

INTERNAL COMPLAINTS COMMITTEE AGAINST SEXUAL HARASSMENT

“The meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitudes to encompass all facets of gender equality....”

Late Chief Justice J.S. Verma, Supreme Court of India, Vishaka v. State of Rajasthan

The following Rules may be adopted by DSNLU for ICC Rules

Regulations for the Internal Complaints Committee against Sexual Harassment

Part A: Applicability and definitions

The **Internal Complaints Committee** (hereinafter called ICC) shall implement the Policy Against Sexual Harassment, the regulations made in this regard, read along with the guidelines laid down by the Hon’ble Supreme Court of India in its ruling in Vishaka v. State of Rajasthan AIR 1997 SC 3011.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted in order to uphold the commitment and the guidelines laid down by the Supreme Court in Vishaka v. State of Rajasthan AIR 1997 SC 3011. The Act aims to provide safe and secure workplace for the Women. The Act aspires to ensure women’s right to workplace equality and free from sexual harassment. It is important to note that the Act provides a civil remedy to women and is in addition to other laws that are currently in force. Consequently, any woman who wishes to report instances of Sexual harassment at the workplace¹ has the right to take recourse of both civil and criminal proceedings. The Act also reflects the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

DSNLU intends in providing and extend the protection and create an environment free of discrimination and violence against any person on the grounds of gender or sexual identity.

THE MANDATE, all workplaces in India is mandated by law to provide a safe and secure working environment free from sexual harassment for all women². So the three key obligations imposed on institutions to meet the above standards are:

Prohibition
Prevention
Redress

Applicability:

These Rules shall be applicable to all complaints of sexual harassment made:

- ✓ By a student **against** any employee, any service provider, another student, a member of the University bodies
- ✓ By an employee **against** a student, another employee, service provider, a member of the University bodies. In either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- ✓ By a service provider or a visitor **against** a student, an employee or a member of the University bodies.

¹ A workplace is defined as “any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.” As per this definition, a workplace covers both the organized and un-organized sectors.

² HANDBOOK On Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for Employers / Institutions / Organizations/ ICC / Local Complaints Committee- Government of India Ministry of Women and Child Development November 2015

- ✓ By a student or an employee **against** a visitor.

In either case if the sexual harassment is alleged to have taken place within the campus.

DEFINITIONS:

- i. **“Aggrieved person”** is the person against whom any act of sexual harassment is alleged to have been perpetrated.
- ii. **“Respondent/Defendant”** is the person against whom the complaint of sexual harassment is made.
- iii. **“Employee”** includes a person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied, and includes any person employed as a temporary, casual, piece-rated or contract worker, probationer, trainee, apprentice or by any other name called.
- iv. **“Service Provider”** includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes.
- v. **“Sexual Harassment”** shall include, but will not be confined to, the following³:
 - a. When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, explicitly or implicitly, are made a term or condition of instruction, employment, participation, or evaluation of a person’s engagement in any academic or campus or internship activity.
 - b. When unwelcome sexual advances and verbal, non-verbal, or physical conduct including such comments meant to indicate such intention, slander, remarks or jokes, letters, phone calls or electronic communication, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature that have the purpose or effect of interfering with an individual’s performance or of creating an intimidating, hostile or offensive campus/out of campus environment.
 - c. When comments, conduct, behaviour or teaching practice in the classroom or any public forum denigrates a person’s gender identity or sexual orientation.
 - d. Violating sexual privacy, including publicizing or threatening to publicize sensitive information pertaining to a person’s sexual life with the effect of causing harm, or choices through any medium whether verbal, written or online.

³ Dr. Punita K. Sodhi v. Union of India & Ors 163(2009)DLT557.

- vi. **"Student"** includes any person who is/was enrolled for any course, whether full time or part time, on line or off line with DSNLU and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with DSNLU or short-term courses at DSNLU. With regard to students of offline courses the University will have jurisdiction with regard to all incidents on campuses under its control.
- vii. **"Member of University bodies"** any member of any regulatory bodies or a member of any of the University bodies
- viii. **"Qualified Counsellor"** includes any person who is a trained psychologist or works with an NGO that engages in women's rights issues and is a trained psychiatrist or otherwise qualified to provide professional support and counselling.
- ix. **"Visitor"** includes all persons who visit the campus and are not students, employees and service providers.

