

SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION AND RESEARCH

**A Deemed to be University
Tamaka, Kolar, Karnataka.**

**Declared under Section 3 of the UGC Act, 1956
vide MHRD, Government of India Notification
No.F-9-36/2006-U.3 (A) dated 25th May 2007**



INTERNAL COMPLAINS COMMITTEE POLICY



SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION & RESEARCH

A DEEMED TO BE UNIVERSITY, (DECLARED UNDER SECTION 3 OF THE UGC ACT, 1956)

TAMAKA, KOLAR 563101, KARNATAKA, INDIA

Name of the Policy/ Guidelines	Internal Complains Committee Policy	
Short Description	This policy provides SOP's for raising grievances	
Scope	This policy is applicable to all the employees of SDUAHER	
Policy status	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised	
Date of approval of Version 1	28 April 2020	
Policy No.	SDUAHER/KLR/POLICY/002	
Brief description of last revision	Not Applicable	
Date of approval of current revision	Not Applicable	
Effective date		
Approval Authority	Board of Management	
Responsible officer	Registrar	
Name of the Policy/ Guidelines		
Details of Revision	Date of Revision	Approved by

Internal Complaint Committee (ICC) Policy

PREAMBLE:

Sri Devaraj Urs Academy of Higher Education and Research hence forth termed as SDUAHER in the policy document. The Academy is not only a 'workplace' where faculty and nonteaching staff are employed but is also a place of learning where students come to learn and get knowledge to shape up their careers, to realize their full potential as individuals. Over a period of time The Academy has shown increasing trend in more and more female students taking admissions and participating in higher studies. At SDUAHER, we have zero-tolerance for sexual harassment. Any form of sexual harassment, particularly against women (employees and students) is not acceptable within The Academy.

It is therefore imperative that all students, particularly female students, are provided with a safe and dignified environment in which they are able to achieve these goals, because only then will they be able to realize the constitutional promise of equality.

The goal of Sexual Harassment policy is to end the problem faced by the student/employee through an internal system of relief that is easy to access, and thereby to provide an effective remedy to the aggrieved complainant as quickly as possible so that s/he can continue to study and develop without further impediments. The larger perspective guiding sexual harassment policy is to be educational, preventive, corrective and, when punitive, to carry out processes following a complaint with sensitivity, rigour and justice.

The policy described below is based on the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 here after referred to as the 'Act' and Rules framed there under.

Available at:

https://www.ugc.ac.in/pdfnews/7203627_UGC_regulations-harassment.pdf

OBJECTIVES OF THE POLICY:

- To prevent all forms of sexual harassment of women at the work place and to provide a work environment for all women Stakeholders free from fear, reprisal, coercion, discrimination and harassment of a sexual nature.

- To encourage the early reporting of any allegations/complaints of sexual harassment of women and to ensure that complaints are dealt with in a sensitive, equitable, fair, timely and in confidential manner, as per the principles of natural justice.
- To ensure that all Stakeholders are acquainted with this Policy and are provided the necessary information and training where ever applicable to prevent and to handle complaints of sexual harassment of women.

SCOPE OF THE POLICY:

- Applies to all Stakeholders i.e. female students, employees, teaching and non-teaching.
- The Stakeholders may be appointed either directly, or through an agent, including a contractor, with the knowledge of SDUAHER. The terms of employment may be expressed, or implied.
- The application and adherence to this Policy shall be incorporated in the service conditions/contracts/registrations of all Stakeholders, explicitly or by inference. All parties connected with SDUAHER are mandated to follow this Policy and to work collaboratively to prevent sexual harassment of women at SDUAHER.

DEFINITION:

- **Sexual harassment constitutes:**
 1. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any University activity.
 2. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition

of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/ or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.

3. When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
 4. When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University is used to denigrate/ discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.
- **Aggrieved Person:** Any woman stakeholder who alleges to have been subjected to any act of sexual harassment.
 - **Respondent:** Any person (employed, associated and visiting SDUAHER against whom the aggrieved woman has complained.
 - **Members:** includes students, teachers and non-teaching staff of The Academy.
 - **Students:** includes regular students as well as current ex-students of SDUAHER.
 - **Teachers:** includes any person on the staff of the university who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.
 - **Non-Teaching Staff:** includes any person on the staff of the university who is not included in the category of teacher. It shall also include contract workers and daily wagers.
 - **Resident:** includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by The Academy.

