

CODE TO COMBAT SEXUAL HARASSMENT (2019)

Preamble:

Striving for a campus in which every person feels respected and can lead a life of dignity, free from vulnerability and in order to bring the Code to Combat Sexual Harassment (2002) in consonance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

Recalling (a) the core commitment of our Constitution to protecting and nurturing the dignity of the individual; (b) the values to which the University is committed; (c) the ideals of the Convention on the Elimination of All Forms of Discrimination Against Women, 1979; and (d) the principles laid down by the Supreme Court of India in Vishaka v. State of Rajasthan (1997); and endeavoring to ensure that each member of the community can live a life free from sexual harassment, irrespective of their gender, race, caste, class, sexual orientation, disability and status,

The National Law School of India University has established the following principles and procedures to combat Sexual Harassment, hereinafter referred to as the 'Code to Combat Sexual Harassment.' This repeals the Previous Code to Combat Sexual Harassment, 2002.

Part I

INTRODUCTION

1) Scope

- a. The Principles and Procedures set out herein (hereinafter Principles and Procedures) shall apply to all instances of sexual harassment as provided herein:
 - i. Occurring on the NLSIU Campus, irrespective of the parties;
 - ii. Between or among members of the NLSIU community, irrespective of their location; and
 - iii. Where the complaint is made by a third party against a member of the NLSIU community and where such member is/was involved in an activity pertaining to the University, irrespective of their location.

- b. These Principles and Procedures shall be the exclusive mechanism for redressal through the NLSIU of alleged instances of sexual harassment except where, subject to Rule 4(a) a person who is or considers themselves to be aggrieved of alleged sexual harassment chooses to make the complaint directly with any faculty member or the Registrar or the Vice-Chancellor in which case the faculty member, Registrar or Vice-Chancellor, as the case may be, shall advise the complainant of the mechanisms available under this Code and civil/criminal remedies after which, the complainant will decide on the mechanism under which he/she will proceed.

Provided that where the aggrieved person requires any corrective action to be taken against any person for sexual harassment, the matter shall be referred by the faculty member or Registrar or Vice-Chancellor to the Internal Committee and the Committee shall act on the matter in accordance with these rules.

2) Definitions

- a. "administrative staff" for the purposes of this Code includes all persons appointed to any administrative position of the University, regardless of duration.
- b. "aggrieved person/s" shall mean a person/s who alleges that sexual harassment under the code has taken place, and wishes to access the mechanism under this Code.
- c. "Constituency" shall be understood to refer to whether a particular person is from the student body or faculty or administrative staff, research scholars or other employees.
- d. "Day" shall be understood to mean one working day, unless stated otherwise.
- e. "Documents" shall include formal request for inquiry, notice to parties, written submissions, written statements of witnesses, replies, list of questions, and copies of the same. These may be in digital or physical format.
- f. "Faculty" for the purposes of this Code, includes all persons appointed to teaching positions, (regardless of duration) guest lecturers and speakers, visiting faculty, teaching assistants, and any other person involved in the organization of a programme, seminar, course, workshop, roundtable or similar event conducted or organized by the NLSIU community.

- g. "Researchers", for the purposes of this Code, includes all persons employed to undertake research at NLSIU whether with a research centre or otherwise.
- h. "Respondent" means a person against whom the aggrieved person has made a complaint under Rule 9.
- i. "NLSIU Community" includes current students, faculty members, administrative staff, researchers, employees, any person providing any service at/to NLSIU.
- j. "Sexual Harassment", under this code, includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely,
 - i) Physical contact and advances; or
 - ii) A demand or request for sexual favors; or
 - iii) Making sexually colored 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, including cyber stalking, as defined under the Indian Penal Code Section 354D.

Explanation 1: Unwelcome act or behaviour extends

- a) to a person;
- b) in a person's presence whether or not the representation concerns the person;
- c) about a person (when malicious).

Explanation 2: "Unwelcome" covers all forms of conduct where the aggrieved person has not expressly or impliedly given consent to the behaviour complained of. The silence of the aggrieved person or lack of protest at the time of the incident or afterwards shall not by itself be taken as proof of consent.