PART B: PROCEDURE FOR THE ICC

COMPLAINT

Any aggrieved person may make a complaint of sexual harassment in writing to the ICC. Provided where the complaint cannot be made in writing the committee shall provide assistance to make the complaint in writing. In exceptional circumstances the committee may take cognizance on third party or witness complaints.

CONSTITUTION OF THE ICC

The ICC shall consist of minimum of nine members of whom 5 members shall be women:

- i. One resident faculty member and two other faculty members,
- ii. Two or more student representatives to be elected/selected by a committee in accordance with the procedure provided below,
- iii. One independent external member who may be a qualified counsellor
- iv. One or Two member of the non-teaching staff
- v. One person trained and experienced in restorative justice (RJ) procedures. (NGO or Social Worker)

Explanation: Among faculty members and staff, there shall be both male and female faculty members.

1. On being constituted, the Committee must go through an orientation process / workshop to be equipped with the tools to deal with complaints and subsequent processes.
2. The Chairperson/acting chairperson shall be a woman in a senior position from within the University. There must always be an acting chairperson appointed from within the committee in case the chairperson is not available.

CONSTITUTION OF SELECTION COMMITTEE

- (a) two faculty members and two non-teaching employees, and other independent member preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated
- (b) Three students, **if the matter involves students**, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure.
- (c) One member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.
- (d) At least one-half of the total members of the ICC shall be women.
- (e) Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice- Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
- (f) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.(if necessary by rotation)
- (g) The Member appointed amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the ICC, by the Executive Authority as maybe prescribed.

TERM

1. The Student representatives shall be elected/selected for a period of one year.
2. The non-student members shall have a term of three years.
3. The term of the incumbent committee shall end only on the date of appointment of new members.
4. Members of the committee may be reappointed on the completion of their terms. No person may serve for more than two consecutive terms.

FUNCTIONS AND POWERS OF THE COMMITTEE:

The committee has mainly four functions

1. to carry out gender sensitization programmes
2. to mediate in situations of sexual harassment
3. to initiate formal and informal redressal mechanisms
4. to provide support to the aggrieved person

The powers of the committee:

- a. to recommend preventive action to the disciplinary authority before the enquiry is held such as a transfer order, of either the aggrieved person, or the respondent on the request of the aggrieved person or leave or any other relief (suspension if it is student)
- b. to recommend any interim measures against the respondent pending enquiry such as a restraint order
- c. to recommend action against the respondent under service rules after enquiry

PROCEDURE TO BE FOLLOWED BY THE COMMITTEE:

The committee may receive a complaint from an aggrieved person or by another person on her behalf. The aggrieved person may choose from any of the procedures listed below:

1. Formal Complaint
2. Alternative procedures such as the restorative justice procedures

Provided that a complaint made will be permitted to be withdrawn only after an enquiry by the committee is completed

Provided that the aggrieved person is entitled to counseling regarding the choice of procedures. Once such counseling is provided and the person has made a choice to maintain a formal complaint mechanism, he/she may not be allowed to move to alternative procedures

Provided that the aggrieved person may withdraw from any of the alternative procedures at any stage if s/he is not satisfied with the progress made. Further, there shall be no bar on the aggrieved person's availing herself/himself of the formal complaint procedure of the Committee if s/he withdraws from the alternative procedures.

Formal Complaint procedure:

- i. The committee shall have a general duty of confidentiality with respect of parties and proceedings.
- ii. The committee shall enquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity.
- iii. Provided that if the Committee against Sexual Harassment decides not to conduct an enquiry into a complaint it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the aggrieved person in writing.
- iv. During the enquiry proceedings the aggrieved person and/or her/his witnesses and the respondent shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- v. The Party /witnesses may agree to be heard in the presence of the opponent after giving it in writing as per the Rule. (If ICC is convinced that it is required)
- vi. Both parties will be allowed to be accompanied by one representative each during the enquiry.
- vii. The Committee shall strive to complete the enquiry in the shortest possible time, preferably within one month from the date on which the complaint is referred to and not exceeding two months.
- viii. The Committee must, within one working day of receiving information that the preferred procedure for the pursuit of the matter is the formal complaints method, inform the respondent in writing about the material particulars of the charges made against him/her along with a written copy of the complaint and she/he should be given a period of seven days to respond to the same.
- ix. The Committee shall provide reasonable opportunity to the aggrieved person and the respondent for presenting and defending her/his case.
- x. Within not more than five working days of the initiation of the formal complaint procedure, the aggrieved person and the respondent shall submit to the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
- xi. The aggrieved person and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee believes 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.
- xii. The Committee may call any person to appear as a witness, if it is of the opinion that it shall be in the interest of justice and shall also have the power to summon

