

भारतीय प्रौद्योगिकी संस्थान दिल्ली  
INDIAN INSTITUTE OF TECHNOLOGY DELHI  
कुलसचिव सचिवालय / REGISTRAR'S SECRETARIAT

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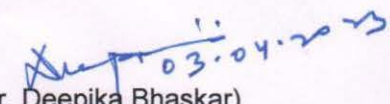
Date: 03.04.2023

अधिसूचना / NOTIFICATION

**RULES AND PROCEDURES FOR THE PREVENTION, PROHIBITION AND PUNISHMENT  
OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE, 2023**  
**(Adopted after approval in the 214th Board of Governors meeting held on 17.03.2023)**

The proposal regarding amendment of IIT Delhi Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2014 was taken up in the 214<sup>th</sup> Board of Governors meeting held on 17.03.2023.

The Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at Workplace, 2023 (attached at Annexure 1), as approved by the Board of Governors, is hereby, adopted by the Institute.

  
(Dr. Deepika Bhaskar)  
Registrar & Secretary, BOG

Copy To:

1. Director
2. Deputy Directors
3. Dean (D&I)
4. All Faculty / All Staff / All Students

**INDIAN INSTITUTE OF TECHNOLOGY DELHI**

**RULES AND PROCEDURES**

**FOR THE PREVENTION, PROHIBITION AND PUNISHMENT OF  
SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE, 2023**

**(Adopted after approval in the 214th Board of Governors meeting held on 17.03.2023)**

**1. Short Title**

These Rules and Procedures will be called the Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2023.

**2. Definitions**

- a. Institute means Indian Institute of Technology, Delhi
- b. Director means the Director of the Institute (IIT Delhi).
- c. Staff includes academic, technical and administrative staff as classified under Clause 11 of the Statutes of the Institute.
- d. Employee includes a person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied, and includes any person employed as a temporary, casual, badly, piece-rated or contract worker, probationer, trainee, apprentice or by any other name called.
- e. Student includes any person who is pursuing any sort of academic programme in the Institute. It shall also include part time and sponsored students.
- f. Resident includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted by the Institute. These include any residential quarters/hostels provided by the Institute or any other residences provided by the Institute to any of its employees/students at the Headquarters or any of the extension campuses.
- g. Member includes staff employees, students and residents of the Institute or anyone working in any capacity including persons on the Board of Governors, Finance Committee, Building and Works Committee, Senate and other committees or boards constituted by the Institute.
- h. Outsider includes any person but is not limited to any private person offering residential, food or any other facilities to the Institute or a visitor to the Institute for any reason whatsoever. It also includes trainees, apprentices, interns, volunteers, teacher assistances, research assistants, visitors for any reason whatsoever to the institute whether employed or not, but being on campus in that capacity including extended campus and other places like field trips, study tours.
- i. Campus includes all places of work and residence at the Institute or any of the existing, or likely to be set up extension campuses. It includes all places of instruction, research and administration, as well as staff quarters, hostel, health centres. Sports grounds, parks, streets, lanes and canteens etc. on the Institute and its extension campuses. It also includes the places visited as a student or

employee of the Institute 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.

### 3. Sexual Harassment

“Sexual Harassment” is 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 of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- (vi) Physical contact and advances; or
  - (vii) A demand or request for sexual favours; or
  - (viii) Making sexually coloured remarks; or
  - (ix) Showing pornography; or
  - (x) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
4. No woman shall be subjected to sexual harassment at the Institute.
5. The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -
- (v) Implied or explicit promise of preferential treatment in her employment/education/participation with the Institute; or
  - (vi) Implied or explicit threat of detrimental treatment in her employment/education/participation with the Institute; or
  - (vii) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - (viii) Humiliating treatment likely to affect her health or safety.

