



## Policy for Prevention of Sexual Harassment and Sexual Misconduct

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RCI Chart - Responsible, Consulted, Informed

Responsible	Consulted	Informed
Head of HR	1. Functional Heads 2. Deans of Schools 3. Registrar 4. Vice-Chancellor 5. Chairperson of the Governing Council	1. All Students 2. All Employees 3. Board of Management 4. Academic Council 5. Governing Council

*Note: All policies including this one, need to be reviewed by the Board of Management, and approved by the Governing Council before they are released by the Registrar to the Informed list. A detailed description of the review, version control, awareness creation, and adherence process is covered in the policy on "Oversight & Governance of all Policies".*

Revision history:

Version	Prepared by	Significant changes	Page No.	Reviewed by	Approved by	Approval date
1	Head of HR	Definition of student standardized with other policies	6	Registrar	Vice – Chancellor	06.01.20
		Committee composition modification	9			
		Email id inclusion	12			
2	Office of Registrar	Filling compliant	12&13	Registrar	Vice Chancellor	20.08.24
		Appellate	17			
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## 1. Guiding Philosophy:

- 1.1. This policy is a commitment to making Krea a safe, respectful and caring environment for all its stakeholders irrespective of their gender, mode of association with the University and position in the organization.
- 1.2. This policy sets a high bar on standards of interpersonal and professional conduct between stakeholders with the end goal of allowing everyone to engage with each other without any fear of sexual harassment or sexual misconduct or any such exploitation.
- 1.3. In keeping with the spirit of education and training, the larger purpose of this policy is also to continually educate all our stakeholders about matters of sexual harassment and sexual misconduct so that each one can take these learnings and apply it to improve their personal and professional context within and beyond Krea on related issues.
- 1.4. This Policy is gender-neutral and Krea University is committed to preventing sexual harassment of all genders in the student community and at the workplace.

## 2. Regulatory Context:

The University believes that sexual harassment and sexual misconduct are a form of human rights violation and a transgression on equality, liberty, and dignity under the provisions of our Constitution. Krea University is committed to ensuring the protection and safeguarding of such rights of all those who fall within its jurisdiction.

- 2.1. The Hon'ble Supreme Court of India, in August 1997 (Vishaka & others vs. the State of Rajasthan & others) stated: "...every instance of sexual harassment is a violation of Fundamental Rights under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the Right to Freedom under Article 19 (1)(g)".
- 2.2. Article 15 of the Constitution of India prohibits discrimination on the grounds of religion, race, caste, sex or place of birth and Article 19(1) (g) of the Constitution of India upholds women's right ".....to practice any profession, or to carry on any occupation, trade or business...".
- 2.3. Sexual Harassment is an offence under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 2.4. Certain provisions of the IPC like Section 345E also address matters of sexual harassment and have been accounted for this in Policy.
- 2.5. Protection of Children from Sexual Offences (POCSO) Act of 2012, provisions for dealing with cases of sexual harassment and/or sexual

misconduct of/with minors (less than 18 years of age) and will be applicable in the University, in normal circumstances, for first or second-year undergraduate students.

### **3. Approach:**

- 3.1. The University will respond to complaints with measures designed to stop the behavior, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in University-related programs or activities off-campus or while travelling on University related works or activities. In case the incident involves a faculty/administrative staff and a student, the policy will be applied even in those circumstances where the interaction between the concerned parties is on personal account and not because of University related activities.
- 3.2. All forms of conduct prohibited under this policy are regarded as serious offenses, and violations will result in disciplinary action, including the possibility of termination of employment, enrolment or engagement with the University.
- 3.3. National and State laws also address sexual harassment and sexual misconduct matters, and criminal prosecution may take place independently of any disciplinary action instituted by the University.
- 3.4. Retaliation against anyone involved in filing a complaint under this policy will not be tolerated.
- 3.5. Confidentiality and privacy:
  - 3.5.1. Every individual involved in investigations or disciplinary proceedings under this policy will exercise extreme caution in sharing information about the parties involved and the process of deliberation in order to safeguard both, the reputation of all concerned and the integrity of the process.
  - 3.5.2. The University has an obligation to do everything reasonably possible to investigate and address complaints or reports of violations of this policy, however, in all such proceedings, the University will refrain from impinging on the privacy of the parties like seeking any medical or any other personal records of parties.
- 3.6. Promptness: Aggrieved Persons are urged to report any violation of this policy as soon as possible in order to enable the University to respond promptly and effectively. However, complaints and reports may be made at any time without regard to how much time has lapsed since the event/incident/situation in consideration.

