



Christ Church College, Kanpur

INTERNAL COMPLAINTS COMMITTEE (ICC)

POLICY AGAINST SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE

Every individual deserves a workplace which is safe and secure in all ways. Yet women and students of all genders have to suffer sexual harassment which forces them to limit their ambitions and goals

Government of India proclaimed “**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** on 9.12.2013 which replaced Apex Court’s Vishakha Guidelines of 1997. The Act laid down a grievance redressal mechanism under which it is mandatory for all educational institutions to set up Internal Complaints Committee (ICC) to look into such complaints. UGC has also enacted **University Grants Commission (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015** on 02.05.2016 (published in the Gazette of India).

Christ Church College follows a Zero Tolerance Policy toward sexual harassment and is committed to creating and maintaining an environment which is free of all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender. Following this, an Internal Complaints Committee (ICC) has been duly constituted by the college as per the directives issued by UGC on **09.08.2019**

Objectives

The objectives of the ICC to prevent sexual harassment of women at workplace are as follows:

1. To develop a policy against sexual harassment of women at the college.
2. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
3. To uphold the commitment of the college to provide an environment free from discrimination, harassment, retaliation or sexual assault at all levels.

Jurisdiction

1. The policy and the rules & regulations would apply to all students, faculty (permanent and temporary), and non-teaching staff (permanent and temporary) on active roles of the college.
2. The policy and the rules & regulations would also apply to research scholars (full time and part time), service providers and visitors (any person visiting library/faculty members/any other place in campus or participating in seminars/workshops/conferences) who may be within the territory of the college.
3. The policy would also apply on off-campus official duty such as field work, excursions etc. organized by departments of the college.

Complaint Procedure

1. Any woman employee or female student (COMPLAINANT) shall have the right to file a complaint concerning any harassment including sexual harassment against a male student/employee/faculty/ administrative staff (COMPLAINEE) as the case may be.
2. Any COMPLAINANT may file a complaint within a period of 3 months from the date of incident. In case of a series of incidents, COMPLAINANT should file a case within a period of 3 months from the date of last incident.
3. Where the aggrieved woman is unable to file a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
4. All complaints will only be accepted in writing. The Committee is allowed to take action even in the absence of a written complaint. Though a written complaint is must (as per the Vishakha Guidelines), however if the woman does not want to do the same, anybody can write on her behalf.
5. Any complaint in writing has to be signed by the COMPLAINANT and will be read out to the complainant and will not be acted upon till the same is signed by the complainant.
6. The complainant shall be afforded full secrecy at each stage.

7. The name, address, identity or any other particulars calculated to lead to identification of the COMPLAINANT shall be kept confidential and will not be disclosed even to the committee, till the meeting in this regard is convened.
8. Within a period of 5 working days from the date of such communication, the Chairperson shall convene a meeting to deal with the complaint and make preliminary enquiry to verify the facts of the complaint. An *Inquiry Committee* will be constituted if the complaint is found genuine.
9. In case, the Inquiry committee decides to proceed with the complaint, they may have the option to settle the matter between COMPLAINANT and COMPLAINEE through conciliation. For this the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behavior. The matter shall then be treated as concluded and disposed off with a note to that effect made in the Complaint Register.

Process of conducting Inquiry

In case the complainant requests that the complaint should be processed with beyond a mere warning, the same may be processed and has to be solved within a stipulated time of **90** working days.

1. The Inquiry Committee shall furnish a copy of the complaint to the accused and complainant within 07 days of the start of the inquiry process along with a written notice requiring both parties to furnish a written submission.(In case the complainant does not have any additions to the complaint filed earlier, she can just submit a statement to that effect)
2. Upon receipt of the copy of the complaint, both parties shall submit their replies to the list of documents that have been served on them and names and addresses of witnesses to the Inquiry Committee within a period of 10 days.
3. The Inquiry Committee shall start the process of an Oral Hearing within 07 days of the receipt of the replies.
4. In the course of the Oral Hearing, the complainant, the accused and their witnesses will separately be given a chance to give an account of the instances alluded to in

the complaint and the parties can also submit any documentary evidence for the same.

