

## **NUJS Policy on Protection of Students from Sexual Harassment during Internship, 2014**

WHEREAS NUJS is committed to

- a) maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the University is committed to creating an environment free from discrimination, harassment, retaliation and/or sexual assault at all levels, and
- b) discharging its legal obligations under the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997 and under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

AND WHEREAS NUJS has already constituted an Internal Complaints Committee under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013,

AND WHEREAS NUJS recognises that internship is an integral component of the academic programme at NUJS since the Bar Council of India Education Rules 2008 prescribes a minimum period for internship for all students.

This policy is adopted in order to ensure an environment free of discrimination during internship and create an institutional mechanism for just, fair and effective redressal of complaints by students of NUJS on sexual harassment endured during internship.

### **1. Short Title and Scope**

(a) This policy may be called the NUJS Policy on Protection of Students from Sexual Harassment during Internship, 2014.

(b) This Policy shall apply to any act or gesture, verbal or non-verbal amounting to sexual harassment any complaint of any such act committed against a student enrolled in LL.B. or LL.M. Programme at NUJS, during his or her internship. This policy shall apply irrespective of whether the internship has been officially arranged by the University or arranged by the student on his/her own.

### **2. Definition**

(a) “**Sexual harassment**”, for the purpose of this Policy , includes, but is not restricted to, any one or more of the following unwelcome sexually determined behaviour (whether directly or by implication):-

- (i) physical contact and advances,
- (ii) a demand or request for sexual favours,
- (iii) sexually coloured remarks,
- (iv) showing pornography, and
- (v) other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(b) “**Internship**” includes any form of training or work, paid or unpaid, arranged by this University or otherwise, in any industry, establishment or workplace, undergone by a student enrolled in this University.

(c) “**Internal Complaints Committee**” means the Committee constituted by the University under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(d) “**Local Complaints Committee**” means the Committee constituted under Section 5 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(e) “**Student enrolled in NUJS**” for the purpose of this Policy means a student enrolled in LL.B. or LL.M. programmes offered at NUJS.

Explanation 1: - A student who has passed all the evaluated components of the subjects of his/her final semester shall cease to remain a student enrolled in NUJS.

Explanation 2: - For the purpose of this Policy, a foreign student registered for any course in NUJS as an exchange student shall also be considered a student enrolled in NUJS.

(f) All other words and expressions used but not defined in this Policy and defined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or Rules framed there under shall have the meanings respectively assigned to them in the Act or the Rules (as the case may be).

### 3. Reporting

(a) Any student who believes that he or she has been a victim of sexual harassment should, within six months of the incident, make a complaint, reporting the circumstances to the Internal Complaints Committee constituted by the University under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, in accordance with the procedure set forth below.

*Provided that Internal Complaints Committee may investigate any conduct that amounts to Sexual Harassment as defined in the Policy, even in the absence of a complaint, and after seeking consent of the concerned student, take remedial action where appropriate.*

*Provided further that a complaint may be lodged directly with any member of the Internal Complaints Committee, or through existing channels for lodging grievances, such as the Vice-Chancellor, wardens and teachers. If the complaint is made through any such channel, the person to whom the complaint is made shall bring it to the notice of the Internal Complaints Committee within five working days of its receipt by her or him.*

*Provided further that the Internal Complaints Committee shall, on receiving a complaint from any such third person, contact the concerned student who has reported being sexually harassed as soon as they have notice of it, and inform him/her of the options available under this Policy and applicable legal norms.*

*Provided further that even though a complaint should be lodged within six months, if there are certain extenuating circumstances which may have prevented or deterred a victim from filing a complaint within six months, such circumstances may be considered by the Internal Complaints Committee. If reasons are found to be sufficiently strong and convincing, the maximum limit for filing the complaint may be relaxed up to one year only. Reasons for granting such an extension should invariably be recorded in writing.*

#### **4. Form of Filing a Complaint**

The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Internal Complaints Committee member receiving the complaint, and authenticated by the complainant under his or her dated signature.

#### **5. Investigation**

(a) The Internal Complaints Committee shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate.

(b) It will make every effort to complete its investigation within sixty days of a report of sexual harassment.

(c) In arriving at a decision, the Committee shall take cognizance of all aspects of the incident, including the time, place and the context of the alleged incident of sexual harassment.

#### **6. Protection of the Complainant**

(a) The Internal Complaints Committee shall also take note of the inherent power asymmetry and the vulnerability of the complainant in such cases and take steps to ensure that he/she is not subjected to a hostile environment during the investigation.

(b) The Committee shall also take steps to ensure that the complainant is offered the services of a counsellor. Such counselling shall not however be mandatorily imposed on the complainant.

(c) Where there is a possibility of conflict of interest arising out of any professional or personal relationship between the accused and a member of the Internal Complaints Committee, such member shall recuse himself/herself from the proceedings.

