

**KRMU RULES AND PROCEDURES TO PREVENT, PROHIBIT AND PUNISH
SEXUAL HARASSMENT OF WOMEN**

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1. OBJECTIVES

- i. In framing the rules and procedures laid down in these Rules, the spirit of Sexual Harassment of Women at Workplace (PPR) Act, 2013 and the Supreme Court judgments, particularly in Vishakha v. State of Rajasthan, have been followed. However, the Rules and Procedures cover a wider spectrum of sexual harassment and deal with issues in consonance with the requirements of an academic institution.
- ii. To uphold women right to protection against sexual harassment and the right to livelihood and towards that end for the prevention and redressal of sexual harassment of women.
- iii. to evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women who fall within its jurisdiction including its academic, non-academic staff and students and provide an environment of work and study free from sexual harassment, intimidation and exploitation.
- iv. To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of girls and women.
- v. To create awareness about gender issues and working together and creating an enabling environment of gender justice where men and women can work together with a sense of personal security and dignity.
- vi. To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.

2. SCOPE

- i. These rules and procedures apply to all students, academic staff, faculty members, and non-teaching staff of the university as well as to the service providers and outsiders who may be within the premises of the university at the time of commission of the act/behavior coming under the purview of these Rules.
- ii. These rules would also be applicable on off-campus official duty (workshops, field work, group holidays/excursions, interviews/meetings with outside people and any other activity organized by the university outside the campus including the period of traveling for such activity).
- iii. The rules and procedures laid down hereunder and as amended from time to time shall be applicable to all complaints of sexual harassment made:
 - a. By a student against a member of the academic or non-teaching staff or a co-student or the Officers of KRMU, or the members of the Authorities and Committees of

- KRMU; or by a member of the academic or non-teaching staff or the members of the Authorities and Committees of KRMU against a student or another member of the academic or non-teaching staff; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- b. By a service provider or an outsider against a student or a member of the academic or non-teaching staff or the Officers of KRMU or the members of the Authorities and Committees of KRMU or by a student or a member of the academic or non-teaching staff or the Officers of KRMU, or the members of the Authorities and Committees of KRMU against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

3. TERMS OF REFERENCE

- i. The Sexual Harassment of Women at Workplace (PPR) Act, 2013
- ii. Supreme Court directives in the Vishakha judgement.
- iii. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which has been ratified by India.
- iv. Right to work with dignity in a safe environment as provided under Article 19(1)(g) of the Constitution of India.

3. WHAT CONSTITUTES SEXUAL HARASSMENT

I. *Sexual Harassment*

- a. Sexual harassment in the given context, is described in The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013 in Paragraph 2(n) as: “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - i. physical contacts and advances; or
 - ii. a demand or request for sexual favours; or
 - iii. making sexually coloured remarks; or
 - iv. showing pornography; or
 - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”
- b. Within KRMU, the definition above applies equally to men and women and also includes harassment by a member of one sex to a member of the same sex.
- c. The key expression in the above definition is *unwelcome* which indicates the unwanted and non-consensual nature of the behaviour in question.
- d. The explanation of sexual harassment shall include but will not be confined to the following:

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

- i. Implied or explicit promise of preferential treatment in employment; or
- ii. Implied or explicit threat of detrimental treatment in employment; or
- iii. Implied or explicit threat about present or future employment status; or
- iv. Interference with work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect health or safety.”

And further to also include:

vi. Making unwelcome sexual advances, or requesting sexual favours, or verbal or physical conduct of a sexual nature explicitly or implicitly made as a term or condition for instruction, employment, participation or evaluation of a person's engagement in any activity related to KRMU.

vii. Unwelcome sexual advances or verbal, or non-verbal or physical conduct such as loaded comments, remarks, jokes, letters, phone calls, or e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, and sounds or display of a derogatory nature which have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive campus environment.

viii. Committing any form of sexual assault by a person using the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will.

e) The overwhelmingly dominant form of sexual harassment is that perpetrated by men against women. However, sexual harassment could also be perpetrated by women against men or occur between persons of the same sex.