- any official papers or documents pertaining to the complaint under enquiry.
- xiii. The Committee may consider as relevant any earlier complaints against the respondent. However, the past sexual history of the aggrieved person shall not be admissible as such information shall be deemed irrelevant to a complaint of sexual harassment. (As per the Statutory Rules)
 - xiv. The respondent, the aggrieved person, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the aggrieved person/ respondent regarding the date, time and venue of the meeting.
 - xv. The Committee shall have the right to terminate the enquiry proceedings and to give an *ex parte* decision in favour of the aggrieved person, should the respondent fail, without valid ground, to present him/ her for three consecutive hearings convened by the Enquiry Committee.
 - xvi. The venue of the enquiry should take into consideration the convenience and security of the aggrieved person.
 - xvii. The identities of the aggrieved person and all witnesses shall throughout be protected and kept confidential by the Committee.
 - xviii. The aggrieved person and the respondent shall have the right of cross-examination of all witnesses. However, such cross-examination shall be conducted in the form of written questions and responses via the Committee only. The respondent shall have no right to directly cross examine the aggrieved person or her witnesses.
 - xix. When cross-examination is by way of written questions, the respondent/aggrieved person shall submit to the Committee, a written list of questions. The Committee shall retain the right to allow/disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive. Any behavior, verbal or otherwise, on the part of the respondent or his nominee, that is designed to intimidate or subject the aggrieved person or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the respondent.
 - xx. All proceedings of the Committee shall be simultaneously recorded in writing and signed by both sides at the end of each day's proceedings. All Committee members, 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 aggrieved person and the respondent. Any violation of the oath of secrecy may invite penalties.

Exception: In order to protect the reputation of the respondent pending a conclusive determination of guilt, the aggrieved person is encouraged to maintain confidentiality with respect to the complaint till the enquiry is completed.

- xxi. All documents or other material submitted as evidence shall be made available to either party on demand.
- xxii. The committee shall take note of power differences. The committee shall, inform the aggrieved person/s, that he/she may give her evidence, answers to any questions in writing provided that he/she makes herself available for examination by the respondent in the same manner, unless the aggrieved person opts to give her evidence orally

PROHIBITION OF PUBLICATION OF INFORMATION

All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the Committee and the same shall not be made available pursuant to an application under the Right to Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the Committee in a fiduciary relationship and the non- disclosure of the same will not be against public interest. The contrary disclosure of such information may endanger the life or physical safety of the aggrieved person/respondent or any of the witnesses.

FINDINGS OF THE COMMITTEE

1. After concluding its enquiry under the formal complaints' mechanism, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the respondent, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee.
2. No observations regarding the work and behaviour of either the aggrieved person or respondent shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the respondent.
3. Upon the completion of an enquiry, the said Committee may by a detailed and reasoned order pass any of the following orders:
 - a. If the Committee finds no merit in the complaint, it shall write to the Vice Chancellor giving reasons for its conclusions. The Vice Chancellor may then dismiss the complaint which was subject of the Inquiry. The Vice Chancellor has the power to direct the committee to reconsider its decision stating his/her reasons for doing so.
 - Provided* In case the internal committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person has produced a forged or misleading document the committee may recommend to take action in accordance with the rules under Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013.
 - b. If the Committee find the complaints proven it shall give a detailed and reasoned finding to that effect.
4. In the event that the Committee finds the respondent guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken by taking into consideration the gravity of the offence, of which he has been found guilty and the impact on the aggrieved person. It shall also recommend whether after disciplinary action has been taken, the disciplinary authority should publicize the identity of the respondent, the misconduct and the disciplinary action taken.
5. The committee shall provide both the aggrieved person and the respondent with a copy of the report submitted to the Vice Chancellor.
6. The respondent has the right to apply to the Vice Chancellor to direct the committee to reconsider its decision. The Vice Chancellor must provide reasons

for considering the request for reconsideration by the committee.