- 3.7. The designated authorities will have all the powers to take necessary action against an offender who is found guilty. The members and authorities involved in resolving cases of sexual harassment and sexual misconduct will also explore remedial measures besides punitive measures, as may be applicable, to bring about behavioral change.
- 3.8. This policy should be viewed and applied in conjunction with the following policies that relate to fostering a sense of gender equality, respect for each other's rights and privacy, discipline and order among various members of the Krea community:
  - 3.8.1. Policy for Prevention of Ragging
  - 3.8.2. Code of Conduct for Students
  - 3.8.3. Code of Conduct for Employees
  - 3.8.4. Student Life Policy
  - 3.8.5. Grievance Redressal Policy and Process for Students
  - 3.8.6. Grievance Redressal Policy and Process for Employees
  - 3.8.7. Safety and Security Policy

#### **4. Applicability:**

- 4.1. This policy shall apply to all students, employees, members of the Committees and Councils of Krea University, members of the alumni community when they are visiting the campus or interacting with members of the student body or employees of the University, members of third-parties such as vendors, contractors, visitors or campus residents and volunteers associated with the University.
- 4.2. This policy shall apply to activities and programs, both on and off campus, official duty (workshops, field work, conferences, group holidays/ excursions organised by the University, interviews/meetings with external people and any other activity organized by Krea outside the campus including the period of travel for such activity). Any action, communication that may have occurred using the online network and resources of the University will be deemed to have occurred on campus.
- 4.3. This policy does not preclude any person from taking immediate legal recourse if necessary.

#### **5. Definitions:**

- 5.1. Aggrieved person: Any individual referred in Section 4.1, who alleges to have been subject to any kind of sexual harassment or sexual misconduct by the Respondent.

- 5.2. Act: refers to Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in the case of sexual harassment offences against a woman and the Protection of Children from Sexual Offences (POCSO) Act 2012 in the case of sexual offences against minors
- 5.3. Consent: as elaborated in Section 7.2 of this document.
- 5.4. Committee: Internal Complaints Committee.
- 5.5. Community: refers to all members, including students, faculty, and staff of Krea University.
- 5.6. Employee: any person whether employed on a permanent, temporary, part-time, visiting, ad-hoc, or honorary basis, including faculty, administrative staff, and project/operations staff.
- 5.7. Officers of the University: as provided under the Andhra Pradesh Private University (Establishment & Regulation) Act 2016.
- 5.8. Policy: refers to the Policy for Prevention of Sexual Harassment and Sexual Misconduct, unless specified otherwise.
- 5.9. Respondent: The person against whom the Aggrieved Person has filed a complaint.
- 5.10. Service Provider: any individual or organization that provides services to the University and its employees or students.
- 5.11. Sexual harassment: as elaborated in Section 7.1 of this document.
- 5.12. Students: any person enrolled for a degree/diploma/certificate course in a full-time/part-time format with Krea University or a student from another institution who may be at Krea on an exchange program or any similar arrangement.
- 5.13. University: refers to Krea University.