Explanation:

- (c) It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.
- (d) “Victimization” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

#### **4. Scope**

##### **JURISDICTION**

These Rules and Procedures shall be applicable to all complaints of sexual harassment made:-

- (i) By a woman member of the Institute against male member of the Institute irrespective of where the harassment is alleged to have taken place.
- (ii) By a woman resident against a male member of the Institute irrespective of whether sexual harassment is alleged to have taken place within or outside of campus.
- (iii) By a woman member or resident against a male resident when sexual harassment is alleged to have taken place within the campus.
- (iv) By an outsider woman against a male member of the Institute when sexual harassment is alleged to have taken place within the campus.

#### **5. General Duties and Responsibilities of the Institute**

The Institute shall: -

- (n) Ensure a safe environment free from Sexual Harassment for women including prevention and deterrence of Sexual Harassment.
- (o) Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment.
- (p) Maintain a proactive program to educate all members as to the definition of sexual harassment and procedure for redressal.
- (q) Undertake workshops and training programmes at regular intervals for sensitizing the members.
- (r) Prominently display notices in various places spreading awareness about the issue of "Sexual Harassment at the Workplace" and giving information about the redress mechanism that has been put in place and encouraging women to seek redressal of their grievances.
- (s) Facilitate initiation of proceedings under this Policy through the institution of Committee against Sexual Harassment for redressal of an act/s of sexual harassment.
- (t) Ensure that filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy the Institute shall not alter the conditions of service/study of the Complainant/Witness concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.
- (u) The Institute shall provide necessary facilities to the Internal Committee (hereinafter referred to as "IC") for dealing with the complaint and conducting an inquiry. The Institute shall assist in securing the attendance of respondent and witnesses before the IC.
- (v) The Institute shall display at a conspicuous place in the campus, the penal consequences of sexual harassments; and the order constituting the IC.

- (w) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Institute, if the respondent is an employee.
- (x) Where the respondent is a student, depending upon the severity of the offence, Institute may act as per the recommendations made by the IC.
- (y) The Institute must mandatorily extend full support to ensure that the recommendations of the IC are implemented. The Institute must also conduct a regular and half-yearly review of the efficacy and implementation of its sexual harassment policy.
- (z) The IC and the Institute shall prepare an annual report which shall include
  - (i) the number of complaints of sexual harassment received in the year,
  - (ii) the number of complaints disposed off during the year,
  - (iii) the number of cases pending for more than ninety days,
  - (iv) the number of workshops or awareness programmes against sexual harassment carried out and
  - (v) the nature of action taken by the employer.

**6. The Complaints Mechanism and the Scope of its functions, guiding principles for constitution of Committees.**

- (i) Institute shall constitute an Inquiry Committee / IC in terms of Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. 2013
- (j) Presiding officer shall be a woman employed at a senior level at workplace. (Check if they can get someone from another IIT in case the complaint against the senior most person)
- (k) IC must have four members (two faculty members and two non-teaching employees) who are either devoted to cause of women or should have experience in social work or should have legal knowledge.
- (l) IC must also have an external member(s) from amongst non-government organizations committed to the cause of women or a person committed to the cause of women and familiar with the issues relating to sexual harassment. The IC should ordinarily have at least 3 external members.
- (m) In cases which involves students, the IC will also comprise of three students who are studying at the institute at the undergraduate, master's and research scholar levels. These students must be elected through a transparent democratic procedure to be decided by the Institute.
- (n) At least one-half of the total members of the IC must be women.
- (o) The Presiding Member and other members of the IC shall hold office for a period not exceeding three years from the date of their nomination as IC members as specified by the Institute. The member appointed from the NGO shall be paid such fees/allowances for participation in ICC proceedings as may be specified by the Institute.
- (p) Persons in senior administrative positions in the Institute such as Director, Deans, Deputy Director, Registrar, Head of Departments, etc. shall not be members of ICs in order to ensure autonomy of their functioning.
- (q) If the member representing the category of the respondent in the IC is junior in the hierarchy of Institute to the complainant, then for that particular inquiry that

member shall be substituted on the Committee by another person, senior rank the defendant.

- (r) IC shall be deemed to be the inquiry authority appointed by disciplinary authority. The IC shall hold the inquiry as per the procedures prescribed hereinunder.

