Regulation for Prevention, Prohibition and Redressal of Sexual Harassment

1. Preamble

Kristu Jayanti University is committed to ensuring the lawful and ethical conduct of its members in alignment with its core value of human dignity. In adherence to UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 (hereinafter referred to as UGC Regulation) Kristu Jayanti University shall have an independent regulatory framework to ensure preventive, remedial and/ or disciplinary measures against sexual harassment of its employees and students. The University shall be committed to create and maintain an environment that is free of all forms of gender based discrimination and sexual harassment. The University shall have a zero tolerance policy towards sexual harassment and shall provide for timely and adequate compliance of the directions in this regard contained in the UGC Regulation.

2. Scope

This Regulation shall apply to all students, research scholars, employees (irrespective of their tenure, position, designation or gender) and visitors (in whatever capacity) of the University in all its Campuses/work places and shall come in to effect retrospectively from July 2025.

3. Definitions

In this Regulation unless the context otherwise requires, all the terms specified or contemplated herein shall have the same meaning and interpretation of such term/s as contained in Section 2 of the UGC Regulation except where differently specified. For immediate reference, definition of certain important terms is reproduced in the Schedule hereto.

(a) 'Campus' means the location or the land on which the University and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated 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.

(b) 'Employee' for the purpose of this Regulation shall mean person as defined in the UGC Regulation and also include any visitor to the University as Adjunct Faculty, Professor of Practice, Resource Person, Trainer, Research Supervisor, Consultant, Auditor, Audit Assistants, or for any other purpose whether employed or not.

(c) **'Sexual Harassment'** means:

i. An unwanted conduct with sexual undertones if it occurs or which is persistent and 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 or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:

(a) any unwelcome physical, verbal or non verbal conduct of sexual nature;
(b) demand or request for sexual favours;
(c) making sexually coloured remarks;
(d) physical contact and advances; or
(e) showing pornography

ii. any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
(b) implied or explicit threat of detrimental treatment in the conduct of work;
(c) implied or explicit threat about the present or future status of the person concerned;
(d) creating an intimidating offensive or hostile learning environment;
(e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

(d) 'University Community' shall mean and include all its employees as defined including Professor of Practice, part-time contracted or full time, its service providers and its associated persons such as external members of in the Curriculum Advisory Committee, Board of Studies, Planning and Monitoring Board, Academic Council, Finance Committee, and Executive Council.

(e) '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 an employee or a student of the HEI, but a visitor to the HEI in some other capacity or for some other purpose or reason

(f) 'Victimisation' means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.

(g) Workplace' means the Campus or Campuses of the University including-

a) 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 the University
b) Any sports facility, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in the University
c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the University for undertaking such journey for study in the University

4. Authorities

In order to ensure effective administration of the objectives of the Regulation, the University shall have the following authorities duly constituted with the approval of the Vice Chancellor.

a) Internal Complaints Committee (ICC)

1. The Internal Complaints Committee shall be the primary authority responsible for dealing with and to adjudicate on any complaint / grievance in the nature of sexual harassment and

shall function with full autonomy with power to make recommendations and/ or to pass punitive orders in accordance with this Regulation. The ICC shall consist of the following members:

i. Senior Woman Professor of the University - Presiding Officer.
ii. 2 faculty members and 2 non-teaching employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
iii. Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively nominated in consultation with the Student Council of the University.
iv. One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

2. All the members of the ICC shall be nominated by or with the approval of the Vice Chancellor.
3. At least one-half of the total members of the ICC shall be women.
4. The ICC may meet as many times as the need arises for the purpose of the Enquiry stated under Clause 4(2) herein but shall be obliged to meet twice in a year to review its performance and compliance under this Regulation. At least 2/3 of its members shall be the required quorum. The Presiding Officer may exercise a Casting Vote in case of a deadlock on any decision of the ICC.
5. Persons of Senior Administrative positions in the University such as Vice- Chancellor, Pro Vice-Chancellor, Registrar, Chief Finance Officer, Deans, Controller of Examination, Chief Human Resource Officer, Directors and Heads of Departments etc., shall not be members of ICC though however under special circumstances and in the context of the nature of the complaint/ grievance, any one of them may be invited by the Presiding Officer to attend the proceedings of the ICC.
6. The Presiding Officer shall have power to invite any faculty member, Counsellor or any other employee or student or any other 'covered individuals' to assist in the proceedings of ICC either as witness or for providing corroboratory evidence with reference to the instance/ s leading to the complaint/ grievance.
7. The Presiding officer may appoint one of the Members to be the Secretary of the ICC to record and document all its proceedings.
8. Any member who is directly or indirectly interested in the subject matter of any of the enquiry proceedings of the ICC shall disclose his/her interest and shall not participate in such proceedings.
9. The tenure of members of the ICC shall be three years but may be eligible for re-nomination at the discretion of the Vice Chancellor.
10. Notwithstanding the term of office specified for the Members of ICC the Vice Chancellor at his own discretion may decide to change or withdraw the nomination of any Member prior to completion of the term for any reason he may deem appropriate.