## **6. What Constitutes Sexual Harassment:**

The term Sexual Harassment is used to define all uninvited or unwelcome acts or behaviour (whether directly or by implication) whether they be in person or through written / audio / video communication in hard copy format, email, other online communications or through social media that are sexual in nature and include:

- 6.1. Unwelcome physical contact and/or advances.
- 6.2. A demand or request for sexual favours.
- 6.3. Making sexually colored remarks.
- 6.4. Showing, sharing, sending pornography or any other offensive or derogatory pictures, cartoons, pamphlets, videos or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature offline/in-person, directly or indirectly, or online.
- 6.5. Implicit or explicit promise of preferential treatment in employment / academic performance, or threat of unfavorable treatment in the progress of their employment / academic performance or interference with work or creating a hostile work environment in an implicit or explicit expectation of

sexual favour.

- 6.6. Any derogatory or professionally berating comment that is colored by gender bias and/or has the potential to affect the emotional, mental, physical health and well-being of the person.
- 6.7. Eve teasing or stalking an individual or unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like.
- 6.8. Threats, intimidation, blackmail around sexual favours.
- 6.9. Invasion of personal space (getting too close for no reason, brushing against or cornering someone). Forcible physical touch or molestation.
- 6.10. Serious or repetitive disagreeable remarks likely to cause awkwardness or embarrassment including gender-based insults or sexist remarks.
- 6.11. Capturing, watching, sharing an image or recording of the person in a private act that may be sexual in nature when the person is not expecting to be observed (Ref. 345 E of IPC).
- 6.12. Any act is considered as unwelcome if the recipient does not appreciate it, initiate it or regards it as offensive.

## **7. What Constitutes Sexual Misconduct:**

7.1. The following behaviors constitute sexual misconduct:

- 7.1.1. Non-consensual sexual penetration or rape.
- 7.1.2. Non-consensual sexual contact or sexual assault.
- 7.1.3. Sexual exploitation.
- 7.1.4. Dating / intimate relationship violence.

7.2. What is the Meaning of Consent?

7.2.1. Consent: a voluntary, well-informed, unforced agreement given through words and actions, which a normal person will interpret as a willingness to participate in a mutually agreed-upon sexual act. Consensual sex happens when each participant willingly and affirmatively chooses to participate. Specifically,

7.2.1.1. Consent is not present if any form of physical force has been used or there is a threat of use of physical force Or any of the participants is undisposed or has partial or full loss of cognitive capacities to make a reasonable judgement in a manner that renders the person incapable of making a well- informed, conscious decision to participate in a sexual act, which could be induced under the influence of alcohol or any form of psychotropic drugs or substances or narcotics.

7.2.1.2. Engaging in any form of sexual activity with an individual who is inebriated or is under the influence of drugs or narcotics and is therefore unable to consent constitutes sexual misconduct.

- 7.2.1.3. Consent to one act does not constitute consent to another act or consent on a prior occasion does not constitute consent on a subsequent occasion.
  - 7.2.1.4. The existence of a prior or current relationship does not, in itself, constitute consent.
  - 7.2.1.5. Consent can be withdrawn or modified at any time.
  - 7.2.1.6. Consent is not implicit in a person's manner of dress.
  - 7.2.1.7. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
  - 7.2.1.8. Silence, passivity, or lack of resistance does not necessarily constitute consent.
  - 7.2.1.9. Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.
  - 7.2.1.10. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.
  - 7.2.1.11. Consent of a Minor is not a consent and will be tried under the POCSO Act.
8. In case a consensual relationship ceases to exist, conduct once considered not harassment may later be seen as sexual harassment. Either person in a consensual relationship has the right to end it, at any point in time, and do so without fear of retaliation at the workplace. The continuance of sexually tainted behavior despite protest, would be treated as sexual harassment under this Policy. Internal Complaints Committee (ICC) for Prevention of Sexual Harassment and Sexual Misconduct

#### **8.1. Constitution:**

Krea University shall constitute an Internal Complaints Committee for the prevention of sexual harassment and sexual misconduct. The Committee will be constituted as per the following:

