

INDIAN INSTITUTE OF TECHNOLOGY JODHPUR (PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARRASSMENT) RULES, 2023

1. Short title, applicability and commencement:

- (a) These Rules are to be called the IIT Jodhpur (Prevention, Prohibition and Redressal of Sexual Harassment) Rules, 2023.
- (b) These Rules shall be applicable in respect of those cases wherein a complaint of sexual harassment has been made to the Internal Committee (*erstwhile Internal Complaints Committee, ICC*) of IIT Jodhpur.

2. Definitions: In the following IIT Jodhpur Rules, unless the context otherwise requires -

- (a) **“Aggrieved Person”** means:
 - (i) any student of any sex or gender of IIT Jodhpur; or
 - (ii) any employee of any sex or gender of IIT Jodhpur; or
 - (iii) any woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent on the campus of IIT Jodhpur;
- (b) **“Act”** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act No. 14 of 2013) as amended from time to time;
- (c) **“Board of Governors”** means the Board of Governors of Indian Institute of Technology Jodhpur;
- (d) **“Presiding Officer”** means the Presiding Officer of the Internal Committee nominated under these Rules;
- (e) **“Campus”** means and includes the location or the land on which the Institute and its premises are situated;
- (f) **“Employee”** means a person employed at IIT Jodhpur for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- (g) **“Director”** means the Director of Indian Institute of Technology Jodhpur;
- (h) **“IIT Jodhpur”** means the Indian Institute of Technology Jodhpur as incorporated under the Institutes of Technology Act, 1961 (amended from time to time);
- (i) **“Internal Committee”** means the Internal Committee (IC) constituted by the Institute under Section 4 of the Act;
- (j) **“Institute”** means the Indian Institute of Technology Jodhpur;

- (k) **“Member”** means the member(s) of the Internal Committee constituted by the Director in conformity with provisions of Section 2(h) of the Act and includes its Presiding Officer;
- (l) **“Sexual Harassment”** means:
- (a) An unwanted conduct with sexual undertones 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: -
 - (i) any unwelcome physical, verbal, or non-verbal conduct of sexual nature;
 - (ii) demand or request for sexual favours;
 - (iii) making sexually coloured remarks;
 - (iv) physical contact and advances; or
 - (v) showing pornography.
 - (b) The following circumstances, among other circumstances, 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 as quid pro quo for sexual favours;
 - (ii) implied or explicit threat of detrimental treatment in the conduct of work;
 - (iii) implied or explicit threat about the present or future status of the person concerned;
 - (iv) creating an intimidating offensive or hostile learning environment
 - (v) humiliating treatment likely to affect the health, safety or physical integrity of the person concerned;
- (m) **“Student”** means a person duly admitted and pursuing a programme of study either through regular mode or any other mode, including a non-degree or short-term programme in the Institute.

Provided that a student who is in the process of taking admission in the Institute, although not yet admitted, shall be treated, for the purposes of these Rules, as a student of the Institute;

- (n) **“Workplace”** means the campus of the Institute and also includes extended workplace and covers within its scope places visited as a student or employee of the Institute including transportation provided for the purpose of commuting to and from the Institute, the locations outside the Institute on field/industrial trips, seminars, conferences, workshops, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and other activities where a student or employee is participating in the capacity of a student or employee of the Institute;

- (o) “**Rules**” would, unless the context otherwise indicate, mean 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2023' (*amended by the Board of Governors from time to time*).

3. **The Internal Committee and its Composition:** The Director of the Institute shall have the powers to constitute the Internal Committee in conformity with the provisions of Section 4(1) of the Act in the following manner, namely: -

- (a) the Presiding Officer, to be a woman employed at a senior level at workplace from amongst the employees;
- (b) persons from a diverse range of departments within the Institute, selected from the faculty/ academic staff;
- (c) one person from amongst the non-academic staff of the Institute;
- (d) two persons from amongst academic/non-academic staff of the Institute committed to the cause of women or who has had experience in social work or have legal knowledge;
- (e) one external member from amongst legal fraternity or non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment; and
- (f) one secretarial staff who will be convenor of the Internal Committee but will not have any powers as a member of the Internal Committee:

Provided that at least one-half of the total members to (excluding secretarial staff) be so nominated shall be women.

