



National Law University Odisha

(established by Odisha Act IV of 2008)

Accredited with grade 'A' by NAAC

सत्ये स्थितो धर्मः

Prof. (Dr.) Yogesh Pratap Singh
Registrar

No.: NLUO/00/415/21
Date: 24-09-2021

Office Order

The Executive Council of National Law University Odisha in its 33rd meeting held on 7th August 2021 approved the National Law University Odisha [NLUO] Sexual Harassment Prevention, Prohibition & Redressal Regulations, 2021. The policy is hereby notified to all the students and staff of the University.


(Registrar)

Copy: Office of the Vice-Chancellor for kind information

National Law University Odisha
[NLUO] Sexual Harassment
Prevention, Prohibition & Redressal
Regulations, 2021

PART IV	17
APPEALS.....	17
18) Appeals Committee:	17
19) Procedure & Form of Appeal:	18
PART V.....	19
SPECIAL PROVISIONS IN CASE OF COMPLAINT AGAINST THE VICE-CHANCELLOR	19
20) Special Provision where the complaint is against the Vice-Chancellor:	19
PART VI	19
MISCELLANEOUS	19
21) Confidentiality:	19
22) Annual Report:	20
23) Maintenance of Records:	20
24) Review of Regulations:	20

- i. Whereas National Law University Odisha is committed to a zero tolerance policy towards sexual harassment and creation of its campus free from discrimination, harassment, and sexual assault at all levels, and
- ii. To maintain and create an academic and work environment free of sexual harassment for students, academic and non teaching staff of the NLUO by generating awareness about what constitutes sexual harassment and its ill impact, and
- iii. To provide a redressal mechanism for action against the perpetrators of gender based violence against all sexes on or off NLUO campus;
these Regulations are framed to prevent and prohibit sexual harassment of any kind against anyone and to provide rules and regulations for dealing with complaints of sexual harassment adapting Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) 2015 to suit the needs of NLUO.

REGULATIONS AND ORDINANCES

1) Title, Scope and Extent:

- a) These regulations shall be called the National Law University Odisha [NLUO] Sexual Harassment Prevention, Prohibition & Redressal Regulations 2021.
- b) These Regulations shall be applicable to all complaints of sexual harassment including the sexual harassment committed on virtual space:
 - i) Occurring on the NLUO Campus involving a member of the NLUO Community;
 - ii) Between or among members of the NLUO Community, irrespective of their location as long as it is during the course of their studies or work related to the University; and
 - iii) Between or among a third party and a member of the NLUO Community and where either such third party or member of the NLUO Community is/was involved in an activity pertaining to the University, irrespective of their location.
- c) Use of singular includes plural and vice versa.

2) Definitions

- a) "Academic Staff" includes all persons connected with the University for the purpose of teaching and research irrespective of the nature of their connection, i.e., visiting, permanent, contract, ad-hoc, appointed, honorary, deputation, invited and salary, honorarium, etc.
- b) "Aggrieved person" means any person of any gender who alleges sexual harassment by the respondent.
- c) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- d) "Campus" means the location or the land on which NLUO and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the NLUO including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-

term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the NLUO;

- c) "Consent" means an unequivocal voluntary agreement when the person by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act;

Provided that when consent is not communicated it shall be deemed that no consent was given.

Provided further that a person below the age of 18 years is presumed to be incapable of giving consent.

Provided further also that a person who does not physically resist to the act of sexual nature shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Explanation 1: A consent is not valid if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception;

Explanation 2: A consent obtained by putting a person or any other person in fear of injury is not valid consent.

"Injury" has the same meaning as given in Section 44 of Indian Penal Code, 1860.

Explanation 3: Consent given by a person under influence of intoxication or any stupefying or unwholesome substance, if administered by force or without the knowledge and consent of the aggrieved person shall be presumed to be no consent.

- f) "Covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the aggrieved person;

- g) "Independent Member" includes any person who is not connected with NLUO and is working for the cause of women or gender minorities.

Explanation: A person, who has worked at NLUO and received remuneration in last three years but is no more connected with NLUO, shall not be eligible to be appointed as an independent member.