## **7. POWER AND DUTIES OF IC**

### **D. Preventive**

#### **Gender Sensitization and Orientation**

1. To work towards creating an atmosphere promoting equality, non-discrimination and gender justice.
2. To promote and facilitate measures to create a work and study environment that is free from sexual harassment of women.
3. To publicize widely the Institute Policy against sexual harassment in Hindi, and English, especially through the prospectus, programme guide or other appropriate document and display the same on notice boards, website, offices and residential areas etc.
4. The Committee IC shall publicize the phone numbers of the Security Office at the Institute and create a 24-hour helpline also to be publicized from where calls can be forwarded to persons designated by the Committee.
5. Every recruitment/admission announcement must state: Institute has a policy against sexual harassment and is committed to providing an environment free from sexual harassment of women at the workplace.
6. To regularly organize and carry out programmes for gender sensitization of the Institute members through workshops, seminars, posters, film shows, debates etc. It may enlist the help of specialized NGOs to carry out these programmes.
7. The Committee may take Suo moto notice of grave violations of the basic principles of gender sensitivity and gender justice on the Institute campus and act against the same in such manner as it deems appropriate.

### **E. REMEDIAL**

#### **Enquiry**

1. To receive and take cognizance of complaints made about sexual harassment of women at the workplace.
2. To conduct enquiries into these complaints, place findings before the concerned disciplinary authority and recommend penalties against the harasser in accordance with the rules and procedures laid down.
3. To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.

4. To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The committee shall act against anyone who threatens or intimidates the complainant or members of the committee. This may include and be in the nature of issuing a restraining order against the respondent or any other person/s or appropriate disciplinary action by the concerned authority.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate legal, psychological/ emotional and physical support for the complainant if she so desires.
7. In the case of third party/ outsider harassment, with the consent of the aggrieved woman the Institute shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the Institute and the committee will actively assist and provide available resources to the complainant woman in pursuing the complaint.

#### **F. Conciliation**

- a) The IC may, before initiating an Inquiry under these rules and only at the request of the aggrieved woman take steps to settle the matter through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- b) Where a settlement is arrived at between the complainant and the respondent, it shall be recorded and reduced into writing by the IC and sent to the Institute to take necessary action.
- c) Copies of the settlement shall also be provided to the complainant and the respondent. Where a settlement is arrived at between the complainant and the respondent, no further enquiry shall be conducted by the IC.
- d) If the settlement is not adhered to by the respondent, the IC should restart the inquiry.

#### **8. Procedure for Registering Complaints and the processes**

- (i) Complaints can be made by the complainant in person or through post or mail. Such complaints may be made within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The IC may, for the reasons to be recorded in writing, extend the time limit if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.
- (ii) (a) When an aggrieved person is unable to make a complaint due to physical incapacity, the complaint may be made by the following persons:
  - (i) her relative or friend,
  - (ii) her co-worker including a co-student,
  - (iii) an officer of the National Commission of Women or State Women's Commission,
  - (iv) any person who has knowledge of the incident, with the written consent of the woman.

- (b) If the aggrieved woman suffers from a mental incapacity, a complaint may be filed by apart from her relative or friend, by a special educator, or a qualified psychiatrist or psychologist or a guardian or by any other person who has knowledge of the incident jointly with the others mentioned above.
- (c) If for any other reasons, the aggrieved woman is unable to make a complaint herself, it can be filed by any other person who has knowledge of the incident with the written consent of the aggrieved woman.
- (d) In the event of death of the aggrieved woman, a complaint can be filed by her legal heir or any other person who has knowledge of the incident with the written consent of the legal heir(s).
- (iii) If the Complainant wishes she may be accompanied by a representative. However, the parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- (iv) Complaints may be lodged directly with any member of the IC, or through existing channels for lodging grievances, such as the Institute authorities, academic and non-academic staff association etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the Chairman of the Committee within two working days of its receipt by her/him.
- (v) A complaint can be directly referred by the Director to the IC.
- (vi) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the IC Chairperson or member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be.
- (vii) All complaints made to any Committee members must be received and recorded by the member, who shall then immediately inform the Chairperson about the complaint, who in turn shall hold a meeting of the Committee, within three days.
- (viii) All meetings of the committee will be called by the Chairperson and a notice of at least two working days must be given for the meeting.
- (ix) Within ten days of the receipts of a complaint, the IC must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the respondent and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the respondent at this preliminary stage it shall issue a notice to him to this effect.
- (x) No person who is a complainant, witness or respondent in the complaint of sexual harassment shall be a member of the IC.
- (xi) Any committee member charged with sexual harassment in a written complaint must step down as member of the Enquiry Committee or IC during the enquiry into that complaint.
- (xii) If the IC decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.