Explanation 3: The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- (i) implied or explicit promise of preferential treatment in his/her employment/education; or

- (ii) implied or explicit threat of detrimental treatment in his/her employment/education; or
- (iii) implied or explicit threat about his/her present or future employment/education status; or
- (iv) interference with his/her work or creating an intimidating or offensive or hostile environment for him/her; or
- (v) humiliating treatment likely to affect his/her health or safety.

k. "Student" includes individuals enrolled or registered for any course or programme or part thereof, conducted or organized by NLSIU or at NLSIU, including distance education programs.

Explanation: For the purposes of this Code, "student" shall also include individuals at the NLSIU on an exchange programme, individuals enrolled or registered for any course or programme or part thereof, conducted or organized by NLSIU.

l. "Victimization" shall be understood to mean any adverse action by a person, group of persons or an organization, against individual/s because they have, in good faith, reported instances of sexual harassment or participated in or have been witnesses to proceedings or support persons to redress an alleged instance of sexual harassment on behalf of the aggrieved person.

Provided that this definition shall not apply in the case of the respondent, their witnesses or support person.

Explanation: "adverse action" shall include, but not be limited to

- (i) making such participation a ground for adverse action relating to employment, academic participation or evaluation, extra or co-curricular activities or entitlement to services/opportunities.
- (ii) directly or indirectly using intimidation and/or undue influence so as to dissuade or deter such participation
- (iii) creating a hostile environment for the complainant and their witnesses"

m. "employees" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or

working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-employee, a contract employee, probationer, trainee, apprentice or called by any other such name; excluding admin staff and faculty.

3) Prohibition of Sexual Harassment

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

PART II

PROCESS

4) Recourses under the Rules

- a. Any Aggrieved Person may choose to:
 - i. resolve the matter through the mechanism laid down in the Code, and/or
 - ii. take recourse to any other institutional civil/criminal remedies available to her/him in the University as well as under the law.

Provided that where the Aggrieved Person requests any corrective action to be taken against any person for sexual harassment, the matter shall be referred to the Inquiry Committee and the Committee shall conduct the inquiry and act in accordance with these rules.

- b. If the Aggrieved Person chooses to resolve the matter through the mechanism laid down in the Code, s/he may first contact a facilitator of her/his own choosing.

5) Facilitators

- a. The Vice-Chancellor shall have the power to appoint facilitators under this Code.
- b. At any given point, there shall be at least eight facilitators from the student body, out of which as far as possible, at least 1 shall be from the MPP batch, as far as possible, 1 from the LL.M. batch, 1 from faculty, 1 from the non-teaching staff and at least 4 from the LL.B. batches.

Provido that in the case of the LL.B. batches, the facilitators shall, as far as possible, be appointed from each of the batches starting from third year.

Subject to availability, each of the categories mentioned above shall have an equal number of female and male members.

- c. At any given point, there shall be at least one facilitator appointed from among members of the research community.
- d. All persons, who have completed the training programme to the satisfaction of the person/organisation responsible for the training, may be appointed by the Vice-Chancellor as facilitators for a period of one year.

Provided that only those persons shall be appointed as facilitators who have undergone formal training as prescribed by this Code.

- e. The names and contact information of all facilitators shall be visibly published on noticeboards and through other means across the campus throughout the year in both English and Kannada. In the case of administrative staff and employees, the names and contact information of the facilitators shall also be notified through the Registrar.
- f. The jurisdiction of a facilitator shall not be limited to their own constituency.

6) Appointment of Sexual Harassment Policy Advisor

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 a Sexual Harassment Policy Advisor (hereinafter SHPA). Subject to availability, such advisor shall be a female faculty member. The Advisor shall ensure proper and effective implementation and administration of this Code.

7) Powers and Duties of SHPA

The powers and duties of SHPA shall include the following:

- a. S/he shall ensure implementation of this Code in NLSIU and regularly review the functioning and effectiveness of the Code.
- b. S/he shall formulate strategies for spreading awareness of present policy among all members of NLSIU.
- c. S/he will delegate responsibilities to appropriate persons to undertake periodic surveys among students, staff and faculty to find out the extent of the problem and prevailing

attitudes to all aspects of sexual harassment, with the exception of his/her duties under Rule 7(d).