- h) "Internal Complaints Committee" is the Committee constituted by the Vice-Chancellor to redress complaints of sexual harassment under these Regulations.
- i) "Protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;
- j) "NLUO Community" includes students enrolled in any academic program, academic staff, non teaching staff, researchers, residents of NLUO campus or any person providing any service at/to NLUO.
- k) "Non-teaching staff" means any person other than academic staff employed or engaged by the university, either directly or through a contractor including a sub-contractor or agency, irrespective of the duration, nature of appointment or salary.
- l) "Respondent" means a person against whom the aggrieved person has made a complaint under these Regulations.
- m) "Sexual harassment" means-
- i) An unwanted conduct with sexual undertones if it occurs 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:
 - (1) any unwelcome physical, verbal or non verbal conduct of sexual nature;
 - (2) demand or request for sexual favours;
 - (3) making sexually coloured remarks;
 - (4) physical contact and advances; or
 - (5) showing pornography.
 - ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-
 - (1) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
 - (2) implied or explicit threat of detrimental treatment in the conduct of work;
 - (3) implied or explicit threat about the present or future status of the person concerned;

- (4) creating an intimidating offensive or hostile learning environment;
 - (5) humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned;
- n) "Student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in NLUO;

Provided that a student who is in the process of taking admission in NLUO, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of NLUO, where any incident of sexual harassment takes place against such student;

Provided that a student who is not enrolled in NLUO but is a participant in any of the activities in a NLUO, such student enrolled shall be treated, for the purposes of these Regulations, as a student of NLUO if any incident of sexual harassment takes place against such student;

- o) "Student Council" refers to a body constituted as per Article IV of the Constitution for Student Council National Law University Odisha, 2019.
- p) "Third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the NLUO, but a visitor to the NLUO in some other capacity or for some other purpose or reason;
- q) "Victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- r) "workplace" means the campus of NLUO including-
 - i) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the NLUO;
 - ii) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not, used for training, sports or other activities relating thereof by NLUO;
 - iii) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the NLUO for undertaking such journey for study in NLUO.

3) Gender Sensitization Committee [GSC]:

- a) There shall be Gender Sensitization Committee. It shall consist of the following members:
 - i) Two Gender Representatives, one male or a transgender person and one female, elected from each batch at the undergraduate level
 - ii) Two Gender Representatives, one male or a transgender person and one female, elected at the postgraduate level
 - iii) One Gender Representative elected among the research scholars.
- b) The Gender Sensitization Committee shall be supervised by a faculty member nominated by the Vice-Chancellor.
- c) All members of the Gender Sensitization Committee shall be elected for a period of one year. Their tenure shall continue till the new GSC is elected.
- d) It shall be the duty of the Election Committee of NLUO to conduct elections for the Gender Sensitization Committee within one month of commencement of each academic year.

4) Functions of the Gender Sensitization Committee [GSC]:

- a) GSC shall conduct a gender orientation programme for the first year students at the beginning of academic year.
- b) GSC shall create FAQs and other material to generate awareness and sensitization relating to issues of sexual harassment and rights of sexual and gender minorities.
- c) GSC shall organise programmes for the gender sensitization of NLUO community on regular intervals.
- d) GSC shall submit an annual report of its activities to the Vice-Chancellor at the end of each academic year.

5) Composition of Internal Complaints Committee [ICC]:

- a) The ICC shall comprise of the following:
 - i) Chairperson who shall be a woman or a person belonging to a gender minority and member of the academic staff positioned at a senior level (preferably a Professor).
 - ii) Two members from the academic staff one of whom shall be a woman. [The Chairperson and members from academic staff shall be collectively called as 'Academic Members']

- iii) One member from the non-teaching staff irrespective of the sex [hereinafter referred to as 'Non Teaching Member'].
- iv) Two Independent Members one of whom shall be committed to the cause of women and the other works for the rights of gender minorities.
- v) Four Student Members, two of whom shall be enrolled at the undergraduate level, and one each at the master's and research scholar level respectively.

Provided that there shall be one woman from undergraduate level and one woman from either masters or research level.

- b) At least one half of the total members of the ICC shall be woman.
- c) Persons in senior, statutory administrative positions in the NLUO including the Vice Chancellor, Registrar, Finance Officer, and Controller of Examinations shall not be eligible to be members of the ICC.

6) Constitution of ICC and tenure of its members:

- a) An Internal Complaints Committee shall be constituted by the Vice-Chancellor within ten days of commencement of each academic year.

b) Tenure and Selection of Academic Members:

The tenure of the Academic Members including the Chairperson shall be for a period of three years but it shall be rotational so that only one academic member changes each year.