- **Outsider:** includes any person who is not a member of The Academy or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of The Academy.
- **Campus:** includes all places of work and residence in the SDUAHER. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, staff quarters, public places (including parks, streets and lanes) and canteens, etc. on The Academy campus.
- **Presiding Officer:** Chairwoman of the Internal Complaints Committee (ICC)

JURISDICTION:

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

1. By a member of The Academy against any other member of The Academy irrespective of whether the harassment is alleged to have taken place within or outside the campus
2. By an outsider against a member of The Academy or by a member of The Academy against an outsider if the sexual harassment is alleged to have taken place within the campus
3. By a member of The Academy against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that The Academy authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint

CONSTITUTION OF ICC:

- The Chairperson shall be a woman faculty member employed at the middle or senior level at the SDUAHER;

- Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- Not less than three students, who shall be enrolled at the undergraduate, masters, and research scholar levels respectively
- One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- Persons in senior administrative positions in the Higher Education Institution, such as Vice- Chancellor, Registrar, Dean(s), Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy.
- The term of each member (other than students) shall be of three years. The previous Committee will continue till the new Committee is constituted. Complaints can be given to any member of the Committee. It will be incumbent on the head of any department/administrative unit or any teacher to forward a complaint s/ he receives to the committee immediately.

GUIDING PRINCIPLES OF ICC:

- **Confidentiality** with respect to the details of the complaint, the complainant's identity and the person(s) who she has charged must therefore be mandatorily guaranteed, but by itself, this is not enough, as confidentiality must extend both to the procedures employed in enquiries and the witnesses involved in them for the guarantee to be truly meaningful.
- **Non - Coercion and Interim relief**– The Academy applies this policy in letter and spirit. As per the rules an order of restraint is issued to the respondent as soon as the complaint is filed, prohibiting all direct or indirect contact with the complainant, her family or witnesses. Violations of the order of restraint are viewed as aggravating the offence committed.

- **Fair Policy-** In accordance with the fair policy all ICC enquiries are carried out in accordance with a detailed procedure for inquiry into a complaint of sexual harassment, starting from the filing of the complaint, examination and cross-examination of witnesses, right up to the submission of the report.
- **Education and Redressal-**there is zero tolerance for quid pro quo harassment involving a teacher\employee and a student or those in any other hierarchical relationship. The specific redressal a particular complaint demands vary according to individual cases, but the objective of the interventions by ICC is to ensure that the sexual harassment stops at once.
- **Ethics for Research Supervision:** The perspective that should guide ethics for research supervision is to maintain clear norms in the relationship such that neither is the student violated nor does her research suffer. Time spent with supervisors is professionally oriented and not be personal. Unnecessary requests to spend time with supervisors should be avoided. All meetings should be during office hours in office space. Doors should either have glass – and this should also include laboratory doors which usually must be kept closed --or else doors should be kept open during meeting times. Any complaint made by a student about a supervisor must be forwarded to the Sexual Harassment committee and officially acknowledged. Following this the Supervisor must be suspended and another faculty member assigned in consultation with the student.

POWER AND DUTIES OF ICC:

Preventive

1. To create and ensure a safe environment that is free of sexual harassment.
2. To create an atmosphere promoting equality and gender justice.
3. To publicize the policy widely, especially through website and notice boards.
4. To publicize the names and phone numbers of members of the committees.

5. To plan and carry out programmes for gender sensitization (through workshops, seminars, posters, film shows, debates, skits) either independently or with the assistance of the Gender Sensitizing Committee.

Remedial

1. The mechanism for registering complaints should be safe, accessible and sensitive.
2. To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
3. To recommend to the concerned authorities for follow-up action and monitor the same.
4. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate psychological and emotional support (in the form of counselling, security and other assistance) to the victim if s/he so desires.

PROCEDURE FOR REGISTERING COMPLAINTS

1. Any Aggrieved woman, Complainants relative, Co-worker or Any person who has knowledge of the incident with the written consent of the complainant can register the complaint.
2. The complaint should contain the Description of incident (s), Date (s), Timings, Respondent's name and Parties working relationship.
3. All complaints must be brought by the complainant in person either to the Members of the committee which will refer the case to ICC or directly to ICC. The exception for this will be in cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the committee will examine whether an investigation, intervention or some other assistance is needed. In exceptional cases, third party/witness complaints may be entertained. In such cases, the committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal

complaint. Once such a complaint is received the committee shall proceed to investigate it as per the procedure specified.

4. If the complainant wishes s/he can be accompanied by a representative.
5. The Vice-Chancellor can refer any complaint to ICC

ENQUIRY PROCEDURES:

1. All complaints made to any committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the committee.
2. The committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).
3. After the report has been finalised, confidentiality should be maintained, if the complainant so desires, by withholding the complainant's name and other particulars that would identify her.
4. The ICC after the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
5. In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement) the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.
6. During the enquiry procedure, the complainant and the accused will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry.
7. The ICC must submit its report to the Vice- Chancellor not later than one month for punitive action if required.
8. In special circumstances the matter may be referred to the Chancellor of the University.

