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NATIONAL LAW SCHOOL OF INDIA UNIVERSITY
CODE TO COMBAT SEXUAL HARASSMENT, 2019

In exercise of the powers conferred by and in discharge of the duties assigned under the relevant provisions of the National Law School of India Act, 1986, the Executive Council hereby introduces the following Regulations:

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 and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment) Regulations 2015;

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 or workplace as prescribed in this Code, 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 by NLSIU of alleged instances of sexual harassment.

2. Definitions

- a. “**aggrieved person/s**” shall mean, in relation to NLSIU, a person/s who alleges they have been subjected to any act of sexual harassment under the code, and wishes to access the mechanism under this Code.
- b. “**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.
- c. “**Day**” shall be understood to mean one working day, unless stated otherwise.
- d. “**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.
- e. “**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; and also includes interns, volunteers, researchers, whether employed or not, including those involved in field studies, projects, short-visits and camps;
- 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. “**NLSIU Community**” includes current students, faculty members, employees and any person providing any service at/to NLSIU.
- h. “**Respondent**” means a person against whom the aggrieved person has made a complaint under Rule 9.
- i. “**Sexual Harassment**” means any unwanted conduct with sexual undertones if:
 - it occurs or which is persistent; or



- which demeans, humiliates or creates a hostile and intimidating environment; or
- is calculated to induce submission by actual or threatened adverse consequences; and
- 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 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, including cyber stalking, as defined under the Indian Penal Code Section 354D. *Provided*, under these Procedures, the gender identities of the perpetrator and the victim are immaterial.

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.
- j. "**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.



k. “**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 NLSIU Community, but a visitor at NLSIU in some other capacity or for some other purpose or reason;

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. “**workplace**” means the NLSIU campus and includes:

- i. Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by NLSIU;
- ii. Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating to NLSIU;
- iii. Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the University for undertaking such journey for study at NLSIU.

Explanation: Workplace shall include online workspaces including online classes, meetings or other activity arising out of or during the course of employment or study at NLSIU.

3. Prohibition of Sexual Harassment

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

PART II – PROCESS

4. Recourse 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 for a period of not more than one year.
- b. At any given point, there shall be at least thirteen (13) facilitators, out of which as far as possible, at least 1 shall be from the MPP, 1 from the LL.M., 1 from each cohort of the LL.B, 1 from faculty, 1 from the non-teaching staff, 1 from among the members of the research community, and at least 1 from each cohort of the B.A., LL.B.

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

- c. Only persons who have successfully completed a training programme on the implementation of the Procedures as provided under Clause 10 under this Code, offered by the University, may be appointed to the position of a facilitator.
- d. 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 employees, the names and contact information of the facilitators shall also be notified through the Registrar.
- e. 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). The advisor shall preferably be a female faculty member. The Advisor shall ensure proper and effective implementation and administration of this Code. The term of the SHPA shall be two (2) years.

7. Powers and Duties of SHPA

The powers and duties of SHPA shall include the following:



- a. They shall ensure implementation of this Code in NLSIU and regularly review the functioning and effectiveness of the Code.
- b. They shall formulate strategies for spreading awareness of present policy among all members of NLSIU.
- c. They 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. They shall ensure the proper constitution and functioning of the Internal Committee (hereinafter IC) along with the Vice-Chancellor.
- e. They shall be responsible for identifying and monitoring support structures provided by the University.
- f. They shall organize orientation workshops for faculty, all non-teaching staff and new students enrolled to full-time courses at the beginning of the year; and regular sensitization programs as s/he deems fit.
- g. They shall assist the aggrieved person throughout the process of inquiry.
- h. They 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. They shall exercise such other powers and perform such other duties as may be conferred or imposed on her by or under this policy.
- j. They shall do all such acts and things as may be necessary to carry out the objects of this Code.
- k. They 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. They shall facilitate the training of the IC, as and when it is constituted.
- m. They shall be responsible for supervising the facilitators appointed under this Code.
- n. They shall be the receiver of formal requests for inquiry, which may be the first step towards approaching the inquiry mechanism under this Code.
- o. They shall be responsible for receiving requests for mediation in accordance with the procedure prescribed in Rule 12 under this Code.