In the first year i.e., Academic Year 2021-2022, the tenure of Chairperson shall be for a period of three years i.e. till 2024-2025. The female Academic Member shall be appointed for a period of two years i.e., till 2023-2024. The male Academic member shall be appointed for a period of one year till 2022-2023. Thereafter, the outgoing member shall be replaced by the Vice Chancellor on the recommendations of the ICC for a term of three years. Two names for the Chairperson, Academic Members and Non Teaching Members shall be given by outgoing committee and the Vice- Chancellor shall nominate the Chairperson or the member from the list so provided.

- c) *Tenure and Selection of Non-Teaching Members:* The Non-Teaching Member shall be appointed for a period of two years.

In the first year of adoption of these Regulations, non- teaching members shall be nominated by the Vice-Chancellor in consultation with the Registrar. Thereafter, the outgoing member shall be replaced on the recommendations of the ICC for a term of three years. Two names for Non Teaching Members shall

be given by outgoing committee and the Vice- Chancellor shall nominate such member from the list so provided.

- d) *Tenure and Selection of Independent Members:* The Independent Members shall be appointed for a period of three years but it shall be rotational so that only one independent member changes every second year. In the first year of adoption of these regulations, one independent member shall be appointed for a period of three years and the other for a period of two years.

In the first year of adoption of these Regulations the Vice-Chancellor may request the Student Council to provide a list of suitable names and shall nominate student members in consultation with the Registrar. Thereafter, the outgoing member will be replaced on the recommendations of the ICC for a term of three years. The ICC can seek the assistance of Student Council and GSC in preparing a panel of eligible members. Two names for Independent Members shall be given by outgoing committee and the Vice- Chancellor shall nominate such member from the list so provided.

The Independent Members shall be be paid honorarium per sitting as per the rules of NLUO

- e) *Tenure and Selection of Student Members:* Student Members shall be appointed for a period of one year.

For the initial year, the Student Members shall be nominated by the Student Council to the ICC constituted under these regulations. Thereafter, the Chairperson of the ICC shall call for nominations from among the interested students. The academic members of the ICC shall scrutinize the applications and interview the interested candidates and select the required number of student members of the ICC.

- f) No member shall be eligible for more than two continuous terms.
- g) Any Member of the ICC may be removed from the office if there is sufficient reason to believe that that particular Member:
- i) has contravened the provisions of the Act or these Regulations;
 - ii) has been convicted for an offense, or an inquiry into an offense under any law for the time being in force is pending against them;
 - iii) has been found guilty in any disciplinary proceedings; or
 - iv) has so abused their position as to render their continuance in office prejudicial to public interest.

- h) The Vice-Chancellor shall initiate the process of removal of any member on receipt of information regarding disqualification.

7) Bench for hearing:

- a) Hearings of the ICC shall be conducted by a bench comprising of odd number of members.

Provided that whenever required the Chairperson may in consultation with Vice-Chancellor co-opt any other person/s as it deems fits on a case-to-case basis.

- b) The bench shall ordinarily comprise of the Chairperson, Academic Members, Independent Members and relevant representative of the students and non-teaching staff. Provided that student members need not be part of the investigating committee if no student is involved in the complaint; and the non-teaching staff member need not be there if no non-teaching staff is involved in the complaint.

Provided further that when the complaint is between a student and a teacher, all the student members shall be part of the investigating Bench. However, when the complaint involves a student of particular course, student members of that particular course shall attend the proceedings of the Bench.

- c) Members of the ICC shall recuse themselves if they have any conflict of interest with either of the parties involved in the proceedings. The member shall also recuse themselves if they are one of the parties to the proceedings or related to a party to the proceeding. Such vacancy shall be filled by a fresh nomination.

8) Responsibilities of Internal Complaints Committee:

- a) The Internal Complaints Committee shall:
- i) provide assistance if an employee or a student chooses to file a complaint with the police;
 - ii) on the request of the aggrieved person address issues through just and fair conciliation without undermining aggrieved person's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
 - iii) protect the safety of the aggrieved person by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
 - iv) ensure that aggrieved person s or witnesses are not aggrieved person ised or discriminated against while dealing with complaints of sexual harassment; and

- v) ensure prohibition of retaliation or adverse action against a Covered individual because the employee or the student is engaged in protected activity.