11. The Presiding Officer or any Member nominated to ICC shall forthwith vacate the office if and when disqualified to be a member under the following circumstances:
    a. contravenes the provisions of section 16 of the Act (Not maintaining confidentiality) or
    b. has been convicted for an offence or an inquiry into an offence under this Regulation or any Law for the time being in force is pending against him; or
    c. he / she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her by the University or
    d. has failed to disclose his/her interest in any of the enquiry proceedings of the ICC or
    e. has so abused his/her position as to render his continuance in office prejudicial to the objectives/ policies of this Regulation or in public interest
12. Such disqualified Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with this Regulation.

(b) Responsibilities of Internal Complaints Committee (ICC) – The Internal Complaints Committee shall:

a. provide assistance if an employee or a student chooses to file a complaint with the police;
b. provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence
c. protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
d. ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
e. ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

(c) Internal Complaints Appellate Committee (ICAC):

1. There shall be constituted an Internal Complaints Appellate Committee chaired by the Vice Chancellor or his nominee to dispose of any appeal by either of the parties involved against the findings /recommendations/ orders of the ICC.
2. The ICAC shall have three members (including the Chairperson) nominated by the Vice Chancellor from among the University community and who are adequately and relevantly knowledgeable and experienced.
3. The ICAC shall cause to examine the findings and related evidences and if needed shall re-examine the witnesses and/ or 'other covered individuals' while disposing of any of the appeals.

4. The ICAC shall complete its appeal proceedings within a period of 30 days from the date of filing the appeal. If it decides not to confirm the recommendations of the ICC, or is inclined to modify the same it shall record reasons thereof which shall be conveyed to ICC as well as to the Parties concerned. If the decision of ICAC is to accept the recommendations/order of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. Execution of action taken shall be done only after considering the reply or hearing the aggrieved person.
5. No appeal shall be considered unless received within 15 days of the communication of the decision of the ICC to the concerned Party/Parties.
6. There may be a Secretary to the ICAC appointed by the Vice Chancellor who shall be responsible to document the proceedings of the ICAC.

5. Complaint of Sexual Harassment and Enquiry Procedure

5.1 Complaint Procedure

a. An aggrieved person is required to submit a duly signed written complaint to the ICC as early as possible after the grieving incident but not later than three months from the date of the incident and in case of a series of incidents within the similar time frame from the date of second such incident.
   i. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render all reasonable assistance to the person for making the complaint in writing.
   ii. Provided further that the ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the specified period.

b. Any unreasonable delay in reporting the incident will be considered by the ICC as a failure on the part of aggrieved in determining the grievousness of the complained grievance and/ or the intent of the aggrieved.

c. Friends, relatives, colleagues, co-students, psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

d. In the absence of immediate availability of any of the members of the ICC the complaint by the student may be notified through the Counsellor concerned or the Head of the Department and by any other person through the Dean or Director concerned who shall immediately forward the same to the ICC without recording any comment or opinion. The date of such notification shall be deemed to be the date of submission of the complaint to the ICC.

5.2 ICC Enquiry Procedure

a. The ICC upon receipt of the Complaint, shall get the same scrutinised by reference to a Select Committee of Members of ICC specifically constituted by the Presiding Officer. The Select Committee within 7 working days of such reference shall examine and report on the Complaint to the Presiding Officer with regard to its veracity, if needed by summoning the

Complainant and/ or by making independent preliminary enquiries. The Select Committee in its Report shall clearly state the reason/ s that has lead to its decision on the veracity of the Complaint. The independent enquiry referred to may include examining evidences from CCTV cameras installed by the University and the opinion about the general behavioural traits of the complainant/ offender from discrete sources.

