



## **INTERNAL COMPLAINT COMMITTEE**

### **Policies and procedures of Action**

#### **Introduction**

**The College has constituted Internal Complaint Committee (ICC- NJC)** according to the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2012. ICC(NJC) is the college's instrument for addressing issues/grievances/cases of sexual harassment and recommending their redressal. This is in keeping with Article 21 of the Constitution of India, which assures every individual the right to live with human dignity, free from exploitation. In this spirit, the college's policy is formulated to prevent sexual harassment of women on the campus. The policy extends to all students, faculty, staff, officers, residents, and visitors. The Committee will take cognisance of all forms of sexual harassment and promote gender sensitisation. This is also in tune with the concern expressed by the University Grants Commission about ensuring a safe environment for women students and employees in educational institutions.

#### **Scope of the Committee**

These rules and procedures shall be applicable to all complaints apply harassment made:

- By a student against a member of the academic/non-teaching staff/a co-student/resident/service provider/worker.

- By a member of the academic/non-teaching staff/family member against a student/another member of the literary or non-teaching staff/resident in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- By a resident against a student/member of the academic/non-teaching staff /service provider.
- By a service provider/worker against a student/member of academic/non-teaching staff/resident/outsider.
- By an outsider against a student/member of the academic/non-teaching staff/resident/service provider if the sexual harassment is alleged to have occurred within the campus.
- By a student/academic/non-teaching staff/ resident/service provider/worker against an outsider if it occurs on the campus.

### **Definition of Sexual Harassment**

Sexual harassment includes any one or more of the following **unwelcome acts** or behaviour(whether directly or by implication) namely;

- physical contact and advances
- a demand or request for sexual favours
- making sexually coloured remarks
- any unwelcome messages through telephone or internet
- showing pornography
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

### **Composition of ICC( NJC)**

The term of each Committee shall be one year. However, the previous Committee will continue until another committee is constituted. The formation of the ICC is in purview of regulations of Kannur Univeristy and UGC 2015 section (4) subsection (1).

## **Functions**

ICC has two primary functions: Preventive and Remedial

### **Preventive**

- To work towards creating an atmosphere promoting equality, non-discrimination and gender sensitivity.
- To promote and facilitate measures to create a work and study environment free of sexual harassment.

### **Remedial**

- To receive and take complaints made about sexual harassment at the college and give every complaint serious consideration.
- Crisis Management, Mediation and Counselling
- To conduct enquiries into the complaints, place findings and recommendations regarding penalties against the harasser in accordance by the procedures laid down by the ICC.

### **Rules & Procedures**

- The Chairperson will call all meetings of the Committee, and a notice of at least one working day must be given for the meeting while in exceptional cases, an emergency meeting may be convened as per the requirement.
- No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Committee.
- Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.
- If the ICC decides not to conduct an inquiry into a complaint, it shall record the reasons for the same in the Committee meeting minutes. The Committee shall make the same available to the complainant in writing.

- Within not more than five working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit a list of witnesses to the Convenor of the Committee in writing, together with their contact details, that they desire committee to examine.
- The Committee shall have the power to summon any official papers or documents about the complaint under enquiry.
- The Committee may consider as relevant any earlier complaints against the defendant. 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.
- The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the supplementary simony and/or clarifications.
- The defendant, the complainant, and witnesses shall be intimated at least seventy two hours in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the meeting's date, time, and venue.
- All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- All persons heard by the Committee, as and observers/nominees take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the promise of secrecy may invite penalties.

### **Inquiry Process**

- On receipt of a complaint, the Committee shall record it in writing. Within three days receiving of a complaint, the Committee 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 defendant 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 defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose. Due attention must be paid to the confidentiality of the complainant and the defendant and no mention of their details may be made in the record.

- The Committee shall inquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity. The Committee is empowered to take steps to settle the matter to the satisfaction of the complainant before initiating a formal enquiry into the matter.
- The complainant/ will be allowed to be accompanied by one representative during the enquiry. They shall communicate to the Convenor of the Committee 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.
- During the enquiry proceedings, the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- Prior to the institution of enquiry proceedings,
  - The Committee 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 defendant. The defendant shall be given all this information in the prescribed format along with a copy of the Rules and Procedures of this Policy.
  - The Committee must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 5 days to respond to the charge sheet.

- The Committee shall provide a reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee 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.
- The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- The Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.
- The venue of the enquiry should take into consideration the convenience and security of the complainant.
- The Committee should be sensitive to covert forms of harassment that may be faced by the complainant.
- The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee.
- The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings once prepared with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be only a member of NJC. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Committee specifically if they wish to exercise this right. At no

point in time, however, can the concerned parties take these documents outside the office of the ICC.

- The complainant and the defendant 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 Committee only. The defendant shall have no right to directly cross-examine the complainant or her witnesses.
- The defendant/complainant may submit to the Committee, a written list of questions that he/she desires to pose to the complainant/witness. The Committee 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, on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the defendant.
- proceedings. If a new fact or evidence is brought to the notice of the Committee Against Sexual Harassment after submission of the Enquiry Report to the appropriate disciplinary authority, then in the event of the constitution of the reconvened Committee, at least half of the members of the present Committee shall be those who originally enquired into the said complaint.
- The Committee 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.
- The Committee shall not permit any evidence or examination based on the aggrieved woman's character, personal life, conduct, personal and sexual history.
- The Committee 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.

- The Committee 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.

**Enquiry to be completed within 10 days: –**

The Committee shall strive to complete the enquiry in the shortest possible time, preferably within ten from the date on which the complaint is referred to and not exceeding it.

**Findings of the Committee:**

- After concluding its enquiry, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee.
- The Committee shall provide a report of its findings to the employer within 10 days of completion of inquiry and such report shall be made available to the concerned parties.
- No observations regarding the work and behaviour of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant.
- An opportunity made be given to the parties to be heard on the findings before a recommendation is made.
- Upon the completion of an enquiry, the said Committee may in a detailed and reasoned manner pass any of the following orders:

If the Committee finds no merit in the complaint, it shall write to the competent authority giving reasons for its conclusions.

The concerned Committee may then dismiss the complaint which was the subject of the Inquiry.

In the event that the Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken taking into consideration the gravity of the offence of which he has been found guilty and the impact on the complainant. The disciplinary action will be commensurate with the nature and impact of the sexual harassment. It shall also recommend whether after disciplinary action has been taken, the College Administration should publicize the identity of the offender, the misconduct and the disciplinary action is taken.