7. The Vice Chancellor shall act upon the recommendations within minimum of 10 days and Maximum of 15 Days of its receipt.

INTERIM MEASURES

1. The committee may recommend interim measures during the pendency of the case regarding restraint order against the respondent any other person approaching the complainant, members of the committee during the pendency of the case, prohibitory order against the respondent from entering the campus, or any place therein during the pendency of the complaint.
2. Suspension/ transfer of the respondent from his/her official position, during the pendency of the enquiry if his/her presence is likely to interfere with the enquiry.
3. The aggrieved person will have the option to seek transfer of the respondent or their own transfer where applicable.
4. The Vice Chancellor after taking action upon the recommendations shall place before the Executive Council his action for ratification.
5. The disciplinary action will be commensurate with the nature and impact of the sexual harassment.

PENALTIES

1. Any member of the University, non-teaching staff, student, service provider, and resident found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below are indicative, and shall not constrain the DSNLU administration from considering others, in accordance with the Rules governing the conduct of all members of the University.

1. In the case of academic/administrative/ technical/ non-teaching staff/management, or student/disciplinary action could be in the form of one or more of the following:
 - i. Warning/Admonition
 - ii. Written apology
 - iii. Bond of good behaviour
 - iv. Gender sensitization
 - v. Counselling
 - vi. Adverse remarks in the Confidential Report
 - vii. Debarring from supervisory duties
 - viii. Denial of membership of statutory bodies
 - ix. Denial of re-employment
 - x. Stopping of increments/promotion
 - xi. Reverting, demotion
 - xii. Transfer
 - xiii. Dismissal
 - xiv. Withdrawal of residential facilities and prohibition from entry on the campus etc.
 - xv. Any other relevant mechanism.

2. In case of students, disciplinary action could be in the form of:

- i. Warning/Admonition
- ii. Written apology
- iii. Bond of good behaviour
- iv. Gender sensitization
- v. Counselling
- vi. Debarring entry into a hostel/ campus
- vii. Withholding results
- viii. Debarring from exams
- ix. Debarring from contesting elections
- x. Debarring from holding posts
- xi. Semester Suspension/Expulsion
- xii. Denial of admission
- xiii. Declaring the harasser as "persona non grata" (Person not welcome) for a stipulated period of time
- xiv. Any other relevant mechanism.

3. 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 DSNLU
- iv. Any other action as may be necessary.

4. 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.

Provided that in any case, reasons for the action taken shall be provided to the offender in writing.

Provided further that action may also be taken against any person who tries to coerce or pressurize the aggrieved person in any way.

5. Penalty in Case of a Second Offence: A second, or repeated offence, may, on the recommendation of Committee, attract a enhanced punishment based on the penalty prescribed above.

6. Where Sexual Harassment amounts to criminal offence: Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the Committee to immediately inform the aggrieved person of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Rules.

ANNUAL REPORT OF THE ICC

As required by the Supreme Court Judgement, the University administration shall forward to the General Council, the Annual Report of Committee together with a written report on the Action Taken by them on the recommendations of the Committee.

Complaint Redressal Report

1	No. of complaints received	No. of complaints disposed off	No. of complaints pending for more than ninety days	Nature of action taken by the employer	No. of Action Taken
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MEETINGS OF THE ICC

The ICC shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, at least one meeting shall be called specifically for the purpose of deciding upon the working of ICC and for the presentation of the Annual Report.

PART C: MISCELLANEOUS

PROTECTION AGAINST VICTIMISATION

1. If the aggrieved person is a student and the respondent is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the respondent shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
2. If a witness named by the aggrieved person is a student and the respondent is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the respondent shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
3. If both the aggrieved person and the alleged respondent are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the respondent is found guilty, the respondent shall not write the Confidential Reports of the aggrieved person, if she/he is otherwise so authorized.
4. If witnesses named by the aggrieved person and the respondent are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the respondent is found guilty, the respondent shall not write the Confidential Reports of the aggrieved person, if she/he is otherwise so authorized.
5. If the respondent is a visitor, during the duration of the investigation and enquiry, and even after such an enquiry if the respondent is found guilty, the respondent shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.