- d. S/he shall ensure the proper constitution and functioning of the Internal Committee (hereinafter IC) along with the Vice-Chancellor.
- e. S/he shall be responsible for identifying and monitoring support structures provided by the University.
- f. She shall organize orientation workshops for faculty, all non-teaching staff and new students enrolled in the LL.B., LL.M., MPP courses at the beginning of the year; and regular sensitization programs as s/he deems fit.
- g. S/he shall assist the aggrieved person throughout the process of inquiry.
- h. She shall take appropriate action when an alleged instance of ongoing sexual harassment is brought to her notice which involves immediate and serious threat to the NLSIU community.
- i. She shall exercise such other powers and perform such other duties as may be conferred or imposed on her by or under this policy.
- j. She shall do all such acts and things as may be necessary to carry out the objects of this Code.
- k. She shall prepare an annual report of all activities undertaken and submit the same to the Vice-Chancellor which shall be available to anyone on request.
- l. She shall facilitate the training of the IC, as and when it is constituted.

8) Duties of the University

The University shall -

- a. provide a safe working environment at the university which shall include safety from the persons coming into contact at the university;
- b. display at any conspicuous place in the university, the penal consequences of sexual harassment; and the order constituting, the Internal Committee under subsection (I) of section 4;
- c. organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

- d. provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- e. assist in securing the attendance of respondent and witnesses before the Internal Committee.
- f. make available such information to the Internal Committee as it may require having regard to the complaint made under Rule 13.
- g. provide assistance to the woman/man if s/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- h. cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman/man so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. monitor the timely submission of reports by the Internal Committee.
- k. ensure that any instance of harassment that has been brought to their notice, whether under this code or otherwise, has ended.

9) Constitution of Sexual Harassment Inquiry Committee (SHIC)

The Vice-Chancellor shall, in consultation with the SHPA, constitute an Internal Committee ("IC"), for a period of three years, which shall consist of at least four members including:

- i. A Presiding Officer, who shall be a woman not below the rank of Associate Professor;
- ii. one external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;

Provided that a majority of members in the IC shall be women in cases where the complainant is a woman;

Provided further that at least one of the members appointed to the IC shall be from the non-teaching staff community.

Provided further that the members of the IC must undergo compulsory training with respect to sexual harassment and procedures under this Code.

10) Training of Facilitators

- a. The SHPA shall in association with persons qualified for the purpose organize and conduct an annual workshop for the training of facilitators.
- b. The purpose of such workshop shall be:
 - i. to impart basic counseling, mediation and negotiation skills and
 - ii. to equip facilitators with a comprehensive understanding of this Code; and
 - iii. to impart any other skills or knowledge which may be considered appropriate by the organizers in order to ensure efficient functioning of this Code.

11) Role of the Facilitator

- a. The facilitator shall perform the following functions under this Code:
 - i. act as a counselor;
 - ii. act as a mediator; and
 - iii. be the receiver of the formal request for inquiry, which may be the first step towards approaching the inquiry mechanism under this Code.
- b. In discharging any/all of the functions mentioned above, the facilitator shall
 - i. act as a first known point of contact,
 - ii. assist in clarifying the nature of the concern,
 - iii. give information on options and possible outcomes available under this Code,
 - iv. explore possible strategies/options available in resolving the situation,
 - v. assist in drafting and filing of a formal request for inquiry
 - vi. explore strategies to safeguard against victimization
 - vii. support the aggrieved party throughout any stage of the resolution process,
 - viii. provide information on the desirability of maintaining confidentiality
 - ix. provide information on other relevant internal/external remedies, and any limitation periods that may apply to such remedies,
 - x. whether or not a person files a formal request for inquiry, provide supportive counseling as needed
 - xi. maintain complete confidentiality, of all proceedings.

