, list of questions, evidence, and copies of the same and any other supporting material submitted by either party. These may be in digital or physical format;
- h) “disciplinary council” shall refer to the men’s disciplinary council and women’s disciplinary council constituted by the University;
- i) “NLUJ Community” shall refer to students, academic staff and non-academic staff;
- j) “NLUJ Manual” shall refer to the National Law University Jodhpur Manual, 2021 as amended from time to time, and available on the official University website;
- k) “non-academic staff” shall refer to all persons who are appointed, engaged or affiliated with the University, who are not academic staff, irrespective of the duration, including but not limited to library staff, security staff, accounts staff, staff employed with the examination department, staff employed with the student section, staff employed with the Information Technology department and staff employed with the engineering department; and shall include services employed by the University to provide services such as janitorial, mess, gardening, medical, electric, plumbing, carpentry, transport, security services etc., including persons in the employment of, contracted by or working for such service providers;
- l) “outsider” shall refer to any individual present on Campus apart from the NLUJ Community, irrespective of the duration of their presence on Campus, including but not limited to any guest of the members of the NLUJ Community, individuals registered to reside temporarily or permanently on Campus, guests for events sanctioned by the University, service providers hired by NLUJ Community for work on Campus, and any individual gaining unauthorised access to the Campus;
- m) “party/s” shall refer to the aggrieved person/complainant, and/or the accused/s;
- n) “related party/s” shall refer to all persons and institutions connected with the proceedings and the parties;
- o) “Report” shall refer to the Internal Complaints Committee’s Report to be submitted under Rule 14;
- p) “NLUJ service rules” under these Rules shall include the National Law University Jodhpur Conduct, Discipline and other Misc. Regulations, 2016, The University Service (Amendment) Regulations, 2017, and any other service rules so applicable to members of the academic and non-academic staff, as amended from time to time;
- q) “Sexual Harassment”, under these Rules, includes but is not limited to, any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - i. Physical contact or advances; or
  - ii. A demand or request for sexual favours; or
  - iii. Making sexually coloured remarks; or
  - iv. Showing pornographic material, including oral, textual, graphic representations of a sexual nature; or

- v. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature; or
- vi. Stalking or cyber stalking, as under the Section 354D of the Indian Penal Code, 1860 and Information Technology Act, 2000.

*Explanation 1* – Unwelcome act or behaviour shall be determined on the basis of the totality of the circumstances.

*Explanation 2* – The following circumstances, *inter alia*, if occur, or are present, in relation to or connected with any act or behaviour of sexual harassment, may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in their employment or education; or
  - ii. Implied or explicit threat of detrimental treatment in their employment or education; or
  - iii. Implied or explicit threat regarding their present or future employment or education status; or
  - iv. Interference with their work or creation of an intimidating or offensive or hostile environment for them; or
  - v. Humiliating treatment likely to affect their health, safety, dignity or physical integrity.
- r) “Student/s” shall include all regular and bona-fide students in the undergraduate and postgraduate programme of the University, doctoral candidates and students’ part of any exchange programme conducted by the University;
  - s) “Student Bar Association” or “SBA” shall refer to the duly elected student body as formed under the Constitution of the Student Bar Association, 2022;
  - t) “Third Party Harassment” refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not a member of the NLUJ Community, but a visitor to the University in some other capacity or for some other purpose or reason;
  - u) “University” refers to the National Law University, Jodhpur;
  - v) “Victimization” shall be understood to mean any adverse treatment by individual/s or an organization, against individual/s because they have, in good faith, reported instances of sexual harassment or been witnesses to either party in alleged instance of sexual harassment.

*Explanation* – “adverse treatment” shall include but not be limited to:

- i. making such participation a ground for negative treatment relating to employment, academic participation or evaluation, extra or co-curricular activities or entitlement to services/opportunities;
- ii. directly or indirectly using intimidation or undue influence so as to dissuade or deter such participation;

- iii. creating a hostile environment for the aggrieved person, complainant or witnesses of either party.
- w) “working day/s” shall refer to any day of the week except Sundays or any other day declared as a holiday by the University as per the Academic Calendar or any other notification released.