5. The Inquiry Committee shall have the power to ask questions that it deems fit to all parties and may also call upon additional witnesses during the Oral Hearing.
6. At no time during the inquiry proceedings shall the accused and the complainant be placed face to face, or put in a situation where they may be face to face.
7. If the accused fails, without valid ground, to present him for three hearing convened by the chairperson of the Inquiry Committee; the Inquiry Committee shall have right to take a decision on the complaint based upon available evidence.
8. Lawyers are not allowed during the inquiry.
9. As most of sexual harassment cases occur in private and there may not be any eye-witness, the Inquiry Committee has to come to a conclusion about the complaint without proof or evidence of this kind. Therefore, the decision of Inquiry committee will rely on Circumstantial Evidence and the written submission and oral testimonies of the complainant, the accused and witnesses if any as well as any documentary evidence.

Note: The Inquiry is not a criminal investigation or a proceeding in a court of law- a strong probability, rather than 'proof beyond reasonable doubt', is enough to take a decision on the complaint.

Complaint Withdrawal

The COMPLAINANT may withdraw her complaint in WRITING at any time during the inquiry procedure. However, the committee MUST ascertain the reasons for withdrawal of the complaint and record the same in writing and get it counter-signed by the complainant. The inquiry procedure shall then be terminated if the committee found enough reasons to believe that such withdrawal of complaint is not the consequences or effect of coercion and intimidation exerted by the accused or any person on her/his behalf on the complainant. Otherwise, the Inquiry Committee shall continue with the proceedings in accordance with the procedure outlined in the policy.

Disciplinary Actions

The disciplinary action recommended by the committee to the Principal /Management of the college against the accused could depend on factors such as the nature and

extent of injury caused to the complainant, the impact of the violation on the institution as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.

A. Where the Committee finds an Employee (Faculty, Staff) of the institute involved in sexual harassment of the complainant, it can recommend disciplinary action in the form of (either one or many):

1. Warning
2. Written apology
3. Bond of good behavior
4. Debarring from duties
5. Suspension
6. Any other relevant mechanism

B. Where the committee finds a research scholar/student of the institute involved in sexual harassment of the complainant, it can recommend disciplinary action in the form of (either one or many):

1. Warning
2. Written apology
3. Bond of good behavior
4. Withhold privileges such as access to the library, scholarships, fellowships, contingency and Identity card
5. Debarring entry into the campus
6. Suspension for a specific period of time
7. Expulsion
8. Denial of readmission
9. Community service
10. Mandatory counseling
11. Any other relevant mechanism

C. In such cases where the committee finds a third party/outsider to be guilty of sexual harassment, the institute's authorities shall initiate action by making a complaint with the appropriate authority and at the institute level it can recommend disciplinary action in the form of:

1. Warning
2. Written apology

3. Debarring entry into the campus

Redressal

1. The committee will submit a report along with recommended disciplinary actions to the Authority (Principal/Management of the college).
2. The authority upon receipt of the inquiry report shall implement the disciplinary action on the basis of the recommendations of the committee under relevant service rules within 02 months.
3. In such cases that are likely to be rare, where the committee arrives at the conclusion that the allegation by the complainant is malicious or false with the full knowledge of the complainant or where the complainant has produced any forged or misleading document, the committee may recommend punitive action against such complainant.
4. Non-adversarial modes of redressal and resolution such as verbal warning, verbal apology, promise of good behavior etc. could also be considered in appropriate cases.
5. Grant such other relief to the complainant as may be prescribed.

Note:

- a) RTIs are not applicable for sexual harassment complaints.
- b) The policy will be suitably amended as per modifications in the prevailing laws.
- c) In case of need, committee may amend the policy from time to time.

The Internal Complaints' Committee (ICC) is NOT to act as a moral police; neither will intrude on anyone's privacy. The role of the ICC is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment and not to curtail sexual expression within the campus. Members are expected to be sensitive to the issue and not let personal biases and prejudices (based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress up or behave) affect their functioning as members of the committee.


PRINCIPAL