9. A quorum of 3 members is required to be present for an Internal Committee proceeding to take place.

10. The entire process of enquiry should be completed within three months

DISCIPLINARY ACTION

On arriving at a conclusion that the allegation against the Respondent is true, the IC shall make recommendations to the management SDUAHER to take either one or combined action as given below, based on the impact of the harassment on the Complainant:

- Obtain a written apology from the Respondent
- Warn, reprimand or censure the Respondent
- Withhold promotion of the Respondent
- Withhold increments of pay of the Respondent
- Terminate the services of the Respondent at SDUAHER
- Compel the Respondent to pay a reasonable amount of compensation to the Complainant, and in case the Respondent fails to pay the amount, the same may be deducted from his salary/Stipend every month

In case of contractual employees, the IC may recommend:

- Termination of contractual services of the Respondent and that the contracting agency replace the employee
- Warning and taking a written bond of good conduct from the Respondent and the contracting agency
- Compel the Respondent to pay a reasonable amount of compensation to the Complainant

Where an outsider or visitor is the perpetrator of sexual harassment on a woman employee, in addition to assisting the Complainant to initiate action under the Indian Penal Code of 1860, or any other law for the time being in force, the management of SDUAHER may pass and implement necessary orders restricting, the perpetrator's entry into The Academy premises and forewarn him of criminal/legal action in case any trauma is caused to the Complainant, then or thereafter.

Special provisions to deal with threats or intimidation

With the recommendation of IC, the disciplinary authority may also dispense with inquiry and action may be taken without the inquiry when the disciplinary authority concludes that it is not reasonably practicable to hold such an inquiry due to threat or intimidation.

DETERMINATION OF COMPENSATION

Compensation to the Complainant shall be based on the following:

Mental trauma, pain, suffering and emotional distress caused to the Complainant;

Loss in career opportunity due to the incident/s of sexual harassment;

Medical expenses incurred by the Complainant for physical and psychiatric treatment;

Income and financial status of the Respondent;

Feasibility of such payment in lump sum or in instalments.

The SDUAHER shall act upon the final recommendations of the IC, within 60 days of its receipt of the recommendation.

FALSE AND MALICIOUS COMPLAINT

If the IC finds that the allegation against the Respondent is done with malicious intent by the Complainant/witnesses respectively, or if the Complainant/witnesses produced forged or misleading documents, the IC shall recommend to the SDUAHER to take suitable action to prevent recurrence and to ensure that others are dissuaded from raising such false complaints.

Provided, that mere inability to substantiate a complaint, or to provide adequate proof of sexual harassment, need not attract action against the Complainant and further, that the malicious intent of the Complainant shall be established after an inquiry in accordance with the procedure prescribed above.

APPEALS

In case any decision by the IC is not acceptable to the Complainant and / or Respondent, they could further appeal to a court or tribunal as per the law within a period of 90 days.

CONFIDENTIALITY

The contents of the complaint made, the identity and address of the Complainant, the Respondent and any witnesses, any information relating to the conciliation and inquiry proceedings, recommendations of the IC, and the action taken by the employer, shall not be published, communicated or made known to the public, press or media in any manner, provided that information may be disseminated regarding the justice secured by any victim of sexual harassment.

The Academy shall recover a sum of Rs. 5000.00 (five thousand rupees) as penalty from any person who violates the confidentiality obligation under this Policy, apart from other disciplinary action.

DUTIES OF THE EMPLOYER

Provide a safe working environment at the workplace, which shall include safety of women coming into contact with men, at the workplace;

Display at conspicuous places in the workplace, the penal consequences of sexual harassment of women employees; and the order constituting the IC;

Declare names and contact details of all members of the IC;

Organize workshops and awareness programmes at regular intervals to sensitize employees students with the provisions of the Act and to conduct orientation programmes for members of the IC;

Provide necessary facilities to the IC to deal with a complaint and to conduct an inquiry;

Assist in securing the attendance of the Respondent and witnesses before the IC;

Make available relevant information to the IC with regard to the complaint;

Provide assistance to the Complainant if she chooses to file a complaint against the Respondent in relation to a sexual harassment offence under the IPC or any other law for the time being in force;

Treat sexual harassment of women employee's students as misconduct under the SDUAHER code of conduct and to initiate action when such misconduct occurs;

Monitor the timely submission of the Annual Report by the IC.

NO RETALIATION

Appropriate steps shall be taken to ensure that there shall be no retaliation against any Complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment of women employee's, students, regardless of whether the complaint was upheld.

Individuals engaging in retaliatory conduct will be subject to disciplinary action by The Academy.

Dean
Faculty of Allied Health
and Basic Science

Dean
Faculty of Medicine

Registrar
SDUAHER