### **3. Prohibition of Sexual Harassment**

Sexual Harassment is prohibited and shall be dealt with under these Rules.

## **III. PROCEDURE**

### **4. Recourses under the Rules**

- a) An aggrieved person may choose to:
  - i. Opt for redressal of the matter through the mechanism laid down under these Rules; and/or
  - ii. Take recourse to any other civil/criminal remedies available under the law.
- b) If the aggrieved person chooses to redress the matter through the mechanism laid down in these Rules, they shall file a formal complaint or contact any facilitator for guidance.

### **5. Complaint**

- a) A complaint shall be filed by the aggrieved person. In case the aggrieved person is unable to file a complaint, any person provided under Rule 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 may file a complaint on behalf of the aggrieved person, with their written consent in a manner prescribed in Form A and Form B (**Annexures I and II**).
- b) Such complaint under Rule 4 (a) (i) and (b) shall be made in writing to the Presiding Officer of the Internal Complaints Committee [**“ICC”**] within three months of the occurrence of the incident.

Provided that the ICC may, for the reasons to be accorded in the writing, extend the time limit by a further three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

*Explanation* – In case of a series of incidents, the complaint may be filed within three months from the date of the last incident.

- c) The complaint may be in digital or physical format in a manner prescribed in Form B (**Annexure-II**).
- d) In filing of a complaint, the aggrieved person may request to the Presiding Officer of the ICC for mediation under Rule 8 or for initiation of inquiry under Rule 11.

### **6. Facilitators**

- a) The Vice-Chancellor shall in consultation with the Prevention of Sexual Harassment Policy Advisor (“**POSHPA**”), appoint facilitators in accordance with Rule 7 of these Rules at the beginning of each academic year, who shall hold office for a period of one year.
- b) Any member of the NLUJ Community may apply to the POSHPA for the position of a facilitator under these Rules.
- c) The facilitators shall, at the option of the complainant, provide assistance to them with regard to the procedure under these Rules.
- d) The names and contact information of all facilitators shall be visibly published on noticeboards, University website and through other means across the Campus throughout the year in both English and Hindi.

## **7. Composition of Facilitator Pool**

- a) At any given point, there shall be at least twelve facilitators from the amongst the NLUJ Community, out of which as far as possible, at least one shall be a doctoral candidate, at least one from the M.B.A. programme, at least one from the LL.M. batch, at least one from academic staff, at least one from the non-academic staff and at least seven from the LL.B. programme.

Provided that, at least half the facilitators shall be female members of the NLUJ Community.

Provided further that where vacancies for facilitators remain unfulfilled, the Vice-Chancellor may use their discretion to fill the vacancies.

- b) A member of the NLUJ community shall be disqualified from applying to, or holding the post of Facilitator if:
  - i. They are a member of the Student Bar Association; or
  - ii. They have a previous criminal record, i.e., they have been convicted in a criminal case; or
  - iii. They are currently facing inquiry or investigation under any law for the time being in force; or;
  - iv. They have been found guilty of gross indiscipline by a competent authority in the University.

*Explanation* – For the purposes of this provision, “gross indiscipline” shall have the same meaning as ascribed to it under Article 15 of the Constitution of the Student Bar Association, 2022.

## **8. Mediation**

- a) The Vice-Chancellor shall in consultation with the POSHPA nominate at least three external persons, familiar with issues relating to sexual harassment from amongst non-governmental organisations or associations, to the University’s list of empanelled mediators to conduct mediation proceedings under these Rules.

Provided that at least half of the mediators so nominated and empanelled shall be female.