- 8.1.1. The Committee shall have members who will represent students, faculty, administrative staff, experts, and representatives of the external community.
- 8.1.2. All members will be nominated by the Vice-Chancellor of the University.
- 8.1.3. More than half of the members shall be women.
- 8.1.4. Persons in senior administrative positions in the university, such as Vice-Chancellor, Pro Vice-Chancellors, Registrar, Deans, Controller of Examination, etc., shall not be members of ICC in order to ensure autonomy of their functioning.
- 8.1.5. Specifically, the Committee will have:
  - 8.1.5.1. A senior woman Professor as the Presiding Officer. In case there is no woman Professor, a senior woman administrator



- will be appointed as Presiding Officer
- 8.1.5.2. At least one faculty member from each School
- 8.1.5.3. At least two staff members one of whom works closely with students
- 8.1.5.4. One student representative from each academic programme of the University who shall be elected member. Elections will be conducted with the support of the Student Council
- 8.1.5.5. Two external members, one of who will be from an NGO committed to the cause of women and the other a legal expert.
- 8.1.5.6. Member Secretary appointed by the Vice-Chancellor in consultation with the Registrar/Chief of Staff
- 8.1.5.7. Special Invitee, if any, on the request of the Presiding Officer. Additionally, the Presiding Officer may request a legal expert to provide counsel to the Presiding Office as and when required.

## **8.2. Tenure and Fulfillment of Vacancies**

- 8.2.1. The Presiding Officer will be nominated once in every three years, by the Vice Chancellor unless the position is rendered vacant on account of the resignation of the existing Presiding Officer.
- 8.2.2. Barring the tenure of the Presiding Officer, the tenure of every other member shall not exceed three years from the date of nomination.
- 8.2.3. Half of the members will be replaced every two years to preserve the continuity and transference of best practices, group wisdom and experience.
- 8.2.4. In the event of any vacancy arising on account of a member leaving the University or his/her desire to discontinue from the engagement on the Committee, the Vice-Chancellor can nominate new members.
- 8.2.5. In the event and the period during which the Vice-Chancellor is a concerned party in a case, such nominations will be handled by the Vice-Chairperson of the Committee.

## **8.3. Roles and Responsibilities of the Committee:**

- 8.3.1. To create awareness against sexual harassment and sexual misconduct by promoting gender equality and gender sensitization among students and employees of the University.
- 8.3.2. To lay down proper procedures and guidelines to ensure prevention, resolution, settlement, and prosecution of the acts of harassment against any student(s) and employee(s).
- 8.3.3. The members of the committee shall be sensitive to the issue of sexual harassment and sexual misconduct and shall not let personal prejudices and biases affect their functioning as members.
- 8.3.4. Ensure that the aggrieved person is not victimised or discriminated against while dealing with the complaint.

- 8.3.5. To deal with the cases of sexual harassment and sexual misconduct in a time-bound manner while ensuring proper support to the aggrieved person and taking punitive action against the responsible person.
- 8.3.6. Report on a quarterly basis, all cases filed with the Committee to the Board of Management.
- 8.3.7. The Committee members will be provided with the necessary training to handle such situations effectively and with due sensitivity and concern.

#### **8.4. Removal from the Committee:**

- 8.4.1. If any member or presiding officer of the Committee is found to be violating the provisions of the Act or contravening the provisions of the Act or this policy then he or she shall be removed from the Committee.
- 8.4.2. Such removals may be effected by the Vice-Chancellor
- 8.4.3. In case the complaint is filed against a member of the Committee, the member will be debarred from the proceedings of the Committee till the final decision has been taken by the Committee. During this period, the Vice-Chancellor will nominate a temporary member to fulfill the needs of the proceedings. In case the defendant member is absolved of the allegation, the defendant member will be reinstated on the Committee. In case the complaint is found to be true, the defendant member will abide by the decisions of the Committee that may include end of the tenure of the member on the Committee.
- 8.4.4. In case the aggrieved person or the respondent is the Employer, the complaint will be forwarded to the Local Committee. For removal of doubts, the employer as mentioned above shall mean and include all top officials of Krea University.