5. MEASURES FOR PREVENTION AND DETERRENCE OF SEXUAL HARASSMENT

- i. In order to ensure a safe environment free from Sexual harassment for women, the policy for the prevention and prohibition of sexual harassment will be circulated to all.
- ii. A proactive program will be maintained to educate all members as to the definition of sexual harassment and procedures for redressal.
- iii. Workshops and training programmes will be undertaken at regular intervals for sensitizing the members.
- iv. Notices will be prominently displayed spreading awareness about the issues of “Sexual Harassment at the Workplace” and giving information for the redressal mechanism that has been put in place and encouraging women to file their grievances.

- v. Will facilitate initiation of proceedings under these Rules through the institution of “Committee Against Sexual Harassment (CASH)” for redressal of act/s of sexual harassment.

6. JURISDICTION

The Rules and Procedures outlined in these Rules shall be applicable to all complaints of sexual harassment made:

- i. By a member of the university against any other member of the University irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- ii. By a resident against a member of the University or made by a member against a resident irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- iii. By an outsider against a member of the University or by a member of the university against an outsider if the sexual harassment is alleged to have taken place within the campus.
- iv. By a member of the University against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the University authorities initiate action by making a complaint with the appropriate authority. Further, the Committee will actively assist and provide available resources to the complainant in pursuing the complaint.

7. COMPOSITION OF COMMITTEE AGAINST SEXUAL HARASSMENT (CASH)

- i. In order to ensure that the Committee against Sexual Harassment is gender sensitive, representative members will be drawn from different categories and in order to create autonomous structure to enquire into complaints of sexual harassment, members from outside KRMU with known contribution to women’s rights issues shall be included in the Committee.
- ii. The Committee will have a woman Chairperson in accordance with the 1997 Supreme Court judgement in Vishakha case.
- iii. Not less than half of the Committee members shall be women.
- iv. All members of the Committee Against Sexual Harassment shall be neutral and unbiased.

The Committee shall comprise of:-

- i. A Chairperson who shall be a woman employed at a senior level at the workplace from amongst the employees.
- ii. Three faculty members specially elected from different Schools within KRMU.
- iii. Representation from non-teaching staff.
- iv. One eminent woman academician from outside the University.

8. CHAIRPERSON/ACTING CHAIRPERSON

The Chairperson of KRMUCASH shall be a woman faculty member, and shall be nominated by the Vice Chancellor. In the event of the Chairperson of KRMUCASH being unable to discharge her duties for a period exceeding 21 days (barring the period when the University is on vacation), Vice Chancellor shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of KRMUCASH for that period. The Acting Chairperson of KRMUCASH shall have all the powers and duties of the Chairperson of KRMUCASH and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

9. TERM

- i. The term of each Committee shall be two years. The previous Committee will however continue till the new Committee is constituted.
- ii. In the event of the expiry of the term of a Committee Against Sexual Harassment during the pendency of an enquiry then for purposes of that complaint the Committee Against Sexual Harassment will be regarded as a valid Committee, under these Rules, till the submission of the enquiry report to the Vice Chancellor.

10. DISQUALIFICATION

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of CASH if there is any complaint concerning sexual harassment pending against him /her, or if he/she has been found guilty of sexual harassment /serious misconduct.

11. POWER AND DUTIES OF THE CASH

I. Preventive

- i. To work towards creating an atmosphere promoting equality, non-discrimination and gender justice.
- ii. To promote and facilitate measures to create a work and study environment that is free of sexual harassment of women.
- iii. To publicize widely the policy against sexual harassment especially through the student handbook and display the same on notice boards, website, etc.
- iv. To regularly organize and carry out programmes for gender sensitization of KRMU members through workshops, seminars, posters, film shows, debates etc. It may enlist the help of specialized NGOs to carry out these programmes.

II. Remedial

- i. To receive and take cognizance of complaints made about sexual harassment of women at the workplace.

- ii. To conduct enquiries into these complaints, place findings before the Vice Chancellor and recommend penalties against the harasser in accordance with the Rules and Procedures laid down.
- iii. To ensure safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.
- iv. To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The Committee shall take action against anyone who threatens or intimidates the complainant or members of the Committee. This may be in the nature of issuing a restraining order against the defendant or any other person/s.
- v. To seek medical, police and legal intervention with the consent of the complainant.
- vi. To make arrangements for appropriate legal, psychological/ emotional and physical support for the complainant if she so desires.