## **9. Functions of the Internal Complaints Committee**

## **10. Procedure to be followed by the Inquiry Committee**

The procedure elucidated hereinunder is to be generally followed. However, keeping in view the nature of sexual complaints and inquiries, the IC is empowered to devise its own procedure for conducting the inquiry, provided that it complies with the principles of natural justice and fair play. No inquiry shall be held to be invalid on the ground that the procedure indicated in these rules was not strictly followed.

### **(1) Procedure**

- (i) The complainant will be allowed to be accompanied by one representative during the enquiry. However, the parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- (ii) The IC shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date on which the complaint is referred to it. The IC shall be required to provide to the Committee reasons in writing for any delay in concluding the enquiry beyond a period of 3 months.
- (iii) Within one week (preferably but not exceeding two weeks) of the institution of enquiry proceedings by the IC, the IC shall prepare a document containing a summary of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant and the respondent along with a copy of these Rules and Procedures. The IC shall also make available to the respondent a true copy of the complaint(s) lodged by the complainant(s). The respondent shall be given a period of ten days to respond to this document, which shall be deemed to be a "charge sheet" in the context of disciplinary proceedings. The summary of the complaint shall also be accompanied by the list of documents in support of the complaint.
- (iv) The IC shall provide reasonable opportunity to the complainant and the respondent for presenting and defending her/his case.
- (v) The Complainant shall provide the list of witnesses and list of documents that she intends to rely upon along with her complaint. The Respondent shall submit his list of witnesses and list of documents along with his response within 10 days of receipt of summary of the complaint. The IC can give an additional time of 5 days to the complainant as well as the defendant for provision of list of witnesses and list of documents if it so deems fit in the interest of justice.
- (vi) The complainant and the respondent shall be responsible for presenting their witnesses before the IC. However, if the IC believes that the absence of either of the parties to the disputes is on valid grounds, the IC shall adjourn that particular meeting of the IC for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

It shall be the sole discretion of the IC to decide what constitutes a “valid ground”, keeping in view the circumstances of the case.

- (vii) The IC may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- (viii) The IC shall have the power to summon any official papers or documents from the concerned section, unit department, centre etc. of the Institute pertaining to the complaint under enquiry.
- (ix) The IC may consider as relevant any earlier complaints against the respondent. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- (x) The IC shall have the right to summon, as many times as required, the respondent, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- (xi) The respondent, the complainant and the witnesses shall be intimated at least three working days in advance in writing of the date, time and venue of the enquiry proceedings.
- (xii) The IC shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, Should the complainant or the respondent fail, without sufficient cause, to present herself or himself for three consecutive hearings convened by the IC. Provided that such termination or ex parte order should not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- (xiii) The venue of the enquiry should take into consideration the convenience and security of the complainant.
- (xiv) If the complainant, respondent, or witness desire to appear before the IC accompanied by one person of their choice, they shall communicate to the Convener of the IC the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- (xv) The identities of the Complainant and all witnesses shall, before, during and after the inquiry be protected and kept confidential by the IC. Except the name of the complainant shall be provided to the respondent and the name of the witnesses shall also be given along with their testimonies to the respondent.
- (xvi) The complainant(s) and the respondent shall have the right to examine written transcripts of the recordings in the office of the IC.
- (xvii) The complainant and the respondent shall have the right of cross-examination of all witnesses. However, such cross-examination shall be conducted in the form of written questions and responses via the Internal Committee only. The respondent shall have no right to directly cross examine the complainant or her witnesses.
- (xviii) The respondent/ complainant may submit to the IC, a written list of questions that he/she desires to pose to the complainant/witness. The IC shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive. Any behaviour, verbal or otherwise, during or after the inquiry on the part of the respondent or his nominee, that is designed to intimidate or subject the complainant or her