#### **8.5. Meetings:**

In order to carry out the above functions, the Committee shall follow the rules mentioned below:

- 8.5.1. The Committee shall meet twice a year in addition to a public meeting for reporting/audit purposes as mentioned in Section 8.5.9 below. Additional meetings will be held as necessary to deal with issues or complaints that may arise.
- 8.5.2. Members shall be intimated of meetings in writing or by electronic communication at least five working days in advance except in the case of an Emergency Meeting mentioned in 8.5.3 below.
- 8.5.3. Any member of the Committee may request the Presiding Officer to call an Emergency Meeting. A notice of at least one working day shall be required for such a meeting to be called.
- 8.5.4. The quorum for all meetings shall be more than half of the members

of ICC including the Presiding Officer and/or the Secretary of the Committee, at least one-woman faculty member, at least one external member, at least one senior administrative staff member, and at least one student representative

- 8.5.5. Motions shall be carried by a simple majority of those present and voting. Special invitees will not have voting rights.
  - 8.5.6. The procedure for voting will be a secret ballot conducted by the Member Secretary.
  - 8.5.7. If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For an adjourned meeting, the required quorum shall be the same as in a regular meeting except in the case of an adjourned Emergency Meeting where there shall be no requirement of quorum.
  - 8.5.8. Minutes of all meetings shall be recorded, confirmed by the Secretary and adopted by the Presiding Officer.
9. Committee shall hold at least one public meeting every year where it shall report to the Krea University community about its activities and present its Annual Report. Key Procedures:

#### **9.1. Filing of complaints:**

- 9.1.1. An aggrieved person can lodge their complaint of sexual harassment against the respondent directly to the ICC in writing addressing the Presiding Officer or any member of the Internal Complaints Committee or by sending an email to [icc\\_committee@krea.edu.in](mailto:icc_committee@krea.edu.in).
- 9.1.2. The Presiding Officer or any member of the ICC shall render all reasonable assistance to the aggrieved person for writing the complaint.
- 9.1.3. If the aggrieved person is unable to make a complaint on account of her or his physical or mental capacity or death or otherwise, the person's legal heir or such other person as may be prescribed may make a complaint under this Rule.
- 9.1.4. The complaint should be addressed to the Internal Committee and not the employer/ HR representative.
- 9.1.5. The complaint should be concise, i.e., it should be written in simple language which be comprehended easily.
- 9.1.6. The complaints must have the details of the incident(s) of sexual harassment, the date, time, and place must be recorded. Copy of complaint along with supporting documents and names and addresses of witness shall be sent to Internal Complaints Committee.
- 9.1.7. Circumstances preceding and following the incident are to be recorded.
- 9.1.8. The history of the persons whom the aggrieved person approached (family, friends, teachers, etc.) before making a formal complaint

must also be recorded by ICC.

- 9.1.9. There must be an averment whether the aggrieved person asked the respondent to desist from the unwelcome acts(s).
- 9.1.10. All the available evidences must be appended with the complaint and submitted at once.
- 9.1.11. Details of the respondent including name, designation, reporting structure between aggrieved person and respondent, if any (whether subordinate, colleague, or superior)
- 9.1.12. Refrain from making false and exaggerated versions of the complaint. The aggrieved person or any other person(s) filing on behalf of the aggrieved person should file a written complaint within a period of three months from the date of occurrence of the incident of sexual harassment and in case of a series of such incidents, within a period of three months from the date of the last incident. The Internal Committee may, for reasons to be recorded in writing, can extend the time limit for filing of complaint, if it is satisfied that circumstances existed which prevented the aggrieved person from filing the complaint within the prescribed time period.
- 9.1.13. At the time of lodging the complaint, the aggrieved person or any other person(s) filing on behalf of the aggrieved person has to submit with supporting documents/evidence (including but not limited to emails, voicemails, texts, messages, pictures etc.) along with the names, addresses of the witnesses, if any. The complaint can be also submitted electronically within the Internal Committee members. Each and every page of the complaint and evidences must be signed. A list of evidences submitted should also be provided in the complaint and should be properly marked and referred to as Annexures in the complaint/
- 9.1.14. The Presiding Officer or any other member of the Internal Committee must acknowledge the receipt of the complaint in writing immediately after receiving the complaint.