- 4. The Presiding Officer and every member of the Committee shall hold office for such period, for three years from the date of their nomination or as may be specified by the Board of Governors. Post completion, the tenure may be extended for another term of three years.
- 5. The Internal Committee shall have a quorum comprising of a minimum of five (5) members including the Presiding Officer and the External member.
- 6. The inquiry into any Complaint shall be made by the Internal Committee in accordance with the principles of natural justice.
- 7. **Complaint of sexual harassment:** An aggrieved person shall submit a written complaint to the Internal Committee within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident. The complaint should contain the name and contact details of the aggrieved person, details of the nature of harassment, date and time of the incident, and the name of the person against whom the complaint is being lodged. It should contain, wherever possible, a list of witnesses and other evidence in support of the Complaint.

In exceptional circumstances and for reasons to be recorded in writing, the IC may take suo-motu cognizance of grievances relating to sexual harassment and initiate appropriate inquiry.

8. **The process for making complaint and conducting Inquiry:** The Internal Committee shall comply with the procedure prescribed in these Rules and the Act for making a complaint and inquiring into the complaint in a time bound manner. The Institute shall provide all necessary facilities to the Internal Committee to conduct the inquiry expeditiously and with required privacy.
9. **Conciliation:** The aggrieved person may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Internal Committee shall also ensure that the conciliation is not being sought by the complainant under duress. Where a settlement is arrived at, copies of the settlement shall be provided to the aggrieved person and the respondent, and no further inquiry shall be conducted by the Internal Committee.
10. **Confidentiality:** The Internal Committee and all those in the chain of information flow of the complaint including but not limited to the member of the Institute, academic/ non-academic staff, witnesses etc., are duty bound to keep all information confidential and breach of any confidentiality shall be punishable by the Internal Committee in accordance with the Institute's policy on misconduct.
11. **Applicability of CCS Rules:** In the case the respondent is governed by CCS Rules, the IC shall make preliminary/ fact finding inquiry and refer the same to the Disciplinary Authority under CCS Rules for further action.
12. **Process of conducting an Inquiry:**
- (a) The Internal Committee shall, upon receipt of the complaint shall meet the aggrieved person and take the statement of the complainant. Such statement should be recorded and signed by them with the date and time of recording. Simultaneously, the Internal Committee shall send one copy of the complaint to the respondent within a period of seven days of such receipt.
 - (b) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses, if any, within a period of ten days.
 - (c) When the respondent appears before the Internal Committee and accepts all the allegations made against him/her, the Internal Committee shall be required to prepare its report and submit the same to the Director of the Institute within ten days.
 - (d) If the respondent does not accept the allegations, the Internal Committee shall interview all such witnesses and call to it all such evidence as maybe needed to investigate the complaint.
 - (e) While recording the statement of the complainant/ respondent or his/her witnesses, the Internal Committee shall ensure compliance of the rules of natural justice. Provided that in order to ensure safety, security and privacy of the witnesses concerned, the Internal Committee will not allow cross-examination of the complainant or her/his witnesses in person. However, under such circumstances, cross examination may be permitted through question-answer mode in writing.
 - (f) The identities of the aggrieved person or the victim or the witness/es or the respondent / offender shall not be made public.
 - (g) During the pendency of the inquiry, on a written request made by the aggrieved person, the Internal Committee may make such interim recommendations to the Director as may be consistent with the practice and conventions of the Institute.

- (h) If the Internal Committee arrives at a conclusion that the allegations against the respondent are false and malicious it will recommend appropriate punitive measures to be taken against the complainant. Mere inability to substantiate a complaint or provide adequate proof need not attract such punitive action against the complainant.
- (i) The inquiry has to be completed within a period of ninety days from receipt of the complaint.

13. Inquiry Report:

- (a) The Internal Committee shall consider all facts and statements placed before it and conclude its findings. The finding so concluded is to be given to both the parties, providing them a maximum of 3 days time to submit their representation, if any. After considering the representation submitted, if any, by the parties, the Internal Committee shall prepare a report of its findings and recommendations.
- (b) The original copy of the report, together with statements of witnesses and other annexures/exhibits shall be submitted by the Internal Committee to the Director of the Institute within ten days of completion of the Inquiry.
- (c) The Director of the Institute shall cause the implementation of the recommendations of the committee within a period of thirty days from the receipt of the inquiry report.