- b) Where the aggrieved person prefers mediation, a written request for the same is to be made by the complainant to the Presiding Officer of the ICC.
- c) The ICC shall, within three working days of receiving a written request for mediation, inform the accused/s of the request and obtain written consent of the accused/s to the mediation proceedings.
- d) Within three working days of obtaining written consent of parties to mediation, the ICC shall inform the POSHPA to initiate mediation proceedings.
- e) The Vice-Chancellor in consultation with the POSHPA shall choose a mediator who shall be agreeable to all parties concerned within three working days of request for mediation being forwarded by the ICC.
- f) The mediator shall endeavour to conclude the mediation proceedings no later than six weeks from the date of receiving the reference for mediation from the ICC.
- g) No monetary settlement shall be made between the parties, as a result of the mediation.
- h) Where the accused/s does not provide consent to mediation, or the parties are unable to agree on any of the empanelled mediators to conduct the mediation proceedings, or when mediation was resorted to but failed, the aggrieved person shall either have the option to continue with inquiry or withdraw the complaint, subject to Rule 12(h) and Rule 22.

*Explanation 1* – Nothing in these Rules shall preclude the right of the aggrieved persons to initiate mediation during the inquiry process.

- i) In case of the parties opting to continue with inquiry in accordance with Rule 8 (h), the POSHPA shall within three working days of such request for inquiry by the aggrieved person, inform the ICC of the same.

## **9. Internal Complaints Committee**

- a) The Vice-Chancellor shall constitute the ICC for a period of three years.

Provided that the student members of the ICC shall be appointed by the Vice-Chancellor for a period of one year.

- b) ICC shall comprise of the following members:
  - i. A Presiding Officer/ Chairperson who shall identify as female and who shall hold a position not below the rank of a Professor;
  - ii. Two other members from the academic staff;
  - iii. Three students, if the matter involves students, appointed by the Vice-Chancellor.
  - iv. Two members from the non-academic staff, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
  - v. One external member from amongst non-governmental organizations or other associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- c) At least half of the members comprising the ICC shall be female.
- d) Persons holding senior administrative positions such as the Vice-Chancellor, Pro-Vice Chancellors, Registrar, Dean, Heads of Departments etc. shall not be members of the ICC.

- e) A member of the NLUJ community shall further be disqualified from applying to, or holding the position of an ICC member in the events specified in clause (ii), (iii), (iv) of sub-rule b) of Rule 7 of these Rules.
- f) Either party may challenge the appointment of or inclusion of any member of the ICC on the following grounds:
  - i. Where either party is closely associated or related to any member of the ICC;
  - ii. Where such member has contravened Section 16 of the Act;
  - iii. Where such member has been found guilty under either a disciplinary proceeding or is currently facing inquiry or investigation under any law for the time being in force;
  - iv. Where such member has so abused his position as to render their continuance in office prejudicial to public interest.
- g) Such a challenge under Rule 9 (f) shall be made to the Vice-Chancellor, whose decision shall be final and binding.
- h) In the event that such challenge is upheld, the Vice-Chancellor shall appoint another member to the ICC of the same rank within seven working days of such decision.
- i) Any member/s of the ICC may submit an application to the Vice-Chancellor in order to recuse themselves from participating in the proceedings if they feel that their objectivity may be compromised on the basis of any of the grounds under Rule 9 (f).

#### **10. Time Frame for Inquiry**

The total time frame for the inquiry process from the time of receipt of complaint, to the conclusion of inquiry hearings, shall not exceed three months.

Provided that, such time frame of three months shall exclude an intervening semester break, if any.

Provided that, where mediation has occurred and failed, the period of mediation from the date of request for mediation up to the date on which the process was concluded shall be excluded from calculation of the limitation period of three months.

#### **11. Initiation of Inquiry**

- a) On the receipt of a formal complaint, the ICC shall carry out a preliminary review of the matter and determine whether the ICC has the jurisdiction to inquire into complaint.
- b) The ICC shall complete the preliminary review mentioned in Rule 11 (a) within three working days of the receipt of the formal complaint. In the event the ICC deems itself to lack requisite jurisdiction to hear the matter, it shall communicate the decision with reasons to the complainant within such seven working days of the receipt of the formal request for inquiry.
- c) The ICC shall anonymise the complaint received from the complainant.
- d) The ICC shall within a period of seven days of receipt of complaint, send a copy of such complaint to the accused/s and shall issue notice to the accused/s to submit their reply to

the complaint along with written submissions and the written statements of all their respective witnesses within seven working days of having received the notice.