## **9.2. Processing of a Complaint:**

- 9.2.1. ICC on receipt of such written complaint may, if required ask for additional information from the aggrieved person regarding the harassment.
- 9.2.2. ICC shall provide a copy of the complaint along with supporting documents of the complaint to the Respondent within 7 working days.
- 9.2.3. Respondent shall file a reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.

- 9.2.4. ICC shall investigate in detail into the matter of the complaint. ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
- 9.2.5. All such interactions will be recorded on a high-quality, reliable audio device and transcribed by a reliable software, and archived for future use. The ICC may also request for a video recording of such conversations, as it thinks best.
- 9.2.6. During the enquiry process, the aggrieved person and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses. Any such action may call for legal proceedings with immediate effect.
- 9.2.7. ICC will conduct enquiry in accordance with the principles of natural justice and will ensure to give both parties, the aggrieved as well as the respondent, a right to be heard and present their case before the Committee.
- 9.2.8. ICC shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid retaliation against the witnesses. The name of the aggrieved person or the respondent nor their identity shall be revealed to the press/ media or any other persons whilst reporting any proceedings, case, order or judgement.
- 9.2.9. ICC shall have the right to terminate the enquiry or give ex-party decision on the complaint, if the Respondent or aggrieved person fails, without sufficient cause, to present themselves for three consecutive meetings. However, such termination or ex-party order will not be passed without giving a fifteen day's prior notice in writing to the aggrieved person or the respondent, as the case may be.
- 9.2.10. ICC must complete its investigation within a period of 90 days.
- 9.2.11. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- 9.2.12. For conducting the enquiry, the quorum of the Internal Complaints Committee shall be of 3 members including the Presiding Officer, the External Member, and the Member Secretary.

### **9.3. Interim Measures**

- 9.3.1. Upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim measures designed to preserve the aggrieved person's educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or

resolution process, and deter retaliation. The University may provide interim measures regardless of whether the aggrieved person seeks formal disciplinary action.

9.3.2. Interim measures may include:

- 9.3.2.1. Access to counseling services and assistance in arranging an initial appointment.
- 9.3.2.2. Rescheduling of exams and assignments in the case of students.
- 9.3.2.3. Change in class schedule, including the ability to transfer course sections or withdraw from a course in the case of students.
- 9.3.2.4. Change in work schedule or job assignment in the case of employees.
- 9.3.2.5. Change in campus housing.
- 9.3.2.6. Providing medical services.
- 9.3.2.7. Imposition of an on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals; and/or
- 9.3.2.8. Any other measure that can be used to achieve the goals of this policy.
- 9.3.2.9. Additionally:
  - 9.3.2.9.1. Any interim measures will not disproportionately impact the aggrieved person. Requests for interim measures may be made by or on behalf of the aggrieved person by the Member Secretary (Registrar) of the ICC.
  - 9.3.2.9.2. The Member Secretary is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus.
  - 9.3.2.10. All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by an interim measure. The Member Secretary will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by the decisions of the Committee.