COMPLAINT AND INQUIRY

9) The process for making complaint:

- a) Any aggrieved person who believes that they have been a victim of sexual harassment, may make a complaint to the ICC.
- b) In case the aggrieved person is a student, the complaint shall be lodged through a separate complaint form for sexual harassment available on "Student Support Platform" < <https://www.nluo.ac.in/students/student-support-platform/> > or through another online mechanism as may be notified by the Vice-Chancellor.
- c) In case the aggrieved person is an employee or third person, the complaint shall be made in writing through an email to the Chairperson on < icc@nluo.ac.in >.
- d) The complaint must be made within 3 months from the date of the incident and in case of series of incidents within a period of three months from the date of the last incident.

Provided that if complaint is made after 3 months from the date of incident, the ICC may condone the delay if it deems fit and record reasons for proceeding with the inquiry.

- e) The complaint may also be made by a witness or any other person having the knowledge of such incident, with the consent in writing of the affected person.
- f) The complaint should comprise of the date/s of the incident/s and details about the incident/s including the name/s of the respondent.
- g) The aggrieved person may also attach names or witness or any documentary evidence to substantiate their complaint. However, the absence of such evidence at the time of the complaint shall not affect the substantive substance or merit of the complaint.

10) Conciliation:

- a) The ICC may, before initiating an inquiry under the Regulations and at the request of the aggrieved person, take steps to settle the matter between the aggrieved person and the respondent through conciliation.

Provided that no monetary settlement shall be made as a basis of conciliation.

- b) The ICC shall ensure that such request has not been made under any pressure from anybody else before proceedings with conciliation.

- c) Where the request for conciliation is made, the ICC may use the services of a recognised counsellor or suggest that parties undergo counselling.
- d) Where the request for conciliation has been requested, a teacher trained in mediation and conciliation shall be nominated by the Vice-Chancellor to conduct conciliation. The conciliator shall not reveal any details of the conciliation proceedings but only the terms of conciliation or the fact that the conciliation failed.
- e) When the parties to the conciliation arrive at a settlement, the ICC shall record the settlement so arrived and forward the same to the Vice-Chancellor to take action as specified in the recommendation.
- f) The ICC shall provide the copies of the settlement as recorded under these Regulations to the aggrieved person and the respondent.
- g) Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
- h) The aggrieved person shall be at liberty to withdraw their consent to conciliation at any stage.
- i) No adverse inference shall be made either against the aggrieved person or the respondent in case conciliation is cancelled or it fails.

11) 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.
Provided that the parents of the aggrieved person shall not ordinarily be contacted. However, the ICC and the University Authorities shall be free to contact the parents if the aggrieved person is likely to suffer severe harm or injury.
- b) Upon receipt of the copy of the complaint, the respondent shall file their reply to the complaint, along with the list of documents and names and addresses of witnesses, within a period of ten days of such receipt.
- c) The ICC shall fix a day for hearing and inform both the parties at least 48 hours prior to hearing.
- d) The preliminary hearings shall be held separately first with the aggrieved person and thereafter with the respondent. At later stages, the parties shall have the right to cross examine each other or witness as the case may be.
- e) The ICC shall be guided by the principles of natural justice and shall give both the parties an equal opportunity to appear before it and present their case.

The ICC shall have the power to call upon any witnesses and record their statements. The ICC shall question the relevant persons and inspect the necessary documents and records. The ICC may call upon any additional witnesses as it deems necessary.

Explanation: The cross examination will not be direct and will be done by submitting questions in writing to the ICC. The ICC has the discretion to ask only those questions as it deems relevant.

- i) The proceedings shall be conducted in such language as may be familiar to the aggrieved person and the respondent.
- ii) The minutes of the proceedings shall be recorded in English.
- iii) If a party is not present for more than 3 consecutive hearings, without sufficient cause, the ICC may, after giving the party a notice of seven days, and if no reply is received, it may conduct the inquiry *ex parte* and take decision on the complaint.
- iv) The inquiry by the ICC has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Vice-Chancellor. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- v) The Vice-Chancellor shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- vi) An appeal against the findings or/recommendations of the ICC may be filed by either party before the Appeals Committee within a period of thirty days from the date of the recommendations.
- vii) If the Vice-Chancellor decides not to act as per the recommendations of the ICC, then they shall record reasons in writing for the same to be conveyed to the ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Vice-Chancellor shall proceed only after considering the reply from the respondent and hearing the aggrieved person.

12) Support Persons:

- a) The aggrieved party and the respondent may bring one support person during the ICC proceedings.

Provided that a lawyer cannot act as a support person.