12) Mediation

- a. In the event that the Aggrieved Person, after consultation with the facilitator, requests mediation, the facilitator shall inform in confidence the person/s against whom the concern has been raised about the nature of the concern.
- b. The facilitator shall initiate mediation proceedings only on obtaining consent of the parties concerned.
- c. The mediator shall be a facilitator who is agreeable to all parties concerned, except that where one of the parties is a faculty member, administrative staff, researcher or employee a student shall not be the mediator.
- d. If the parties are unable to agree on whether to have mediation or on the proceeding/result of the mediation, they may, at any point, prefer a request for inquiry.

Explanation: Nothing in this Rule shall preclude the right of the aggrieved person to initiate mediation during the inquiry process or vice versa.

- e. No monetary settlement shall be made as a basis for mediation.

PART III

Procedure for Inquiry

13) Filing of formal request for inquiry

- a. Any person aggrieved of sexual harassment who considers the mediation process to have been unsatisfactory, or does not wish to initiate a mediation, may make a request for inquiry to the Vice-Chancellor, the Registrar, Sexual Harassment Policy Advisor or any member of the Faculty or directly to any member of the Internal Committee for an inquiry to be conducted.
- b. Where the Registrar, Vice-Chancellor, Sexual Harassment Policy Advisor or a faculty member receives a request, he/she shall pass on the request to the Internal Committee.
- c. The formal request for inquiry shall normally be made in the manner prescribed in Form A (Annexure-I), or through a verbal statement made to and transcribed by any faculty member or facilitator and signed (or thumb impression) by the complainant.

14) Procedure for Inquiry

a) Initiation

- (i) Within two days of the receipt of the formal request for inquiry, the Sexual Harassment Inquiry Committee (IC) shall furnish a copy of the formal request for inquiry to all parties and simultaneously furnish a notice requiring all parties concerned to submit their written submission and the written statements of all their respective witnesses within a week of having received the notice.
- (ii) Within 1 day of the receipt of the written submissions and witness statements, the IC shall forward a copy of the written submissions to the other party.
- (iii) At the request of either party, at this stage the IC may after hearing all the parties concerned, and upon perusal of the written submissions of parties, terminate the proceedings if it is of the opinion that no *prima facie* case exists. If no such request is made within two days, the IC must forward to each party a copy of the written statements of the witnesses of the other party.

Explanation: The *prima facie* hearing should be concluded within one week of the submission of written submissions of the parties. Two members of the IC may conduct this hearing.

- (iv) Within a week of receiving the written submissions of the other party or the conclusion of the *prima facie* hearing, whichever is later, all parties shall send their replies to the written submissions that had been served to them by the IC.
- (v) Within 1 day of the receipt of the replies, the panel shall forward a copy of the replies to the other party.

Explanation: The IC shall have the power to anonymize the complaint, if it deems necessary upon due consideration of the sensitivity of the complaint.

b) Conducting Inquiry

- i. Within one day of the completion of the procedure delineated above, the IC shall call for an oral hearing. Each party shall be given a chance to give an account of the events leading to the request for inquiry, before the IC.

- ii. The IC shall question the relevant persons and inspect the necessary documents and records. The IC may call upon any additional witnesses it deems necessary. The IC shall hold a hearing where the parties shall be given a fair and reasonable opportunity to present his or her case, to call for his or her evidence and to cross-examine witnesses.

Explanation: The cross examination will not be direct and will be done by submitting questions in writing to the IC. The IC has the discretion to ask only those questions it deems relevant.

- iii. Upon conclusion of the oral hearings, the IC shall, within ten calendar days, submit a report to the Registrar containing its factual findings and a determination of whether this Code has been violated.
- iv. The inquiry, including the applicable standard of proof, shall be guided by the consideration that it is not a criminal proceeding or a proceeding of any court of law.

c) Time Frame

The total time frame for the inquiry process from the time Inquiry is initiated to the recommendations being made by the IC and the implementation of the final decision by the Registrar shall not exceed three months.

d) Withdrawal of Inquiry

Where a request for inquiry has been made, withdrawal of the same shall not be permitted except with the permission of the Sexual Harassment Policy Advisor when she is satisfied that the individual concerned is not acting under duress.