**9.4. Decision Making:**

- 9.4.1. ICC may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation.
- 9.4.2. However, the Committee shall ensure that:

- 9.4.2.1. Monetary settlement will not be made as a basis of conciliation. In case a punitive measure of the kind that withholds the salary or bonus or increment of the respondent has been effected, the corresponding amount may be credited to the aggrieved person or to a social cause or fund recommended by the aggrieved person.
- 9.4.2.2. Where a settlement has been arrived, the settlement terms shall be signed by both parties and both parties shall be provided with a copy of it. Where, a settlement is arrived as mentioned herein above, no further enquiry shall be conducted by the Internal Complaints Committee.
- 9.4.2.3. ICC may during such investigation exercise the power of a civil court, vested in it, in respect of:
  - 9.4.2.3.1. summoning and enforcing the attendance of any person and examining him under oath;
  - 9.4.2.3.2. requiring discovery and production of documents;
  - 9.4.2.3.3. any other prescribed matter.
- 9.4.3. During such enquiry, upon written request by the aggrieved person, who is an employee, the Committee may at its discretion recommend:
  - 9.4.3.1. to transfer the aggrieved person or the respondent to any other workplace;
  - 9.4.3.2. grant leave to the aggrieved person of up to three months which is in addition to leave to which they are otherwise entitled. Provided, the aggrieved person tenders justified reasons for such transfer or leave, such as threat to self in the workplace.

## **9.5. Actions:**

- 9.5.1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry to the Vice Chancellor and such report shall be made available to the concerned parties to enable them to make representation against the findings.
- 9.5.2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- 9.5.3. The Vice-Chancellor is required to act on the recommendations of the IC within 60 days of receipt of the inquiry report.
- 9.5.4. If the Vice Chancellor of the University decides not to act as per the recommendations of the IC, then the VC shall convey the reasons

for the same in writing to the IC and both the parties of the complaint. If on the other hand, it is decided to act as per the recommendations of the IC, the VC shall serve a show cause notice to the party against whom action is decided to be taken. The concerned party shall have 10 days to respond to the show cause notice.

- 9.5.5. The penalties listed below are merely indicative, and the ICC may decide to recommend to the University authorities to consider other penalties, in accordance with the rules governing the conduct of employees and students in practice at the time:

<b>Cases</b>	<b>Penalty or Disciplinary Action</b>
All Employees of the University	<ol style="list-style-type: none"> <li>1. Warning</li> <li>2. Reprimand</li> <li>3. Withholding of increments or performance incentives</li> <li>4. Removal from or disbarment from holding a position of authority at the University</li> <li>5. Financial penalty</li> <li>6. Suspension from service</li> <li>7. Compulsory retirement</li> <li>8. Dismissal from service</li> <li>9. Legal action under the Criminal Code</li> </ol>
Students	<ol style="list-style-type: none"> <li>1. Warning</li> <li>2. Reprimand</li> <li>3. Removal from or disbarment from holding a position of authority in the Student Body at the University</li> <li>4. Withdrawal of financial assistance</li> <li>5. Withdrawal of any award(s) given by the University</li> <li>6. Financial penalty</li> <li>7. Imposition of community service time</li> <li>8. Withholding/Revoking the degree awarded by University</li> <li>9. Suspension for a period</li> <li>10. Expulsion</li> <li>11. Legal action under the Criminal Code</li> </ol>
Outsiders or Service providers	<ol style="list-style-type: none"> <li>1. Warning</li> <li>2. Reprimand</li> <li>3. Issuance of a public or private notification communicating her/his sexual misconduct to her/his place of education, employment or residence</li> <li>4. Declaration of the campus as out of bounds for her/him</li> <li>5. Disbarment from appearing for the entrance examination/interview to any program of study or employment offered by the University</li> <li>6. Legal action under the Criminal Code</li> </ol>



Second Offence	A second or repeated offence, may, on the recommendation of the Internal Complaints Committee, attract a higher penalty
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#### **9.6. Appeals:**

- 9.6.1. In the event the aggrieved person or respondent is dissatisfied with the findings and/or recommendations made by the IC, they shall have the right to appeal to the Vice Chancellor, within a period of thirty days from the date of the recommendations.