6. If the respondent is a service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the respondent is found guilty, the order of restraint issued in accordance with the procedures shall be in force at all times.

Preventive and remedial activities of the ICC

- a To publicize widely the policy against sexual harassment through the prospectus, programme guide or other appropriate documents and display the same on notice boards, websites, offices and residential areas etc.

Explanation: Every recruitment/admission announcement must state: DSNLU has a policy against sexual harassment and is committed to providing an environment free from sexual harassment in the University.

- b To regularly organize and conduct programmes for gender sensitization of the University community through workshops, seminars, posters, film shows, debates etc. For this University may enlist the help of specialized NGOs to carry out these programmes or can have an MOU.
- c To take *suo moto* notice of practices in violation of gender sensitivity and gender justice on campus.
- d To ensure the prominent publicity of the Policy in all Centers, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centre's, etc.
- e To conduct at least one major activity per semester involving large sections of the University community.

DSNLU ICC

FORM I

Proforma for Filing of Complaints of Sexual Harassment

The processing of this complaint by the ICC is subject to physical validation through signature in the ICC

**In order to ensure accessibility and confidentiality for the Visually /Physically Challenged complainant(s), the ICC will arrange for the signature to be collected from them at their place of residence/work inside the campus.*

I. Complainant(s):

Student	Resident/Academic Staff	Non-Teaching Staff	Outsider/Visitor	Service Provider

Name(s) in Capital	
Age	
Sex	
Address	
Centre/School/University	
Phone number ✓ Landline (if any) ✓ Mobile	
Email-ID ✓ Personal ✓ Official	

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

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

Name(s) in Capital	
Age	
Sex	
Address	
Centre/School/University	
Phone number	
Email-ID	

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? Was any action, if any was taken?	
5. Approximate date(s), time(s) and location(s) of incident(s), starting from the most recent.	

Additional details of the complaint may be recorded here:

Complaint filed by

Signature:

Date:

Name:

Place:

DSNLU ICC

FORM II Order of Restraint (in duplicate)
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Issued to Ms/Mr/Dr/Prof _____ on _____ by
Presiding Officer, ICC. This is with reference to the complaint lodged by Ms / Mr /
Dr / Prof _____ on _____ Against Mr /
Ms / Dr/ Prof received at ICC Office, alleging that _____.

During the pendency of ICC's investigative and inquiry procedures into the complaint against you, you are enjoined to respect the human rights, and the confidentiality of the complainant, his/her/their family witnesses.

You shall not commit any act (either directly or by implication) that invades the privacy of the complainant(s), threatens his/her/their security, violates his/her/their human rights or adversely affects his/her/their living, working, and/or educational environment. You (or any person on your behalf) shall not make any attempt to contact the complainant(s), or any person in his/her/their confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, especially those that pertain to his/her/their complaint of sexual harassment against you.

You (or any other person on your behalf) shall respect the right of the complainant(s) to full confidentiality on all matters, especially pertaining to his/her/their complaint of sexual harassment against you. You (or any other person on your behalf) shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about the complainant's personality, character or motivations in any of his/her actions, including those involved in his/her/their lodging a complaint of sexual harassment against you.

A violation of this order may prove prejudicial to your case and it may also induce the ICC to recommend immediate disciplinary action against you, in accordance to the provisions of the ICC Rules & Procedures, which state that:

- (ii) the complainant or any other person should intimate in writing the Presiding Officer of ICC and/or the ICC Committee of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
- (iii) The Presiding Officer of ICC, or the Inquiry Committee be convinced of the truth of such allegations. The Presiding Officer of ICC and/or the Chief Enquiry Officer may summon the defendant(s) /respondent in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The ICC Committee or ICC shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.

- (iii) The Inquiry Committee and ICC shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

Please affix your signature in the space provided below to confirm that you have received the above restraint order and are informed of its provisions.

Signature:_____

Date:_____

Name:_____

Address:_____

DSNLU ICC

FORM III
Inquiry Committee Summons
to the Complainant

Dear

This is with reference to the complaint of sexual harassment against _____
_____ (Name of Respondent/defendant) that you lodged with the ICC on _____ (date).

The ICC has designated an ICC Committee of persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the ICC Inquiry Committee on _____ at _____ am /pm, in the ICC office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Presiding Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Presiding Officer.