witnesses to mental and/or physical trauma, can lead the Committee to recommend disciplinary action against the respondent.

- (xix) All proceedings of the IC shall be recorded in writing in English. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof. If the witnesses are not proficient in English, they should be allowed to address the IC and give their evidence in Hindi or any language they can speak.
- (xx) All persons heard by the IC, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the respondent. Any violation of the oath of secrecy may invite penalties.

Exception:

“The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the Institute shall not be published, communicated or made known public, press and media in any manner: Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses”.

- (xxi) The members of the IC shall maintain confidentiality about the proceedings conducted by them.
- (xxii) If the complainant desires to tender any documents by way of evidence, the IC shall supply true copies of such documents to the defendant. Similarly, if the respondent desires to tender any documents in evidence, the IC shall supply true copies of such documents to the complainant.
- (xxiii) In the event that the IC thinks that supplementary testimony is required, it may forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the IC.
- (xxiv) Nothing precludes the IC from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings. If a new fact or evidence is brought to the notice of the IC after submission of the Enquiry Report to the appropriate disciplinary authority, then in the event of the constitution of the reconvened IC shall be those who originally enquired into the said complaint. The scope of inquiry of such reconvened committee need not be restricted only to new material. It shall be open to the IC to reconsider the entire material on record, in light of such new material, if it is deemed appropriate. It is clarified that the IC shall have the power to review its own decision(s).
- (xxv) The IC shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that often the aggrieved woman may not be able to submit/ present direct or corroborative evidence.
- (xxvi) The IC shall not permit any evidence or examination based on the aggrieved woman's character, personal life, conduct, personal and sexual history.

- (xxvii) The IC shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organization/ workplace, the employer-employee equations and other power differences while appreciating the evidence.
  - (xxviii) The IC shall, inform the complainant/s, that she may give her evidence in writing provided that she makes herself available for examination by the respondent on the same, unless the alleged victim of Sexual Harassment opts to give her evidence orally.
  - (xxix) The IC shall inform the complainant/s that she may give her answers to questions of a sensitive nature in writing at the enquiry proceedings during cross examination.
  - (xxx) All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned IC and the same shall not be made available pursuant to an application under the Right to Information Act, 2005. Such information shall constitute an exception under Section 8(e) of the Right To Information Act, 2005, as the same is held by the IC in a fiduciary relationship and the non-disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005.
- (2) Enquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report submitted to the Sexual Harassment Complaint Committee within a period of ninety days from the date on which the enquiry is commenced. In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing. However, the delay, if any would not invalidate the enquiry.

## **11. Report of the IC**

- (a) On the completion of the enquiry an IC shall provide a report of its findings to the Director, IIT Delhi within a period of ten days from the date of completion of the inquiry along with copy to the parties. Where the Director is not the disciplinary authority, the Director shall place the report before the Chairman, Boards of Governors, for appropriate action.
- (b) Where the IC arrives at a conclusion that the allegation has not been proved, it shall recommend to the Director, IIT Delhi that no action is required to be taken in the matter.
- (c) Where the IC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the Director, IIT Delhi to take action for sexual harassment as a misconduct. The IC can recommend the penalties as provided for Chapter 5 titled Disciplinary Action, Penalties and Appeal of the IIT Delhi Statutes, namely, (i) Censure, (ii) Withholding of increments or promotion, (iii) Recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders, (iv) Reduction to lower service, grade or post or to a lower scale or to a lower stage in a time scale, (v) compulsory retirement, (vi) removal from service which shall not be a qualification for future employment in the Institute and (vii) dismissal from

service which shall ordinarily be a disqualification from future employment in the Institute.