#### **9.7. False accusations:**

- 9.7.1. If the Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Committee may recommend action to be taken against the person who has made the complaint, including termination of service / enrolment.
- 9.7.2. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein.
- 9.7.3. A similar recommendation for taking action would be recommended against any witness whom the Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

#### **9.8. Changes to the Policy:**

- 9.8.1. Changes to the policy shall be reviewed in a special meeting of the ICC called for this purpose.
- 9.8.2. Proposed amendments shall be circulated to the ICC and the Consulted list specified in Page 1 of this policy, at least seven days prior to the special meeting of the ICC.
- 9.8.3. Proposed changes shall be approved as per procedure outlined on Page 1 of this policy and in accordance with the policy on "Oversight and Governance of all Policies".
- 9.8.4. Employees and students are expected to stay updated with the latest version of the policy.

### **10. Additional Responsibilities of the University:**

- 10.1. The Board of Management of Krea University shall notify, at the beginning of each academic year the names and contact details of the members of ICC and the most updated version of this Policy.

- 10.2. The Campus Administration will display communication messages, both online and in important public spaces, that state the University's resolve in being an equal and safe workspace and provide contact names and numbers that students and employees can reach out to for assistance and complaints.
- 10.3. The Office of Inclusive Learning Support will conduct workshops, seminars and expert panel series on an annual basis for employees and at the beginning of each academic year for students to sensitize all members of the Community about the Policy. Every student and employee shall compulsorily attend at least one workshop / seminar / expert speaker series in a year. These workshops shall also be conducted in the regional language to ensure that all employees who may have discomfort in comprehending English are also made aware about the policies.
- 10.4. Officers or Authorities of the University shall act promptly on the recommendations of the ICC.
- 10.5. The Committee shall prepare an annual report with the following details and shall submit the same to the University to include in its Annual report:
  - 10.5.1. Number of complaints of sexual harassment received during the year
  - 10.5.2. Number of complaints disposed of during the year.
  - 10.5.3. Number of cases pending for more than 90 days.
  - 10.5.4. Number of workshops or awareness programs, against sexual harassment and sexual misconduct, conducted.
  - 10.5.5. Nature of action taken by the ICC, Officers and Authorities of the University

## **11. Regulatory Compliances and References**

- 11.1. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 11.2. Vishakha Guidelines
- 11.3. Protection of Children from Sexual Offences (POCSO) Act, 2012

## **12. Annexures:**

- 12.1. Guideline for format for filing a complaint
  - Name: [Enter Name]
  - Case against: [Choose Committee/Individual/Group/Department/School/University]
  - Specific names: [Enter names]
  - Date of filing the case: [Date]
  - Summary note: [Enter notes -]
  - Detailed note: [Enter notes -]
  - Expected action/outcome: [Enter notes -]
  - Supporting documents: [Pictures, documents, videos, any other - limit of 50 MB]
- 12.2. Guideline for format for replying to a complaint
  - Case filed by: [Autofill name]

Case against: [Autofill  
Committee/Individual/Group/Department/School/University]  
Specific names: [Enter names]  
Date of filing the case: [Autofill]  
Date of response: [Autofill]  
Response from Member Secretary, ICC:[Enter Notes  
Next steps: [Enter notes -]

### 12.3. Guideline for format for appeal

Name:[Autofill]  
Case against: [Autofill  
Committee/Individual/Group/Department/School/University]  
Specific names: [Autofill]  
Date of filing the case: [Autofill]  
Summary note: [Autofill notes]  
Detailed note: [Autofill notes]  
Date of last meeting of ICC: [Autofill date]  
Response from ICC: [Autofill]  
Supporting documents: [Autofill - Pictures, documents, videos, any other]  
Case for appeal: [Enter notes -  
Expected action/outcome: [Enter notes -]

### 12.4 Guidelines for the MIS from ICC

#### 12.4.1 Cases resolved

SN	Case brief (without names)	Action taken	Case status

#### 12.4.2 Awareness Efforts

SN	Date	Topic	Type of participants	No. of participants