15) Interim Relief

- (a) The IC may provide interim reliefs which include the following-
 - i. Grant leave to the aggrieved person with full protection of status and benefits for a period up to one month;
 - ii. Restrain the Respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
 - iii. Restrain either party or anyone acting on their behalf from contacting or attempting to contact the other party against their wishes.

Explanation: The IC shall not consider any order passed under this sub rule to be a mitigating circumstance when determining the penalty to be imposed.

- iv. In the event that the person/s against whom the concern has been raised has been found guilty under this Code previously, the IC may bar them from representing the University in any event.
- (b) The Complainant shall have the right to request the IC for interim measures at any stage of the proceedings.
- (c) Violation of the provisions of this Rule shall attract Corrective Action under Rule 21.

16) Support person

- a. The aggrieved party may request the IC for the appointment of a support person of the party's choice from the NLSIU community at any stage in the proceedings.
- b. The IC shall determine the role of the support person in consultation with the party who has made the request for the same. The support person may be allowed to attend all proceedings along with the aggrieved party at the discretion of the IC.

17) Relevant Factors

- a. The past sexual history of the parties shall not be taken into account while establishing and/or deciding on the incident/s of sexual harassment.
- b. In determining the punishment, the inquiry panel shall consider the previous record of the perpetrator under the Code (if any), and the extent of victimization (if any).

18) Adverse Inference

An adverse inference shall be drawn against an alleged perpetrator of unwelcome sexual conduct or sexual harassment where:

- a. the alleged perpetrator is in an official position of authority, supervisory, evaluatory, or otherwise and
- b. the person making the complaint of sexual harassment is a person over whom such authority is exercised and
- c. the harassment is of a nature where submission to or rejection of sexual advances or overtures, or requests for sexual favors are made a ground for any decision relating to employment, academic pursuit, extra or co-curricular activities or entitlement to services/opportunities at NLSIU.

Explanation: Student office bearers and student representatives shall not be considered as persons in positions of such authority solely by virtue of holding these positions.

19) Action on the Inquiry

- a) The Registrar shall review the recommendation submitted by the IC pursuant to Rule 14 and shall implement the recommendation unless the Registrar finds that the Inquiry or the Corrective Action are vitiated by any gross irregularity or illegality or *mala fides*.
- b) While the Registrar decides to reject the findings and recommendations of the IC pursuant to 19(a) above, the Registrar shall return the entire proceedings to the IC for re-consideration or further inquiry on any aspect setting down in writing the reasons for his/her rejections.
- c) On receipt of a communication from the Registrar under Rule 19(b) above, the inquiry panel shall consider the issues identified by the Registrar and reconsider its prior decision in response to the issues raised by the Registrar and, if the IC feels necessary, make further inquiry into the matter.
- d) Upon completion of its consideration under Rule 19(c) above, IC shall submit its conclusions and recommendations to the Registrar.
- e) If the Registrar is satisfied that the findings and recommendations of the IC as re-submitted under Rule 19(a) above satisfactorily address the concerns raised by the Registrar under Rule 19(b) above that Registrar shall implement the recommendations made by the IC under Rule 19(d) above.
- f) If the Registrar is still of the view that the findings and recommendations resubmitted by the Sexual Harassment Inquiry Committee under Rule 19(e) above suffer from any gross irregularity or illegality or *mala fides*. The Registrar shall submit the matter to the Vice-Chancellor for a final decision which shall be either
 - i. to implement the recommendations of the IC or
 - ii. to constitute a fresh IC
- g) Final orders made by the Registrar under Rule 19(a) and/or 19(d) of these Procedures and by the Vice-Chancellor under Rule 19(f) shall be communicated in writing to the concerned parties who shall also be supplied with a copy of the report of the inquiry, the findings and the proposed Corrective Action. Copies of depositions of witnesses shall be made available for perusal to a party concerned with such deposition on request.
- h) The proceedings under these Procedures shall be treated as strictly confidential and shall not be divulged by any faculty or staff member or any of the parties to anyone.