b. The Presiding Officer on the basis of the report of the Select Committee, if the Complaint is to be further enquired, shall as soon as possible send Notice to the Respondent with a copy of the Complaint seeking his/her appearance before the ICC along with his/her response in writing on a specified date which shall not be earlier than 7 working days from date of the Notice. Notice will also be sent to the Complainant for his/her presence on the specified date. If the case needs urgent attention the Notice period may be reduced at the discretion of the Presiding Officer.
c. If the Select Committee is not convinced of the veracity of the complaint and has so reported, the Presiding Officer shall as soon as possible send Notice to the Complainant with a copy of the Report of the Select Committee seeking his/her appearance before the ICC along with his/her response in writing on a specified date which shall not be earlier than 7 working days from date of the Notice. If the case needs urgent attention the Notice period may be reduced at the discretion of the Presiding Officer.
d. Enquiry/Hearing by the ICC shall be conducted dispassionately by following normal judicial practices and if warranted the Parties may be allowed to produce documentary evidences/witnesses in support of his/her claim or defence as the case may be. However, either Party shall not be allowed to be represented by any third party including an Advocate.
e. The ICC may hear and/ or cross examine the Parties either independently or in joint presence as may be deemed fit by the Presiding Officer.
f. If the Respondent does not appear on the specified date of Hearing the ICC may post the Hearing to the same day of the subsequent week and if the Respondent once again fails to appear, the ICC may proceed to decide the Case on Ex-Parte basis.
g. Either Party on appearance if seeks time to defend his/her case, he/she may be allowed time up to not more than 7 days at a time and no such extension of time shall be permitted more than twice.
h. If the Party does not appear on such extended dates, the ICC may proceed to decide the Case on *Ex-Parte* basis against such Party.
i. The ICC shall complete the enquiry proceedings within a maximum period of 45 days from the date of receipt of the Complaint and within the next 7 working days shall submit its report with recommendations to the Vice Chancellor with copy to both the Parties to the Complaint.
j. The Vice Chancellor shall cause to act on the recommendation of the ICC on expiry of 15 days from its receipt unless an Appeal against the same is filed as per this Regulation.
k. At any time prior to or during the enquiry process the Aggrieved (Complainant) may seek conciliation of the matter in which case the ICC may facilitate such resolution of the

complaint by conciliation between the Parties and on the basis of documented reconciliation signed by the Parties, all the enquiry proceedings of the ICC shall be dropped.

i. Provided that no such conciliation shall be encouraged in consideration to any monetary payment

ii. Provided further that notwithstanding such conciliation if the ICC is of the opinion that the conduct of the employee or the student (as respondent) as the case may be is a serious misconduct/ act of indiscipline under the Code of Conduct and Ethics/Disciplinary Rules prescribed by the University it may recommend for appropriate punitive action under Clause 6 (a) or 6 (b) of this Regulation or the Vice Chancellor may *suo moto* take such action. Any such action taken shall be independent of this Regulation and there shall be no Appeal allowed.

6. Frivolous Complaint

If any Complaint filed under this Regulation on its scrutiny/ independent enquiry is found to be false, untrue or malicious by the Select Committee and is so concluded by the ICC based on its enquiry proceedings, the Complainant shall be liable to be punished as if the offence was perpetrated by the Complainant and shall be in accordance with Clause 6 of this Regulation.

i. Provided that mere inability to substantiate a complaint or provide adequate proof thereof shall not by itself be sufficient reason for concluding the complaint as frivolous.

ii. Provided further that malicious intent of the Complainant must be substantiated by appropriate supporting evidences.

7. Punishment and Compensation

a. Any employee of the University found guilty of sexual harassment shall be punished in accordance with the Employment Regulations and the prescribed Code of Conduct.

b. Where the respondent student is found guilty of sexual harassment, depending on the severity of the offence ICC shall recommend/ award any one or more of the following punishments.

   i. Withhold the student privileges such as access to the library, auditoria, halls of residence, vehicle parking, scholarships, fee concession, and identity card.

   ii. Suspend or restrict entry into the campus for a specific period.

   iii. Award reformative punishments like mandatory counselling and/or community services.

   iv. Debar from writing the Semester Examination.

   v. Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants.

c. In the following circumstances and on that basis the aggrieved may be entitled for monetary compensation as may be appropriately determined and recommended by the ICC subject to approval of the Vice Chancellor. The compensation so payable shall be recovered from the offender.

   i. Mental trauma, pain, suffering and distress caused to the aggrieved person.

   ii. Loss of career opportunity due to the incident of sexual harassment.

iii. Medical expenses incurred by the victim for physical, psychiatric treatment.