#### **7. Disposal**

(a) Where the Internal Complaints Committee, after its inquiry, finds that there is *prima facie* evidence supporting the complaint of sexual harassment, it shall recommend the following to the Vice-Chancellor:

(i) That the complaint be forwarded to the Bar Council of India and/or the appropriate state bar council having jurisdiction for appropriate action under the Advocates Act, if the accused is an advocate.

(ii) That the complaint be forwarded to the Chief Justice of India for appropriate action, if the accused is a sitting judge.

(iii) That the complaint be forwarded to the Internal Complaints Committee of the organisation if the accused is employed or otherwise works for any other workplace or establishment including law firm, company, non-governmental organisation or an university.

Provided that where an Internal Complaints Committee has not been constituted by the organisation, the complaint shall be forwarded to the Local Complaints Committee having jurisdiction over the matter.

Provided further that the Vice-Chancellor shall forward the complaint, in pursuance of clauses (i) to (iii), only after seeking the consent of the complainant.

(iv) That the accused be provisionally suspended from holding any teaching, research or any other academic position, honorary or otherwise, in the University till the disposal of the complaint made under this section by the Bar Council of India, Chief Justice of India or the Internal Complaints Committee, as the case may be.

(b) In every case where the Internal Complaints Committee, after its inquiry, finds that there is *prima facie* evidence supporting the complaint of sexual harassment, the Vice-Chancellor shall:

(i) debar the accused, including a person who is self-employed from participating in any University organised programme and

(ii) Inform the Campus Recruitment Committee and other student bodies coordinating internships of such finding. The name of the complainant shall not however be communicated to the Campus Recruitment Committee or any other student body.

(c) Any action taken in furtherance of clause (b) (i) of this Rule shall subsist till the final disposal of the complaint forwarded under clause (a).

Provided that where the accused does not belong to any of the category referred to in clause (a), he shall be invited to rebut the allegations before the Internal Complaints Committee. The Committee shall offer an opportunity of being heard to the accused and submit its final report to the Vice-Chancellor. Any action taken in furtherance of clause (b) (i) shall cease to subsist if the Committee's final report finds that, on balance of probabilities, the accused did not commit any act amounting to sexual harassment.

(d) Where the University refers the complaint to any of the persons or institutions in pursuance of the preceding clause, it shall provide appropriate support to the complainant in future proceedings arising out of such complaint.

(e) Where the Vice-Chancellor fails to take action under this Policy within two weeks of the submission of the Report of the Internal Complaints Committee under this provision, the complainant or the Internal Complaints Committee may make a representation to the Executive Council of the University for necessary action in this regard.

Provided that where the complaint relates to internship done with a person/organisation outside India, the Internal Complaints Committee, on finding that there is *prima facie* evidence supporting such complaint, shall recommend to the Vice-Chancellor that the matter be forwarded to the appropriate body/institution having the authority to investigate the matter.

## **8. Criminal Complaint**

Where the complaint discloses the commission of a criminal offence and the Internal Complaints Committee, after its inquiry, finds that there is *prima facie* evidence supporting the complaint of sexual harassment, it may with the written prior permission of the complainant, intimate the police/appropriate agency/forum and help the complainant with all necessary formalities including the filing of an FIR etc.

## **9. Confidentiality**

The University will maintain the confidentiality of the complaint, and the privacy of the complainant and the witnesses, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

Any disclosure of the identity of the complainant, in contravention of this Policy, by an employee of NUJS shall be considered misconduct, as per the service rules. The Internal Complaint Committee shall not disclose the name of the complainant, or the place of internship, time etc to any person other than the Vice-Chancellor. .

#### **10. Non-Retaliation**

The University will not in any way retaliate against an individual who reports a perceived violation of this Policy or participates in any investigation, including as a witness.

#### **11. Registration of Internship**

Every student who starts an internship shall send, by email, to the person and email address designated for this purpose by the Vice-Chancellor, the following particulars:

- a) Name of the Organisation/Person
- b) Address
- c) Period of Internship

#### **12. Submission of Certificate of Completion**

(a) Every student who completes an internship shall, within fifty days of completion of the internship, submit to the person and email address designated for this purpose by the Vice-Chancellor, a scanned copy of a Certificate of Completion signed by the person with whom/authorised person in the organisation where the student interned.

(b) In the event that the student, who has completed internship with a person or organisation, is denied, explicitly or otherwise, a Certificate of Completion, he/she must communicate the same in writing (and email) to the person designated for this purpose by the Vice-Chancellor, within 15 days of such denial or ninety days of completion of the internship whichever is later.

(c) In the event that a student fails to complete an internship for any reason whatsoever, he or she shall produce an email or any other communication showing that he or she worked with the said person or organisation. In the event such an email is not produced, the student shall, in writing, notify the Internal Complaints Committee with details of the name of the organization or person, address and period of work and also state reasons for his/her failure to complete the internship.

#### **13. No Bar on Other Remedies**

Nothing in this Policy shall prevent the complainant from pursuing such other remedies as available under law to him/her. Further, nothing in this Policy shall prevent the complaint from pursuing action against the University if it fails to take appropriate action as mandated under this policy.