20) Review

- a. The complainant or a person with respect to whom Corrective Action is to be taken pursuant to the Sections above may, within fifteen working days of receiving a communication of such Corrective Action, or a person who feels aggrieved by any decision of the IC or the Registrar under these Procedures, request the Vice-Chancellor to review such action or decision on the ground that such Corrective Action and the Inquiry on which it is based is vitiated by gross irregularity or illegality. The reasons for requesting the review shall be clearly and fully set out in the request along with all supporting documentation.
- b. The Vice-Chancellor may entertain a request for review after the expiry of the fifteen day period referred to in Rule 20(a) above, if s/he is satisfied that the concerned requestor had sufficient cause, beyond his/her control, for not submitting the appeal in time.
- c. Upon the written request of the person seeking a review under Rule 20(a) above, the Vice-Chancellor may provide an opportunity to such person for oral representations to be made to elaborate and explain the written submission without raising new grounds.
- d. After due consideration of the request for review and any oral representation. The Vice-Chancellor shall either
 - (a) confirm the actions taken by the Registrar under Section 19 above; or
 - (b) set aside the action taken by the Registrar under Rule 19 on the ground that it suffers from gross irregularity or illegality and reconstitute the IC to conduct a fresh inquiry.
- e. In all cases, the Vice-Chancellor shall set down the reasons for his/her final decision under Rule 20(d), in writing, which shall be made available to the Registrar, the IC, the person requesting for the review and the other party/parties.
- f. The Vice-Chancellor's decision on the review shall be final.

21) Mala fide Complaint

In the event that the formal request for inquiry is proved to be *mala fide* during the prima facie hearing or at any stage of the proceedings, the IC shall recommend to the Vice-Chancellor that the person found guilty of such mala fide be required to issue a written public apology which is to be displayed prominently on all notice boards in the University.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

PART IV

22) Corrective Actions

(a) Corrective Action for students

The Sexual Harassment Inquiry Committee may recommend any or a combination of the following penalties for sexual harassment or unwelcome sexual conduct - (the following list is not exhaustive)

- i. Warning, reprimand or censure.
- ii. Public written apology by the perpetrator which shall be displayed prominently on all notice boards in the University.
- iii. Community service such as assisting the librarian, cleaning litter on campus such as the football field, cleaning class-rooms etc.
- iv. Curtailment of privileges.
- v. Bar on representing the University in any co-curricular/extra-curricular activities whether at the intra or inter-University level.
- vi. Removal and/or bar on holding any positions of responsibility in the Halls of Residence and/or Student Bar Association.
- vii. Suspension from the University for a period upto three weeks.
- viii. Suspension from the University for a maximum period of one year.
- ix. Rustication from the University.
- x. Fine upto Rs 10,000 which amount shall be paid into a separate account to be maintained by the Sexual Harassment Policy Advisor and which amount shall be used to achieve the objectives of this Code.
- xi. In addition to any other corrective action, the respondent shall have to mandatorily attend sexual harassment workshops for at least one week.

(b) Corrective Action for Faculty/Staff/other Employees

- i. Warning, reprimand or censure.

- ii. Public written apology by the perpetrator which shall be displayed prominently on all notice boards in the University.
- iii. Termination.
- iv. Suspension.
- v. Withholding increments and promotions,
- vi. Demotion
- vii. Fine upto Rs 20,000 which amount shall be paid into a separate account to be maintained by the Sexual Harassment Policy Advisor and which amount shall be used to achieve the objectives of this Code.
- viii. Transfers
- ix. In addition to any other corrective action, the respondent shall have to mandatorily attend sexual harassment workshops for atleast one week.
- x. In case the complainant is a student of the harasser, alternate arrangements are to be made to ensure that academic evaluations of all kinds are not conducted by the respondent.

23) Criminal Proceedings

The University shall provide assistance to the woman/man if s/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.

PART V

MISCELLANEOUS

24) Maintenance of records

The records of inquiry proceedings under this Code shall be kept in the custody of the Registrar and records of all other proceedings shall be kept with the Sexual Harassment Policy Advisor except as required in this Part.

- a. The facilitator shall maintain confidential records of all proceedings that are initiated under this rule, such records shall include:
 - i. the profile of the complainant and the respondent.
 - ii. the nature of the concern.