Provided that, the complainant shall also submit any additional documents including witness statements within fourteen days of filing of complaint.

- e) Within two working days of the receipt of the written submissions and witness statements, by all the parties, the ICC shall forward a copy of the same to the other party.

## **12. Inquiry**

- a) Within ten working days of forwarding the replies of all parties as under Rule 11(e), the ICC shall schedule the first inquiry hearing.
- b) All parties shall be given the opportunity to appear before the ICC and present their case.
- c) The ICC shall have the power to call upon any such witnesses and record their statements.

Provided that, the ICC must give all witnesses reasonable notice to appear for the hearings.

- d) The ICC may record oral testimonies and statements of the witnesses and parties to the proceedings.

Provided that, such parties and witnesses shall sign and date the recordings of such statements and testimonies made.

- e) Where parties, witnesses or any other related person cannot be physically available on Campus grounds, arrangements including but not limited to video conferencing must be provided to facilitate the appearance of either party, witness or any other related person.
- f) The proceedings shall be in such language as may be familiar to the parties.
- g) Either party may produce any evidence or witness during the hearing. In the event that either party wants to produce a witness, they should inform the ICC at least 24 hours in advance of the name/s of the witness wishing to testify.
- h) A request for withdrawal of the complaint may be permitted on written application submitted to the Chairperson of ICC, and provided that the Chairperson is satisfied that the aggrieved person is not acting under duress.
- i) Outside the proceedings and during the pendency, neither party shall contact the other party, or any related person, directly or indirectly, by any mode of communication.
- j) Malicious intent on part of the complainant shall be established by the ICC within the same inquiry proceedings in accordance with the procedure prescribed by these rules.

## **13. Interim Actions Pending Inquiry**

The Vice-Chancellor may

- a) restrain the accused/s from reporting on, or evaluating the work or performance of the complainant or aggrieved person;
  - i. upon receiving recommendation of the ICC; or
  - ii. upon written request of the complainant; or
  - iii. if the Vice-Chancellor deems fit.

- b) restrain the accused/s or anyone acting on their behalf from contacting or attempting to contact the other party against their wishes in the events specified in clauses (i), (ii), or (iii) of sub-rule (a) of Rule 13.
- c) upon receiving recommendation of the ICC, transfer the aggrieved person or the respondent to another section or department to minimise the risks involved in contact or interaction;
- d) wherever necessary, if there is definite threat, restrain the accused's entry into the campus;
- e) where the accused/s is a member of the academic or non-academic staff, effect any other interim measures provided for in the NLUJ service rules.

#### **14. Report on Inquiry**

- a) Upon conclusion of the oral hearings, the ICC shall, within ten working days, submit its report (including the proceedings, the verdict, any other observations and recommendations) to the Vice-Chancellor.
- b) A copy of the findings/recommendations of the ICC shall also be served on the parties.

#### **15. Action on Inquiry Report**

- a) Where the accused is a member of the academic or non-academic staff who has been found guilty of sexual harassment, the Vice-Chancellor shall, within thirty days of the receipt of the inquiry report, give effect to the recommendations of the ICC in accordance with the NLUJ service rules.

*Explanation* – In case a member of the academic or non-academic staff has been found guilty of sexual harassment, the same shall be deemed to be misconduct under the NLUJ Service Rules.

- b) Where the accused is a student or an outsider, the Vice-Chancellor shall, within thirty days of the receipt of the inquiry report, pass an order giving effect to the recommendations therein.

#### **16. Grounds for Appeal**

An appeal to the Vice-Chancellor may be preferred by either party in the event that:

- a) Any recommendation(s) of the ICC, are deemed by the appellant to be inconsistent with the gravity of the offence;
- b) There exists *prima facie* non-implementation of ICC's report and/or recommendations therein by the University;
- c) There existed procedural illegality, or irregularity, that thereby adversely affected the fairness of the inquiry process;

- d) New information has been made available of a nature such that the verdict or sanction may have been different.