13) Restorative Processes:

If the act complained does not involve any physical contact between aggrieved person and respondent and where after the making of complaint and during any stage of the inquiry or appeal, the respondent wants to plead guilty and apologise to the aggrieved person and repair the harm as may be desired by the aggrieved party, then the ICC shall stop the inquiry proceedings and examine the respondent. If the ICC is of the opinion that the respondent is actually remorseful of their conduct then the ICC shall seek the opinion of the aggrieved person upon resolution through mediation. If the aggrieved person consents, then both the aggrieved person and respondent shall be sent for independent counselling. On receiving the report from the counsellor that they are satisfied that the parties are mentally ready for mediation, the matter may be referred for mediation. The parties shall then prepare in writing a mutually acceptable settlement under the supervision of the mediator. The ICC shall record the settlement so arrived and forward the same to the Vice-Chancellor to take action as specified in the settlement. Provided that where the request for mediation has been requested, a teacher trained in mediation and conciliation shall be nominated by the Vice-Chancellor to conduct mediation. The mediator shall not reveal any details of the mediation proceedings but convey to the ICC only the terms of mediation or the fact that mediation has failed.

14) Interim redressal:

- a) The ICC shall also take note of the inherent power asymmetry and/or the vulnerability of the aggrieved person in such cases and take measures to ensure it is not subject to a hostile environment during the investigation. Accordingly, the ICC may request the Vice-Chancellor to take any measures to address such issue and such a request shall be considered by the Vice-Chancellor without delay.
- b) Without prejudice to the power of the ICC to recommend measures as may be commensurate to the gravity of the complaint and necessary for protecting the aggrieved person during the pendency of the inquiry, it may recommend to Vice-Chancellor the following:
 - i) transfer the aggrieved person or the respondent to another section or department to minimise the risks involved in contact or interaction;
 - ii) grant leave to the aggrieved person with full protection of status and benefits for a period up to three months;
 - iii) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the aggrieved person;

- iv) ensure that respondent is restrained from contacting the aggrieved person, or directed to keep a distance from the aggrieved person, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- v) take strict measures to provide a conducive environment of safety and protection to the aggrieved person against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

15) Punishment:

- a) Anyone found guilty of sexual harassment shall be punished in accordance with the applicable Service and Conduct Rules, if the offender is an employee.
- b) Where the respondent is a student, depending upon the severity of the offence, the ICC may recommend:
 - i) warning or admonition;
 - ii) a "no contact" order between the respondent and the aggrieved person;
 - iii) bar on representing the University in any co-curricular/extra-curricular activities for a period specified by the ICC;
 - iv) removal and/or bar on holding any positions of responsibility in the University;
 - v) withholding privileges of the student such as access to auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
 - vi) suspend or restrict entry into the campus for a specific period;
 - vii) suspension from the Hostel;
 - viii) suspension from the University;
 - ix) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
 - x) award reformatory punishments like mandatory counselling and, or, performance of community services.
- c) In the event the respondent is a service provider:
 - i) Termination of any subsisting contractual arrangement;
 - ii) Suspension for such time as the Internal Complaints Committee may deem fit;
 - iii) Debarment from any further contractual arrangement or other financial arrangement with the University;
 - iv) Blacklist the service provider
- d) In the event the respondent is an outsider:
 - i) Debarment of the person from participation in any University programme or activity, or entering the premises of the University;

- ii) Forwarding of the complaint to the Internal Complaints Committee to the concerned organization, where the respondent is employed or otherwise works, or any other workplace or establishment including law firm, company, non-governmental organisation or a university, or to the Head of the Academic Institution where the respondent is currently studying.

16) Criminal Complaint:

- a) Wherever the aggrieved person is below the age of eighteen years of age, the ICC shall report the complaint to the Police regarding the commission of an offence as per provisions of Protection of Children from Sexual Offences Act, 2012.
- b) Where the complaint indicates the commission of a criminal offense and the investigation of the ICC leads to *prima facie* evidence supporting the complaint, it shall be the duty of the ICC to inform the aggrieved person of their right to initiate action in accordance with the law with an appropriate authority.
- c) The ICC shall provide assistance to the aggrieved person if they so choose to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.

17) Action against false complaint:

- a) If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged, or misleading information was provided during the inquiry, the aggrieved person shall be liable to be punished as per the provisions of Regulations 15.

