

IIT KANPUR (PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARRASSMENT OF STUDENTS) RULES, 2017

1. Short title, applicability and commencement –

(a) These Rules may be called the IIT Kanpur (Prevention, Prohibition and Redressal of Sexual Harassment of Students) Rules, 2017.

(b) These Rules shall be applicable only in respect of those cases wherein a complaint of sexual harassment has been made against the student(s) of IIT Kanpur.

(c) They shall come into force on the date of approval accorded by the Senate of the IIT Kanpur.

2. Definitions – In these Rules, unless the context otherwise requires, -

(a) “aggrieved student” means a student of any sex or age whether registered/enrolled as a student or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(b) “Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act No. 14 of 2013);

(c) “IIT Kanpur” means the Indian Institute of Technology, Kanpur as incorporated under the Institutes of Technology Act, 1961;

(d) “the Institute” means the Indian Institute of Technology, Kanpur;

(e) “campus” means and includes the location or the land on which the Institute and its premises are situated and also includes extended campus and covers within its scope places visited as a student 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 is participating in the capacity of a student of the Institute;

(f) “Senate” means the Senate of the Institute;

(g) “Internal Complaints Committee” means the Internal Complaints Committee (ICC) constituted by the Institute under section 4 of the Act. Provided for the purpose of conducting inquiry under these Rules, ICC may co-opt such student’s representative as may be permitted by the

Director. However, the co-opted members shall not participate in the decision making, nor shall they be counted in quorum.

(h) "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;

(i) "student" means a person duly admitted and pursuing or has completed 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;

Provided further that a student, who is a participant in any of the activities in the campus, shall be treated, for the purposes of these Rules, as a student of the Institute

(j) “workplace” means the campus of the Institute.

3. Complaint of sexual harassment -An aggrieved student is required to submit a written complaint to the ICC 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 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 also have a list of witnesses and other evidence, documentary or otherwise.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the student from filing a complaint within the said period.

Friends, relatives, colleagues, co-students, student’s counsellors, 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.

The ICC may take suo-motu cognisance of matters/complaints/grievances related to students involving sexual harassment and initiate appropriate action.

4. The process for making complaint and conducting Inquiry - The ICC 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 ICC to conduct the inquiry expeditiously and with required privacy.

5. Conciliation - The aggrieved student may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. ICC shall also ensure that the conciliation is not being sought by the complainant under duress. Once it is sought by the aggrieved student, the ICC shall facilitate a conciliation process. Wherever possible, the resolution of the conflict to the full satisfaction of the aggrieved party, would be preferred to purely punitive intervention. Where a settlement is arrived at, copies of the settlement shall be provided to the aggrieved student and the respondent and no further inquiry shall be conducted by the ICC.

6. Process of conducting Inquiry-

(a) The ICC shall, upon receipt of the complaint, 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) If the respondent appears before the ICC and accepts all the allegations made against him/her, the ICC shall be required to prepare its report and submit the same to the Chairman Senate within ten days.

(d) If the respondent doesn't accept the allegations, the statement of complainant and her/his witnesses should be recorded and signed by them with date and time of recording.

(e) After recording of the statement of the complainant and her/his witnesses, the respondent should be asked to produce his/her witnesses, which should be recorded and signed by them with date and time of recording.

(f) While recording the statement of the complainant or his/her witnesses, the ICC shall ensure compliance of the rules of natural justice to the extent possible and shall afford opportunity of cross-examination to the parties concerned. Provided that in order to ensure safety, security and privacy of the witnesses concerned, the ICC may 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.

(g) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

(h) During the pendency of the inquiry, on a written request made by the aggrieved student, the ICC may make such interim recommendations to the Director as may be consistent with the practice and conventions of the Institute.

(i) If the ICC arrives at a conclusion that the allegations against the respondent are malicious and the complainant made the complaint knowing that it is false, 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.

(j) The inquiry has to be completed within a period of ninety days from the receipt of the complaint.

7. Inquiry Report –

(a) After recording of statements, ICC 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 ICC 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 ICC to the Chairman Senate within ten days of completion of the Inquiry. The

Chairman Senate shall cause to provide a copy of the report to the complainant and the respondent.

(c) The Chairman Senate shall cause the implementation of the recommendations of the committee within a period of thirty days from the receipt of the inquiry report.

8. Procedure for appeal –

(a) The Senate shall constitute a Senate Standing Committee and empower it to examine the appeal on its behalf. The Senate Standing Committee will comprise 3 or 5 Senators, not less than half of which shall be female Senators. The Senate Standing Committee may also co-opt a legal expert who can apprise the committee of the legal aspects.

(b) An appeal against the decision may be filed by either party before the Senate Standing Committee within a period of 90 days from the date of receipt of the decision of the Chairman Senate.

(c) The Senate Standing Committee shall look into the merit of the appeal. It will not re-investigate the case, nor meet the respondent or complainant. Its mandate will be to see what is on record and whether due and proper procedure was followed or not. Generally, no new evidence shall be admissible before the Senate Standing Committee. However, in case the Senate Standing Committee is of the opinion that the person seeking to introduce the new material was prevented from producing it, she/he may be permitted to place the same. However the reasons for granting or rejecting such permission may be recorded in writing.

(d) If the Senate Standing Committee determines during the appeal process that a new witness/fact/circumstance needs to be looked at, then the investigation for the same would normally be undertaken by the ICC and its report will be sent back to the Senate Standing Committee for further consideration.

(e) The Senate Standing Committee shall make a clear recommendation, within thirty days of the appeal, on the appeal having due regard to confidentiality and privacy of the persons concerned and submit the same to the Chairman Senate. The Chairman Senate will cause the recommendation of the Senate Standing Committee to be placed before the Senate for reporting and necessary action for implementation of the recommendation.

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