The IC may also recommend warning, admonition, reprimand, caution and displeasure even though they are not formal penalties.

In case the respondent is a student, based on the severity of the misconduct, the IC can recommend penalties such as (i) withholding privileges of the student such as access to the auditoria, halls of residence, transportation, scholarships, allowances and identity card; (ii) suspending and restricting entry into the campus for a specific period; (iii) expelling and striking off name from the rolls of the Institute, including denial of readmission if the misconduct so warrants and (iv) awarding of reformatory punishments like mandatory counselling and/or performance of community services. Warning and reprimand can also be recommended as penalties in case of students.

A list of these penalties should be displayed at various places in the Institute.

- (d) The IC may also recommend to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant or legal heirs in accordance with the Section 15 of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013.

For the purpose of determining the sums to be paid to the complainant or her legal heirs, the IC shall consider:

- (v) the mental trauma, pain, suffering and emotional distress caused to the complainant;
  - (vi) the loss in the career opportunity due to the incident of sexual harassment;
  - (vii) medical expenses incurred by the victim for physical or psychiatric treatment;
  - (viii) the income and financial status of the respondent;
  - (ix) feasibility of such payment in lump sum or in instalments.”
- (e) Subject to consideration of a representation, if any, against a proposed penalty the disciplinary authority shall take disciplinary action within two months of receipt of the Report from the Internal Committee. It is clarified that the report of the Internal Committee shall be treated as the inquiry report, on the basis of which penalty can be proposed/imposed against the respondent. It is mandatory for the Director or the appropriate authority to act within the time limit given in this policy or it would lay itself open for the penalties prescribed under Section 26 of the POSH Act.”

## **12. APPEAL:**

- (i) The complainant and the respondent shall have the right to appeal if they are dissatisfied with the decision of the disciplinary authority as per

the provisions contained in CCS(CCA) Rules or any other rules of the Institute. The appeal shall be preferred within a period of ninety days of the recommendations.

### **13. REDRESSAL**

- (1) During the pendency of an inquiry, on a written request made by the complainant, the IC may recommend to the Institute to:
  - (viii) transfer the complainant or respondent to any other campus or extension campus;
  - (ix) grant leave to the complainant upto a period of three months, provided that the leave granted under this clause shall be in addition to the leave the complainant would be otherwise entitled to;
  - (x) restrain the respondent from reporting on work performance of the complainant or writing her confidential report, and assign the same to another person;
  - (xi) restrain the respondent from supervising any academic activity of the complainant and
  - (xii) restrain entry of the respondent into the campus if there is a definite threat to the complainant and witnesses.
  - (xiii) Restrain the respondent from communicating (in any form or even through a mediator) with the complainant, their family, friends or witnesses.
  - (xiv) Take other strict measures, including suspension of the respondent for a certain period of time, to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment.
- (2) On the recommendation of the IC, the Director or the appropriate authority shall implement the recommendation made under sub-clause (1) and send the report of such implementation to the IC preferably within a week but not exceeding two weeks from the date such recommendation is made.
- (3) In a case in which the complainant is a student conducting research and the respondent is his/her supervisor, the Dean Academic should be appointed as the administrative supervisor immediately. The Dean Academic should appoint a subject expert supervisor in consultation with IC preferably within a week but not exceeding two weeks of receipt of the complaint. In the meanwhile, the Student Research Committee should remain suspended until the completion of the inquiry.

### **14. Where Sexual Harassment amounts to criminal offence:**

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law, it shall be the duty of the Internal Complaints Committee to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

Any such action or proceedings initiated shall be in addition to proceedings initiated and/ or action taken under this Policy.

15. In case of any doubts, ambiguity or difficulty in interpreting and/or implementing the provisions of these Rules, the decisions of the Director in this regard shall be sought and shall be final.