8. Confidentiality Responsibility of ICC:

i. With reference to any complaint enquired in to by the ICC under this Regulation, it shall ensure that the identities as well as the complaint details of the aggrieved party or the offender shall be kept strictly confidential by every member of the ICC and shall never be kept in the public domain either during or after the process of the enquiry.

ii. As provided in Section 16 of the Sexual Harassment of Women at Workplace (Prevention. Prohibition and Redressal) Act 2013 no personal or other information with regard to any, complaint received and enquired and/ or disposed of by the ICC shall be furnished or shared under the Right to Information Act 2005.

9. Supportive Responsibilities of ICC:

With reference to any complaint enquired in to by the ICC under this Regulation and to the extent it is warranted, it shall be the responsibility of the ICC to:

i. Provide appropriate assistance if an employee or a student chooses to file a complaint with the police

ii. Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence.

iii. Protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department as may be so required during the pendency of the complaint, or also provide for the transfer of the offender.

iv. Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment.

v. Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

vi. Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant as may be applicable.

vii. Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus.

10. Institutional Responsibilities

The Vice Chancellor may nominate a Director to be in charge of the ICC to oversee its performance and to ensure all required compliances under this Regulation which will include:

a. Create awareness about this Regulation by publishing its relevant abstracts, definition of important terms and the University Policy in this regard in the website of the University, Staff Hand Book and Student Hand Book along with information on location details of the Office of the ICC including its contact phone and email address.

b. Organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the UGC.
c. Enable sensitisation of the problem through Counselling Committee/Peers for the University community in general and vulnerable groups in particular who are hesitant to complain.
d. Organise regular orientation or training programmes for the members of the ICC to augment their functional skills.
e. Orientation sessions to be provided for students, staff and administrators on gender sensitization and sexual harassment issues.
f. Introduce modules on gender related concerns in the Orientation and Refresher Programmes of the Academic Staff College of the University across all disciplines.
g. Provide infrastructure and administrative support to the ICC including but not limited to Office with computer, photocopier, audio-video equipment, Administrative Staff, Access to Counselling and Legal Experts and Allocation of Finances.
h. Conduct half-yearly review of review the efficacy and implementation of the Regulation towards prevention, prohibition and redressal of Sexual Harassment in workplace by participating in the review meetings of the ICC as specified in Clause 3(a) & (4).
i. Monitor the documentations and timely submission of reports by the ICC with reference to complaints received and issues handled.
j. Maintaining confidentiality as may be applicable.
k. Preparation and submission of annual report as may be required by UGC.
l. Update the ICC and ICAC with Regulatory changes in consonance with Court Judgements and/or changes in relevant Statutes from time to time.

11. General Provisions

These General Provisions shall apply to this Regulation in entirety irrespective of whether or not it has been specifically stated under its different Clauses or under other relevant Regulations of the University

a. Sexual Harassment shall be a deemed misconduct of any employee or visitor of the University and if proved appropriate punitive action shall be initiated against the perpetrator.
b. Sexual Harassment by any student shall be a deemed violation of Disciplinary Rules of the University and if proved appropriate punitive action shall be initiated against the perpetrator.
c. All Academic and Administration heads of the University located in all its workplaces shall be accountable for the compliance of this Regulation.
d. All communications and notices under this Regulation shall be served at the address of the recipient as registered with the University and except for filing of complaint by the aggrieved Party electronic communication from and to the registered email address shall be a recognised mode.
e. Document or Documentation referred to in Clauses 2 (k), 3(a)(7), 3(b)(6) and 9(i) shall include Minutes of Meetings, Record of Complaints and Disposals, Reports/Orders of the

ICC, Minutes of Meetings, Minutes of Conciliation, Reports of ICAC, Annual Reports to UGC and any other document as may be specified. All the said documents shall be prepared in specified formats and shall be kept as 'classified' in the custody of the Presiding Officer and shall be accessible only to authorised persons.

f. If the Aggrieved person opts to file the complaint directly to the State Machinery of Police prior to or after referring the matter to the ICC, no proceedings under this Regulation shall be pursued except that the University at its discretion may exercise its right as specified in Provision (ii) of Clause 2(k). The ICC in such a case shall be authorised to share in confidence all related information concerning the complaint to the Police without any prior or later reference to the Aggrieved or the Offender.

g. Any matter concerning the subject of this Regulation not specifically stated herein shall be guided/governed by the relevant provisions as contained in the UGC Regulation.

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