### **17. Request for Appeal**

- a) Where any party to the matter feels aggrieved by the ICC's report, and/or recommendations therein, or by non-implementation of such recommendations, they may prefer an appeal to the Vice-Chancellor within a period of thirty days from the date of the report being submitted.
- b) The request for appeal must be in a written form, and the grounds for the same shall be clearly and fully set out in the request along with all supporting documents.
- c) If on hearing the appeal, the Vice Chancellor decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to the ICC, and to all parties to the proceedings.
- d) Decision on such appeal made by the Vice-Chancellor shall be final and made within fifteen working days of the request for appeal.
- e) Within seven working days of the decision on appeal being made, the Vice-Chancellor shall inform the parties, and subsequently pass an order giving effect to the same.

*Explanation* – In the event that any party prefers an appeal on grounds of non-implementation of the ICC's report and/or recommendations therein under Rule 17 (b), such an appeal shall not be dismissed by the Vice-Chancellor due to the limitation period of thirty days under Rule 16(a).

### **18. Confidentiality**

- a) All information, belonging to either party shared during the course of the proceeding as well as the Report of the ICC shall be kept confidential to the extent permitted by law and these Rules.
- b) The Chairperson of ICC may, on complaint from either party, or on *suo moto* grounds take cognisance and decide on any matter regarding breach of confidentiality.
- c) A violation of the confidentiality clause may attract penalty as per Rule 20 of these Rules.

### **19. Ex-parte Proceedings**

- a) If either party is non-responsive at the stage of submitting the written submissions, the ICC shall send the non-responsive party a notice to show cause within seven working days. If the party continues to be unresponsive or chooses not to participate in the proceedings, the ICC may give an *ex-parte* decision on the complaint.
- b) If the party is not present for three consecutive hearings without reasonable cause, the ICC may, after giving that party a notice of fifteen days, give an *ex-parte* decision on the complaint.

Provided that nothing in these Rules shall prevent the ICC from delivering an *ex parte* decision in case of repeated and/or intermediate absences from hearings without reasonable cause.

## 20. Corrective and Penal Actions

### a) Corrective and Penal Action for accused students:

The ICC may in its report on inquiry, recommend penalties on the accused/s, including but not limited to:

- i. Warning, reprimand or censure;
- ii. Written apology by the accused/s;
- iii. A “no contact” order between the accused/s and the complainant and/or the aggrieved person;
- iv. Performance of community service;
- v. Curtailment of privileges such as participation in events organised by the NLUJ Community;
- vi. Curtailment of privileges such as library access, university scholarships and allowances.
- vii. Bar on representing the University in any co-curricular/extra-curricular activities at the inter-University level;
- viii. Removal and/or bar on holding any positions of responsibility in the University;
- ix. Impose Fines, to be utilised towards the objectives of Rule 21, and for the POSHPA to achieve the objectives of these Rules;
- x. Suspension from the hostel;
- xi. Rustication from the University;
- xii. Debarment on entering the Campus premises for events such as Convocation, judging University events etc.
- xiii. Expulsion and striking off from the rolls of the institution, including denial of readmission, if the offence so warrants.

Provided that, in addition to any other corrective action, the accused/s shall have to mandatorily attend sexual harassment sensitisation workshops conducted by the POSHPA weekly for at least one month.

Provided that, the ICC may recommend the Vice-Chancellor to provide documentation of such report and/or the subsequent order passed by the Vice-Chancellor to the accused's parents/guardians, and any other stakeholders.