However, the mere inability to substantiate a complaint or provide adequate proof shall not attract action against the aggrieved person. Malicious intent on the part of the aggrieved person shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

PART IV

APPEALS

18) Appeals Committee:

- a) The Vice-Chancellor shall constitute an Appeals Committee within ten days of the commencement of these Regulations.
- b) The Appeals Committee shall be independent of the Internal Complaints Committee and shall comprise of :
 - i) a Chairperson, nominated by Odisha State Woman Commission,
 - ii) an Independent Member, i.e., a person who has worked for cause of women or gender minorities, nominated by the Vice-Chancellor,
 - iii) Registrar of NLUO.
- c) The Chairperson of the Appeals Committee and Independent Member shall hold office for a period of 3 years. The members of Appeals Committee shall not be appointed for more than two consecutive terms, except the Registrar.
- d) Members of the Appeals Committee shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination. The member shall also recuse itself if they are one of the parties to the proceedings or related to the party to the proceeding.
- e) Presiding Officer or any Member of the Appeals Committee may be removed from the office if there is sufficient reason to believe that it
 - i) has contravened the provisions of Section 16 of the Act or these Regulations, or
 - ii) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against it, or
 - iii) has been found guilty in any disciplinary proceedings, or
 - iv) has so abused their position so as to render continuance in office prejudicial to public interest.

19) Procedure & Form of Appeal:

- a) An appeal may be made either by the aggrieved person or respondent, if they are not satisfied with decision of the ICC. An appeal may also be made if the ICC decides not to conduct any inquiry. However, no appeal shall lie in case of settlement under conciliation or mediation.
- b) The appeal should be made in writing through email to the registrar within 30 days after the decision is communicated in writing to the aggrieved party or respondent as the case may be.

Provided, if due to special circumstances, the appeal could not be made within the specified time frame, the Appeals Committee may condone the delay.

- c) The Appeals Committee shall take cognizance of the appeal within 7 days of receiving the appeal.
- d) The Appeals Committee shall dispose the appeal at the earliest and no later than 90 days from the receipt of appeal.
- e) The Appeal shall be heard by at least two members of the appeals committee.
- f) While hearing the appeal, the Appeals Committee shall have the same powers as the ICC.
- g) The Appeals Committee shall within 7 days of completion of hearing, submit its report in writing to the Vice Chancellor containing its findings, and recommendations.

PART V

SPECIAL PROVISIONS IN CASE OF COMPLAINT AGAINST THE VICE-CHANCELLOR

20) Special Provision where the complaint is against the Vice-Chancellor:

- a) Where the complaint is made by an aggrieved person against the Vice-Chancellor, it shall be the duty of the Chairperson of the ICC to inform the matter to the Chancellor of NLUO as expeditiously as possible but not later than seven days of receipt of such complaint.
- b) The ICC constituted under these regulations shall not inquire into such a complaint against the Vice-Chancellor.
- c) It shall be the duty of the Chancellor to constitute a Special Committee to look into the allegations of sexual harassment against the Vice-Chancellor within fifteen days of receipt of information from Chairperson of the ICC.

PART VI

MISCELLANEOUS

21) Confidentiality:

- a) All information shared during counselling, on lodging a complaint and during the process of inquiry, or appeal including but not limited to the identity and address of the aggrieved person, the respondent and witnesses before the Internal Complaints Committee/Appeals Committee / Special Committee shall be kept confidential.
- b) Report regarding the action taken may be made public ensuring that the identity of the aggrieved person, respondent and the witnesses are not revealed.

- c) The obligation to maintain confidentiality is on any person entrusted with the duty to handle or deal with, in any manner, counselling, complaints, investigation, appeal, recommendations and action with respect to sexual harassment, which includes but is not limited to the University authorities, the counsellor, members of the Internal Complaints Committee and Appeals Committee, Special Committee, the aggrieved person, the respondent and the witnesses.
- d) The aggrieved person or the respondent may discuss the Report of the ICC or the Appeals Committee or the Special Committee with any other person for the purpose of pursuing further legal redress. Any such discussion shall not be considered a breach of the obligation of confidentiality.
- e) Breach of confidentiality shall entail disciplinary action against the concerned person.

22) Annual Report:

- a) The Internal Complaints Committee shall submit to the Vice-Chancellor, an Annual Report containing the following details:
 - i) Number of complaints of sexual harassment received in the year,
 - ii) Number of complaints disposed during the year,
 - iii) Number of cases pending for more than 90 days,
 - iv) Nature of actions recommended.

23) Maintenance of Records:

The records of inquiry proceedings under these Regulations shall be kept in the custody of the Registrar.

24) Review of Regulations:

These regulations shall be reviewed and revised after a period of five years.