Please find enclosed copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R)

Chief Enquiry Officer

Date: _____ (O) _____ (R)

DSNLU ICC

FORM IV
ICC Committee Summons
to the Defendant

Dear

This is with reference to the complaint of sexual harassment against you by _____ (name(s) of complainant(s)) that you lodged with the ICC on _____ (date). The ICC has designated an Inquiry Committee of persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the ICC Inquiry Committee on _____ at _____ am/pm, in the ICC office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Presiding Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Presiding Officer.

For information, please find enclosed copy of the Rules & Procedures of the ICC. Please note that failure to appear at the hearing without valid reason could go against you according to the Rules and Procedures..

The Inquiry Committee shall have the right to terminate the enquiry proceedings and to give an *ex-parte* decision on the complaint, in accordance with the procedure laid down by the Central Vigilance Commission for domestic enquiries, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings (with permission only) convened by the Presiding Officer.

Yours truly,

_____ (O) _____ (R)

Chief Enquiry Officer

Date:

_____ (O) _____ (R)

DSNLU ICC

FORM V
ICC COMMITTEE
Summons to Witnesses Named by the Complainant/Defendant

Dear

This is with reference to the complaint of sexual harassment against _____
_____ (name(s) of defendant) lodged by _____ (name(s)
of complainant(s)) with the ICC on _____ (date). The complaint referred to an
incident(s) that allegedly took place on/in _____ (date/period in
which the alleged incidents took place) in _____ (locations), where the
defendant allegedly _____.

The ICC has instituted a formal inquiry proceeding into the complaint. The contact details
of the members of the ICC Inquiry Committee are listed at the end of this communication.

_____ has requested that the ICC Inquiry Committee solicit your co-
operation to corroborate/clarify certain aspects to his/her testimony. We would therefore
like to meet with you on_, at_a.m /p.m. in the ICC Office. We also request you to bring
along any documents, or other evidence, that you may feel to be relevant to some aspect
of the case.

Please find enclosed a copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date:

_____ (O) _____ (R) _
_____ (O) _____ (R) _
_____ (O) _____ (R) _
_____ (O) _____ (R) _

DSNLU ICC

FORM VI
ICC COMMITTEE
Summons to Witnesses

Dear

This is with reference to the complaint of sexual harassment against _____(name of defendant) lodged by _____(name of complainant(s)) with the ICC on _____(date). The complaint referred to an incident(s) that allegedly took place on/in _____(date). The complainant has alleged that the defendant _____.

The ICC has instituted a formal inquiry proceeding against the respondent/ defendant. In the course of its proceedings, the ICC Inquiry Committee has formed the impression that you may be in possession of information that may prove relevant to the Committee's deliberations on the complaint, and this is to solicit your cooperation in this regard. In particular, the ICC Inquiry Committee would like to ascertain your information of the following matter(s).

The ICC Inquiry Committee would be appreciative if you could arrange to meet with the Committee on _____, at a.m/p.m. in the ICC. We would request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the ICC for information.

Yours truly,

_____ (O) _____ (R) _____

Chief Enquiry Officer

Date: _____ (O) _____ (R) _____

_____ (O) _____ (R)

_____ (O) _____ (R)

_____ (O) _____ (R)

DSNLU ICC

FORM VII

**Written apology: Suggested
Format (To be Hand-Written by
the defendant – if proved guilty) ***

(Name of the Complainant) _____

This is to place on record my understanding that my misbehaviour towards you on (date) _____, in (place) _____, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality, and security in the campus. Although I am aware that an apology for my unwelcome and gender-insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologise for my actions.

I, _____, undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy, threatens your security, violates your human rights, the DSNLU policy against sexual harassment, or adversely affects your living, working, and/or educational environment.

I, _____, undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating, or exerting pressure upon all matters, especially which pertain to your complaint of sexual harassment against me.

I, _____, undertake that henceforth, I, or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint of sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality, character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, _____, undertake that I shall attend the gender sensitization programmes organised by ICC. I shall make an effort to ensure that I shall never again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by others.

Signature: _____

Name: _____

Address: _____

Place:

*Note- If the complaint is proved to be false a similar handwritten apology will be written to the Respondent/Defendant by the Complainant)