### b) Corrective and Penal Action for accused academic staff and non-academic staff:

The ICC may in its report on inquiry, recommend penalties on the accused/s, including but not limited to:

- i. Warning, reprimand or censure;
- ii. Written apology by the accused/s;
- iii. Impose Fines, to be utilised towards the objectives of Rule 21, and for the POSHPA to achieve the objectives of these Rules;
- iv. Withholding increments and promotions;

- v. Demotion;
- vi. Suspension of employment;
- vii. Termination of employment;

Provided that, in addition to any other corrective action, the accused/s shall have to mandatorily attend sexual harassment sensitisation workshops conducted by the POSHPA.

Provided that in case the complainant and/or the aggrieved person is a student of the accused/s, alternate arrangements must be mandatorily made to ensure that academic evaluations of any kind are not conducted by the accused/s.

c) Action against outsiders:

The ICC may in its report on inquiry, recommend penalties on the accused/s, including but not limited to:

- i. Debarment of the accused/s from entering the Campus premises of the University or participating in any events organised by the University;
- ii. Forwarding the Report of the ICC to:
  - a. The concerned organisation where the accused/s is employed or otherwise works; or
  - b. The head of the academic institution where the accused/s is currently studying.

## 21. Compensation

Upon receiving recommendation of the ICC in its report, the Vice-Chancellor may issue direction for payment of reasonable compensation to the aggrieved person which shall be recovered from the accused/s.

## 22. Victimization

- a) Any person or group of persons or organization which commits victimization at any time, either after filing of complaint and before the commencement of proceedings or during such proceedings, shall be liable to Corrective and Penal Actions under Rule 20.
- b) The aggrieved person, complainant and witnesses to the proceedings shall have the right to seek relief from the ICC where they are victimised by the:
  - i. accused/s; or
  - ii. any person/s, group/s or organization/s victimizing them on behalf of the accused/s; or
  - iii. any other individual/s, unrelated to the accused/s.

*Explanation-* The right to seek relief under this rule shall include the right to seek interim relief from such victimisation during the pendency of any proceedings under these Rules. Interim relief by the ICC shall include but not be limited to Interim Actions Pending Inquiry under Rule 13.

- c) A complaint of victimisation shall be made to the Chairperson of the ICC.

- d) The ICC's determination on the incident(s) of victimisation and the recommendation of penalties for the same shall precede their Report on Inquiry under Rule 14 and shall be submitted to the Vice-Chancellor within 30 days of the complaint of victimisation being submitted to the Presiding Officer of the ICC.
- e) If such victimisation is committed after the completion of proceedings, the same shall be treated as misconduct, and the Presiding Officer shall recommend the initiation of disciplinary proceedings against such person/s to the:
  - i. Vice-Chancellor, where the victimisation is committed by a member of the academic or non-academic staff.
  - ii. Chairperson of the Disciplinary Council, where the victimisation is committed by a student.

### **23. Action against malicious complaints**

If the ICC concludes that allegations made were malicious or the complaint was made knowing it to be untrue, or the complainant forged or provided misleading information knowingly during the inquiry, the complainant shall be held liable to be punished as per Rule 20.

### **24. Recusal**

Any member during the proceedings under these Rules shall recuse themselves if they feel that their objectivity may be compromised due to any reason or conflict of interest, and a member of the same rank shall be appointed as a replacement within a period of seven working days.

### **25. Criminal Proceedings**

The University Administration will provide reasonable assistance to the aggrieved person if they so choose to file a complaint in relation to any offence of sexual harassment under the Indian Penal Code, 1860 or any other law for the time being in force.

## **IV. SUPPORT AND AWARENESS**

### **26. Appointment of POSHPA**

- a) The Vice-Chancellor shall appoint a faculty member committed to the cause of women or a person familiar with the issues relating to sexual harassment, to act as the POSHPA who shall hold office for 2 years.
- b) The POSHPA shall be a member of the academic staff who identifies as female and holds a position not below the rank of an Assistant Professor.