- iii. a brief account of the steps taken to address the concern and
 - iv. the result of any process undertaken under this Code, except inquiry proceedings
- b. The inquiry panel shall maintain confidential records of all proceedings that take place before it, which will include copies of all documents submitted at each proceeding.

25) Recusal

Any person conducting any proceedings under this rule shall recuse herself/himself if s/he feels that her/his objectivity may be compromised due to any reason or conflict of interest, and an *ad hoc* member of the same rank shall be appointed as a replacement within a period of ten working days.

26) In camera proceedings

All proceedings under this rule shall be strictly in camera and the privacy of all parties shall be maintained.

27) Confidentiality

- a. All proceedings, documents and records maintained under this Code shall be confidential, subject to Rule 27c.

Explanation I: 'Confidentiality' means that notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under rule 9, the identity and addresses of the Aggrieved person, Respondent(s) and witnesses, any information relating to mediation and inquiry proceedings and the recommendations of the IC shall not be published, communicated or made known to the public, press and media in any manner.

Explanation II: This rule shall not apply to any information divulged prior to the commencement of the proceedings, or to information divulged for the purpose of criminal proceedings under Rule 23 of the Code.

- i. All persons involved in the proceedings under this Code including the parties, faculty, witnesses, facilitators, mediators, members of the inquiry panel, next friend, the Registrar and Vice-Chancellor shall be under a duty to respect and maintain confidentiality.
- ii. No decision taken under this Code, except the final decision of the Vice-Chancellor or Registrar shall be published, communicated or made known to the public.

- b. Provided that, information about the final decision, if disseminated, shall be without disclosing the name, address, identity or any other particulars which may lead to the identification of the aggrieved person and the witnesses.
- c. Any person who violates this provision will be liable for corrective action under Rule 22 of the Code, taking into account the nature and gravity of the violation.

28) Minor infringement not to invalidate proceedings

No minor infringement of procedure shall invalidate any proceeding under this rule unless it is shown to cause prejudice to any of the parties.

29) Victimization

- a) Any person or group of persons or organization which commits victimization at any time before the commencement of proceedings under this Code, during such proceedings, or after completion of such proceedings, shall be liable to Corrective Action under Rule 22 of the Code and will be treated as Major Misconduct and be the subject of disciplinary proceedings by the University.
- b) Without prejudice to (a), Aggrieved Persons and their witnesses shall have the right to seek interim relief during the pendency of any proceeding under this Code against any person/s, group/s or organization/s victimizing them.
- c) The IC under this Code shall consider any proved complaint of victimization against a respondent in a proceeding to be a relevant factor in determining the Corrective Action to be taken under Rule 22 of this Code for that proceeding and be treated as a major misconduct and subject to disciplinary proceedings by the university.

30) Support Structures

The University shall endeavor to provide support structures in the form of:

- a. A well published list of phone numbers and addresses which may be contacted in emergencies
- b. An orientation programme for new students in order to familiarize them with the Code;
- c. Acquainting new students to the Code;
- d. Counseling the members of the NLSIU community on ways of preventing and coping with sexual harassment.

- e. Counseling for the complainant.
- f. Providing support to initiatives in addressing issues of gender and sexuality
- g. The SHIC may appoint a next friend for a party upon their request in accordance with Rule

31) Review of the Code

This Code shall be reviewed at least once in two years.

FORM A

To,
The Vice-Chancellor,
National Law School of India University,
Nagarbhavi
Bangalore,

Dear Madam/Sir,

I/We, (Name, Constituency)_____request you to constitute an inquiry panel as provided under the Sexual Harassment Rules of NLSIU.

I/We would request this inquiry to be conducted to look into the acts of_____

(Names of Responding Party/Parties and Constituency/Constituencies to which they belong).

[The facilitator who acted as a first known point of contact and/or as a mediator in this context was/were (names of facilitators/mediators and Constituency/Constituencies to which they belong)]*

Sincerely yours,

Signature/Thumb print

Date:

Place:

* Only required if a facilitator was involved.