12. MEETINGS OF CASH

- i. CASH shall meet at least 2 times a semester or at such intervals as may be necessary provided that the interval between two successive meetings shall not exceed 90 days.
- ii. Members shall be intimated of meetings in writing or by electronic communication.
- iii. Minutes of all meetings shall be recorded, confirmed and adopted.
- iv. The quorum for an ordinary meeting shall be one third of the existing members of CASH. Motions shall be carried by a simple majority of those present and voting.
- v. Any member of CASH may request the Chairperson to call an Emergency Meeting. The quorum of an Emergency Meeting shall be one third of the existing members of CASH. Motions shall be carried by a simple majority of those present and voting.
- vi. Special Meeting may be called by the Chairperson of CASH, with at least twenty-four hours' notice. It shall have a quorum of two-thirds of the existing members of CASH and attendance of at least one-third members shall be mandatory. Motions shall be carried by a two-thirds majority of the members present and voting.
- vii. If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special Meetings, the required quorum shall be the same as in a regular Ordinary or Special Meeting but for an adjourned Emergency Meeting there shall be no requirement of the quorum.

13. PROCEDURE TO BE FOLLOWED BY COMMITTEE

1. *Complaints Filing Process:*

- a) Any student, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, service provider, outsider, or a member of the academic or non-teaching staff or an Officer of KRMU, or a member of the Authorities or a Committee of KRMU.
- b) Complaints should be lodged by the concerned person directly with any member of Committee Against Sexual Harassment. Third party complaints and witness complaints shall not be entertained except in cases where the complainant has been forcibly prevented from making a complaint; in such cases, a complaint can be made on her/his behalf until she/he can approach CASH.
- c) The member to whom the complaint is made should bring it to the notice of the Chairperson of the Committee within two working days of its receipt by her/him.
- d) Within ten days of the receipt of a complaint, the Committee Against Sexual Harassment must determine whether or not a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose.
- e) Complaints may be oral or in writing. If the complaint is oral, it will be converted into a written form by the CASH member receiving the complaint and authenticated by the complainant under her/his dated signature or thumb impression as the case may be as soon as possible.
- f) Details of the incident(s) of harassment, the date, time, and place must be recorded. Complaints must be filed within three months of the incident or the most recent incident.
- g) The history of the complainant approached (family, friends, teachers etc) before making a formal complaint must also be recorded.
- h) Filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under these Rules, the University shall not alter the conditions of service/study of the complainant/ supporter/ witness concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this policy.

2. *Enquiry procedure.*

- i. The Committee shall not, at any time in the enquiry proceedings, cause the defendant and the complainant and/or their witnesses to be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant

- from facing serious health and/or safety problems, in accordance with the guidelines in the Supreme Court judgement.
- ii. The Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is referred to it, except for reasons to be recorded in writing by the Committee.
 - iii. The Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
 - iv. The Committee may call any person to appear as witness if it is of the opinion that it shall be in the interest of justice.
 - v. The Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as defendant.
 - vi. The Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
 - vii. The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purposes of supplementary testimony and/or clarifications.
 - viii. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-parte decision on the complaint, should the defendant fail, without valid ground, to present himself/herself for three consecutive hearings convened by the Chairperson.
 - ix. The Chairperson shall be responsible for making the defendant and the complainant aware that counselling services can be made available, if so desired.
 - x. Within two days of institution of enquiry proceedings by CASH, the Committee shall prepare a summons containing details of complaint such as the location, date, time on which the incident is alleged to have occurred and shall handover the same to the complainant as well as to the defendant.
 - xi. Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the Chairperson, in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
 - xii. On receipt of the first intimation of the enquiry and not more than two working days after such date, the complainant and/or the defendant shall inform the Chairperson whether they wish to exercise the rights afforded below.
 - xiii. The Chairperson shall convene the first hearing of the enquiry. The defendant, complainant and witnesses shall be intimated at least 48 hours in advance in writing of the date, time and venue of the enquiry proceedings.
 - xiv. If the complainant, defendant or witness desire to appear before the Chairperson accompanied by one companion of their choice, they shall communicate to the Chairperson the name of that person. Such person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
 - xv. The identities of all witnesses shall throughout be protected by the Committee by the use of a coding system for this purpose.
 - xvi. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on

her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of KRMU. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chairperson specifically if they wish to exercise this right. The Chairperson may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of CASH.