### **27. Functions and Duties of the POSHPA**

The powers and duties of the POSHPA shall include the following:

- a) They shall organize orientation workshops for all members of the NLUJ Community at the beginning of each academic year, and regular sensitization programs;
- b) They shall be responsible for spreading awareness of these Rules and the process of filing a complaint under these Rules amongst all members of the NLUJ Community;
- c) They shall organize the formal training of facilitators to impart basic counselling, to equip them with a comprehensive understanding of these Rules and to impart any other skills or knowledge which may be required for the efficient application of these Rules;
- d) They shall be responsible for assisting in establishing and facilitating smooth functioning of adequate support structures such as empanelment of mediators and facilitators, conduct of mediation proceedings, overseeing facilitators' obligations etc. along with by the Vice-Chancellor;
- e) They shall prepare an annual report of all activities mentioned in Rule 27 (a) (b) (c) and (d) and submit the same to the Vice-Chancellor which shall be made available on the University website.

## **28. Responsibilities of the University**

The University shall –

- a) Display at any prominent place in the Campus, and on the University website:
  - i. These Rules;
  - ii. The role of the ICC and the POSHPA;
  - iii. The contact details of the members of the ICC, the POSHPA and facilitators;
  - iv. The method of initiating a complaint of sexual harassment;
  - v. The corrective and penal consequences of sexual harassment;
- b) Ensure implementation of these Rules in the University and regularly review the functioning and effectiveness of the Rules;
- c) Ensure the proper constitution and functioning of the ICC;
- d) Facilitate the training of the ICC, as and when it is constituted including but not limited to apprising them of rules, power, scope and mandate of the ICC;
- e) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;
- f) Assist in securing the attendance of the accused/s and witnesses before the ICC;
- g) Make available such information to the ICC as it may require having regard to the complaint made under Rule 5;
- h) Monitor the timely submission of reports by the ICC;
- i) Ensure that any instance of harassment that has been brought to the University's notice, under these Rules is dealt with;
- j) Provide support to initiatives in addressing issues of gender and sexuality;

## **29. Maintenance of Records**

- a) The records of inquiry proceedings and all other activities relating to creating awareness or sensitisation of the NLUJ Community under these Rules, shall be kept in the custody of the University;

- b) The University shall maintain confidential records of all proceedings that are initiated under these Rules, such records shall include:
  - i. The name and contact details of all parties involved;
  - ii. The nature of the complaint;
  - iii. A brief account of the inquiry proceedings and the steps taken to address the complaint, including copies of all documents submitted at each proceeding.

### **30. Review of these Rules**

- a) These Rules shall be reviewed by a Special Review Committee to be established for this cause by the Vice-Chancellor;

Provided that at least half the members of the special review committee shall be female.

- b) The special review committee is to submit its report containing any recommended amendments to the Rules, to the Vice-Chancellor within 10 working days of it concluding its meetings;
- c) The Vice-Chancellor may give effect to the amendments within 7 working days of receiving such Report.

### **31. Saving Clause**

Notwithstanding anything contained in these rules, the decision of the Vice Chancellor shall be final on any matter not specified above but related to prevention, prohibition and redressal of sexual harassment on the University campus.

## ACKNOWLEDGEMENT

The university would like to acknowledge the contributions of the following student and faculty members towards the drafting of the NLUJ Rules to Combat Sexual Harassment, 2024.

### A. FACULTY MEMBERS:

- 1) Dr. Archi Mathur, Associate Professor, Faculty of Management
- 2) Dr. Rashmi Mathur, Assistant Professor, Faculty of Humanities and Social Sciences
- 3) Mr. Renjith Thomas, Assistant Professor, Faculty of Law
- 4) Mr. Vinod D., Assistant Librarian

### B. STUDENT MEMBERS:

#### I. Batch of 2020

- 1) Ipsiata Gupta

#### II. Batch of 2023

- 1) Bhavyakirti Singh
- 2) Malaika Shivalkar
- 3) Namrata Jeph
- 4) Prakhar Raghuvanshi

#### III. Batch of 2025

- 1) Aayush Gupta
- 2) Fatema Kinkhabwala
- 3) Harsh Handa
- 4) Himanshi Yadav
- 5) Rachana Rashmi Rammohan

#### IV. Batch of 2026

- 1) Sinchan Chatterjee
- 2) Sonsie Khatri

ANNEXURE – I

FORM A: NOMINATION OF COMPLAINANT

*To be submitted along with Form detailed in Annexure II in the event that the Aggrieved Person would like to nominate a Complainant on their behalf*

To

The Presiding Officer of the ICC,

National Law University, Jodhpur.

Date:

Respected ma'am,

I, \_\_\_\_\_ (Name of Aggrieved Person) would like nominate \_\_\_\_\_ (Name of Complainant) of \_\_\_\_\_ (Designation) to act as my Complainant under Rule 5, as [detail aggrieved person's relationship with the complainant and the reasons behind which the aggrieved person is unable to file the complaint themselves] of the NLUJ Rules to Combat Sexual Harassment, and file a complaint on my behalf as a victim of sexual harassment and detail the relief and resolution forum of my choosing.

\_\_\_\_\_ Signature of Aggrieved Person

\_\_\_\_\_ Name of Aggrieved Person

\_\_\_\_\_ Contact Details of Aggrieved Person

\_\_\_\_\_ Signature of Complainant

\_\_\_\_\_ Name of Complainant

\_\_\_\_\_ Contact Details of Complainant

## ANNEXURE- II

### FORM B: COMPLAINT AGAINST THE ACCUSED/S AND REQUEST FOR RESOLUTION

To

The Presiding Officer of the ICC,

National Law University, Jodhpur.

Date:

Respected ma'am,

I \_\_\_\_\_ [Name of the Aggrieved Person/Complainant, on behalf of the aggrieved person], request you to take cognisance of the incident(s) that have taken place, under the NLUJ Rules to Combat Sexual Harassment, 2024, on the basis of the complaint detailed below:

#### **A. Name and Details of Aggrieved Person:**

[Details pertaining to the aggrieved person's association with NLUJ- i.e. whether they are a student, if so, in which semester of which programme, if an employee- whether an academic or non-academic staff member- working under which branch of the university's operations, whether they are a visitor to the university, whether for university events such as competitions, courses or otherwise-which educational institution are they enrolled in, where are they employed etc.]

#### **B. Name and Details of the Accused/s as far as can be ascertained:**

[Details pertaining to the accused/s relationship with the aggrieved person and their association with NLUJ- i.e. whether they are a student, if so, in which semester of which programme, if an employee- whether an academic or non-academic staff member- working under which branch of the university's operations, whether they are a visitor to or guest of the university, whether for university events such as competitions, courses or otherwise-which educational institution are they enrolled in, where are they employed etc.]

#### **C. Account/Description of the Incident(s) of Sexual Harassment:**

[Details pertaining to the incident(s) the aggrieved person perceives as sexual harassment committed by the accused/s, including timeline, dates and locations where such incident(s) took place.]

#### **D. List of Witnesses and Documents:**

[Provide a list of witnesses and their contact details (including their mobile numbers and email IDs) who the aggrieved person wishes to provide oral/written testimony as a witness on their behalf during the proceedings under these rules.

Provide a list of documents and records that you may wish to rely upon to aid your complaint and provide for copies of such documents along with your complaint.]

**E. Relief Sought:**

[Detail the relief and/or protection sought by the aggrieved person as a victim of sexual harassment.]

I, [as the aggrieved person/ on behalf of and with consent of the aggrieved person], request the Presiding Officer to \_\_\_\_\_ (initiate mediation process/ initiate inquiry process by the ICC) as result of [me/the aggrieved person] being a victim of sexual harassment at the hand of the accused/s.

I would like to nominate \_\_\_\_\_ (Name) of semester \_\_\_\_\_ of programme \_\_\_\_\_/ of (designation) \_\_\_\_\_ to act as a Facilitator.

Sincerely yours,

\_\_\_\_\_ (Signature of the Complainant)

\_\_\_\_\_ (Name of the Complainant)

\_\_\_\_\_ (Contact Details of Complainant: Phone Number and Email ID)

\_\_\_\_\_ (Date)

\_\_\_\_\_ (Place)