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 aggrieved person if they so choose 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 person 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)

- a. The Vice-Chancellor shall, in consultation with the SHPA, constitute an Internal Committee ("IC"), for a period of three years, which shall consist of:
 - i. A Presiding Officer, who shall be a woman not below the rank of Associate Professor;
 - ii. Two faculty members, preferably those committed to the purposes of this Code, with experience in social work or in the legal field.
 - iii. One non-teaching employee, preferably those committed to the purposes of this Code with experience in social work or in the legal field.
 - iv. One external member from amongst non-governmental organizations or associations committed to the purposes of this Code or a person familiar with the issues relating to sexual harassment;
 - v. One student, if the matter involves students, who is enrolled in a postgraduate programme of the University.

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



Provided further that the Vice-Chancellor and Registrar shall not be permitted to be a member of the IC;

Provided further that the members of the IC must undergo compulsory training with respect to sexual harassment and procedures under this Code in the manner prescribed in Clause 10.

- b. The Vice-Chancellor shall appoint a Secretariat to the Internal Committee to assist the IC in its administrative functions.

9A. Removal from membership to the IC

If any member of the IC:

- a. Has disclosed the identity of the parties and witnesses or details of the proceedings to the public, press or media in any manner in violation of Section 16 of the Act; or
- b. Is convicted of an offence or disciplinary misconduct or is subject to a pending inquiry for any offence under law or disciplinary misconduct; or
- c. Has abused their position so as to render their continuance in office prejudicial to the public interest,

They shall be removed from the IC and the vacancy shall be filled by nomination in accordance with procedure in Clause 9.

10. Sexual Harassment Training

- a. The University shall in association with persons qualified for the purpose, organize and conduct an annual workshop for the training of facilitators, and IC members as and when the IC is constituted.
- b. The purpose of such workshop shall be:
 - i. to impart basic counselling skills;
 - ii. to equip facilitators and IC members with a comprehensive understanding of this Code;
 - iii. to sensitise facilitators and IC members to systemic discrimination of women and intersecting issues of caste, queerness, disability etc.;
 - iv. 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 Facilitators

- a. The facilitator shall be the first point of contact to the aggrieved person and shall act as a counselor;
- b. The facilitators shall report to the SHPA on the performance of their functions;
- c. 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 the identities of all parties and witnesses involved in a complaint; and of all proceedings.

12. Mediation

- a. In the event that the Aggrieved Person, after consultation with the facilitator, requests mediation, the facilitator shall escalate the complaint to the SHPA.
- b. The SHPA shall, inform in confidence, the person/s against whom the concern has been raised about the nature of the concern.
- c. The SHPA shall initiate mediation proceedings only on obtaining consent of the parties concerned.
- d. The mediator shall be an external trained mediator empanelled by the University in accordance with Clause 12A. The mediator appointed by the SHPA should be agreeable to all parties concerned.
- e. 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.
- 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 SHPA.
- g. Explanation: Nothing in this Rule shall preclude the right of the aggrieved person to initiate mediation during the inquiry process or vice versa.
- h. No monetary settlement shall be made as a basis for mediation.

12A. Empanelment of Mediators

- a. The Vice-Chancellor shall nominate at least three (3) external persons, trained in law and familiar with issues relating to sexual harassment, to the University's list of empanelled Mediators to conduct mediation proceedings under these Procedures.
- b. The Mediators shall be nominated from amongst non-governmental organizations or associations committed to the purposes of this Code.



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 Chairperson of the Internal Committee for an inquiry to be conducted within three months of the date of the incident of alleged sexual harassment.

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

Provided further, where there is a delay in filing of the complaint, the complainant shall explain the circumstances for delay in the complaint, and the IC may, upon consideration of such explanation, condone a delay in the filing of the complaint and provide its reasons in writing.

Provided further, a friend, relative, colleague, co-student, psychologist or other associate of the aggrieved person may file the complaint in cases where the aggrieved person is unable to do so themselves as a result of physical or mental incapacity, or death.

- b. Where the Sexual Harassment Policy Advisor receives a request, they 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, 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. On the receipt of a formal request for inquiry, the Sexual Harassment Inquiry Committee (IC) shall carry out a preliminary review of the matter and determine whether the IC has the jurisdiction to inquire into complaint. The IC may request the Complainant to furnish additional details and/or offer any other clarification, as may be necessary. The IC shall complete the preliminary review and communicate its decision with reasons to the Complainant within seven (7) days of the receipt of the formal request for inquiry.
- ii. Within two (2) days of concluding the preliminary review, the IC shall furnish a copy of the complaint to the Respondent/s and simultaneously furnish a notice requiring them to submit their written submission and the written statements of all their respective witnesses within ten (10) days of having received the notice. At this stage, the aggrieved party shall also furnish the written statements of their respective witnesses.
- iii. Within one (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.