- xvii. The complainant and the defendant shall have the right of cross examination of all witnesses. Such cross-examination shall be conducted in the form of written questions and responses via the Committee.
- xviii. The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
- xix. All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.
- xx. All proceedings of the Committee shall be recorded in writing and the same together with the statements of the witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- xxi. If the complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.
- xxii. A complainant has the right to go public about the complaint of sexual harassment, if she so desires. If the complainant goes public before filing the complaint with the Committee Against Sexual Harassment, the same shall not prejudice the Committee members. Once a complaint has been given to the Committee, the complainant should preferably not go public till the enquiry is completed, unless there are compelling reasons for her to do the same.
- xxiii. After concluding the investigation, the Committee shall submit a detailed reasoned report of its findings to the Vice Chancellor. In the event the Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken on the complaint as referred to in these Rules. It shall also recommend whether the University authorities should, after the disciplinary action has been taken, publicize the identity of the offender and/or the act and the disciplinary action taken. If the Committee finds no merit in the complaint, it shall write to the Vice Chancellor, giving reasons for its conclusions.

14. WITHDRAWAL OF COMPLAINT

- i. The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.

- ii. The complaints enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Committee is informed, know, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimation exerted by the defendant(s), or any person on his/her behalf, on the complainant. In such an instance, the complaints proceedings shall continue in accordance with the procedure.

15. PENALTIES:

Upon the completion of an enquiry, the Committee may by a detailed and reasoned order pass any of the following orders:

- i. If the Committee finds no merit in the complaint, it shall write to the Vice Chancellor competent authority giving reasons for its conclusions. The concerned Committee may then dismiss the complaint which was subject of the inquiry.
- ii. If the Committee find the complaint proven on a balance of probabilities it shall give a detailed and reasoned finding to that effect.
- iii. In the event that the Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken, taking into consideration the gravity of the offence of which he/she has been found guilty and the impact on the complainant. It shall also recommend whether after disciplinary action has been taken, the disciplinary authority should publicize the identity of the offender, the misconduct and the disciplinary action taken.

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the Rules governing the conduct of employees and students in force from time to time.

Penalties in Case of Academic Staff

- i. Warning, reprimand, or censure.
- ii. Withholding of one or more increments for a period not exceeding one year.
- iii. Removal from an administrative position at the School and/or University levels.
- iv. Debarring from holding an administrative position at the School and/or University levels.
- v. Suspension from service for a limited period.
- vi. Compulsory retirement.
- vii. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

Penalties in Case of Non-Teaching Staff

- i. Warning, reprimand, or censure.
- ii. Withholding of one or more increments for a period not exceeding one year.

- iii. Suspension from service for a limited period.
- iv. Compulsory retirement.
- v. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

Penalties in Case of KRMU Students

- i. Warning or reprimand.
- ii. Transfer to another hostel.
- iii. Withdrawal of hostel accommodation.
- iv. Withdrawal of the right to an official character certificate from the University.
- v. Withdrawal of hostel accommodation for the entire period of study.
- vi. Rustication from the University.
- vii. Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by KRMU.
- viii. Withholding of a degree to be awarded by KRMU.

Further, the penalty awarded shall be recorded in his/her Personal File.

Penalties in Case of Outsiders

- i. Warning, reprimand, or censure.
- ii. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- iii. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by KRMU.
- iv. Any other action as may be necessary.

Penalties in Case of Service Providers

- i. Warning, reprimand, or censure.
- ii. A letter communicating her/his misconduct to her/his place of employment.
- iii. Declaration of the campus as out of bounds for her/him.
- iv. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- v. Any other action as may be necessary.

In addition to the penalties specified under (i)-(v) above, the person may be advised to undergo counselling on gender sensitization, and to give a written and/or public apology to the complainant.

Penalty in Case of a Second Offence

A second or repeated offence, may, on the recommendation of CASH, attract a major penalty.

Non-adversarial modes of redress and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour, counselling etc.

Performa for Filing of Complaints of Sexual Harassment

I. Complainant(s):

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name	
Date of Birth	
Sex	
Address	
Centre/School	
Phone number	
Email	

II. Person(s) against whom the complaint is being lodged:

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name(s)	
Age	
Sex	
Address	
Centre/School	
Phone number	
Email	

III. The Complaint:

1. Is the defendant known to the complainant?	
2. Is this the first incident of this kind? If yes, skip 3 and 4.	
3. Were exactly the same person(s) involved? If no, specify further.	
4. Was the first incident reported? To whom? When? What action, if any was taken?	
5. Approximate date(s), time(s) and location(s) of incident(s), starting from the most recent.	