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 fair and reasonable chance to present their case before the IC.
- ii. The IC shall question the parties and witnesses on oral and documentary (if any) evidence relied upon by them. The IC may call upon any additional witnesses it deems necessary.
- iii. The IC shall give the opportunity to parties to cross-examine witnesses of the other party.
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.
- iv. Upon conclusion of the oral hearings, the IC shall, within ten (10) days, submit a report to the Registrar containing its factual findings and a determination of whether this Code has been violated.
- v. 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 date of the receipt of the formal request for inquiry 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 they are 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. transfer the aggrieved person or the respondent to another section or department to minimise the risks involved in contact or interaction;
 - iii. Restrain the Respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
 - iv. Warning the Respondent to keep a distance from the aggrieved person, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
 - v. 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.

- vi. 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.
 - vii. take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.
- 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 favours 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 act on its recommendations unless the Registrar finds that the Inquiry or the Corrective Action are vitiated by any gross irregularity or illegality or mala fides.
- b. If 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 IC shall consider the issues identified 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 for a final decision, which shall be either:
 - i. to act on the recommendations of the IC or
 - ii. to constitute a fresh IC
- e. Final orders made by the Registrar under Rule 19(a) and 19(d) of these Procedures shall be made within thirty (30) days of the receipt of the IC's recommendations and report under Rule 19(a) and 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.
- f. 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. Any party to the proceeding who feels aggrieved by the decision of the IC or the Registrar may, within fifteen working days of receiving a communication of such order, request the Vice-Chancellor to review such action or decision on the ground that the decision or 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. Where the Corrective Action sought to be reviewed is rustication under Rule 22(a)(ix) or termination under Rule 22(b)(iii), the Vice-Chancellor may provide an opportunity to the party against whom such action is taken for making an oral representation to elaborate and explain their written submission without raising new grounds.



- d. After due consideration of the request for review and oral representation under Rule 20(c), if any, 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 or frivolous Complaints

In the event that the formal request for inquiry is proved to be *mala fide* or false during 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.

If the IC 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 provided during the inquiry, the complainant shall be liable to be punished as per the provisions of Rule 22 of these Procedures.

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 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 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.

c. **Payment of Compensation to the aggrieved person:** The compensation which may be payable to the aggrieved person by the offender shall be determined on the basis of:-

- i. mental trauma, pain, suffering and distress caused to the aggrieved person;
- ii. the loss of career opportunity due to the incident of sexual harassment;
- iii. the medical expenses incurred by the victim for physical, psychiatric treatment;
- iv. the income and status of the alleged perpetrator and victim; and
- v. the feasibility of such payment in lump sum or in instalments.



23. Criminal Proceedings

The University shall provide assistance to the aggrieved person if they so choose 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 facilitators shall maintain confidential records of all complaints or concerns that come before them; such records shall include:
 - i. the identity and 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 Code 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 Code 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 27(c).

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, Secretariat to the Inquiry Committee, 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 Code

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

FORM A – Request for Formal Inquiry

The Presiding Officer,
Sexual Harassment Inquiry Committee,
National Law School of India University,
Bangalore.

Dear Madam,

I/We, _____ request you to constitute an inquiry under the Code to Combat Sexual Harassment of NLSIU on the basis of the complaint below.

1. Name and details of Aggrieved Person:

[Please include the relationship of the aggrieved person with NLSIU – are you/they a student, faculty member, researcher, employee, visitor or do you/they have any other association with NLSIU?

If this request is being filed on behalf of the aggrieved person, please explain the circumstances why the aggrieved person is unable to initiate the complaint directly, your association with the aggrieved person, and your contact details.]

2. Name and details of the perpetrator:



[Please clarify whether the perpetrator is a student, faculty member, researcher, employee, visitor of NLSIU or if they have any other association with NLSIU]

3. Description of the incident/s of sexual harassment:

[Please include a detailed account of the incident or incidents which you believe constitute sexual harassment. As far as possible, provide the relevant dates and the places where the incident/s occurred.]

4. Preferred relief or protection:

[Please state what, in your opinion, would offer the aggrieved person relief or protection as a victim of sexual harassment]

5. Witnesses:

[Please provide a list of persons (Name; Contact details) who would be willing to provide written and oral testimony as a witness on behalf of the aggrieved person in the proceedings.]

6. Records or documents in support:

[Please provide a list of record/documents/other materials upon which you wish to rely on in support of the complaint and annex the materials or copies thereof.]

Sincerely,

(Signature/Thumbprint)

(Name of complainant)

Email:

Phone:

Date:

Place:
