

Objectives of ICC :

- To make the students and employees of the Institution aware of their legal rights and protections available to them in an accessible language.
- To empower them with the knowledge they need to reach out to the authorities whenever needed.
- To enable students and employees to question if their campuses are safe and whether their educational institution is ICC compliant or not.
- The Institution and its Executive Authorities to be aware of their duties and obligations under the legal frameworks provided to protect students and employees from sexual harassment at the workplace.
- To spread awareness among its community of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment and everything around it.

Know the Terminologies :

Aggrieved woman

Any woman who reports to have been subjected to any act of sexual harassment by any person employed by an organisation, or the employer themselves. The woman doesn't necessarily have to be employed in that particular organisation to seek redressal.

Campus

Anything and everything that is on the land of the Higher Educational Institution is covered under the term "campus". This includes, but is not limited to - libraries, laboratories, lecture halls, hostels, dining halls, bank counters, parking areas, playground etc. Any places visited by a person as a student of the HEI, including the transportation provided for the purpose of their commute to and from the institution is also covered under the scope of "campus" even though the location may be outside the institution. Hence, student visits like field trips, internships, study tours, placements, cultural festivals, sports meet and other such activities where the person is participating in the capacity of an employee or a student of the HEI, is covered under the ambit of "campus", giving the term a comprehensive meaning.

Employee

The POSH Act and the UGC Regulations have kept the definition of "Employee" quite broad. Here's who are covered under it - A person doing any kind of work for a company/organisation, Interns/ volunteers/whether paid/ unpaid, Trainee, apprentice, teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects.

Employer

“Employer” is basically the biggest “boss” in any organisation or institution - anyone who is responsible for the management, supervision and control of the workplace. Hence, for universities, it would be VC/Registrar, and for a college, it would be the Dean/Principal.

Executive Authority

The chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested. For example - Vice Chancellor, Registrar, Principal, Dean. For public funded institutions the Executive Authority means the Disciplinary Authority.

Higher Educational Institution (HEI)

Any University, College or Institution deemed to be a university recognised under the University Grants Commission Act, 1956 is a Higher Educational Institution. While it may sound technical, what needs to be remembered is the fact that it is mandatory for ALL educational institutions to set up an Internal Complaints Committee (CC) to look into the complaints of sexual harassment.

Complaints Committee (CC)

An educational institution might already have a body functioning with the same objective as that of a CC. For example, many universities, colleges, and institutions have a functioning Gender Sensitisation Committee against Sexual Harassment (GSCASH) body. Instead of creating a new body for ICC, these existing bodies can also be reconstituted as the CC in consonance with the UGC Regulations, which once reconstituted, will fall under the ambit of UGC Regulations.

Local Committee (LCC/LC)

Local Committee is the Local Complaints Committee which every district officer is bound to constitute in district concerned to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted.

Victimization

Any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.

Respondent

Respondent is a legal term generally used for a person against whom the complaint has been made by the aggrieved woman.

Protected Activity

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.

Student

The term “student” covers - Current student - pursuing any course in the HEI through either regular or distance mode, including both short- and long-term training programs, Future student - in the process of taking admission in the HEI, but not yet enrolled, Deemed student - any student who is a participant in any activities in an HEI other than HEI where the student is enrolled. For example - a student from x university participating in the cultural festival in y university, may be deemed to be a student of y university for the period of such participation.

Third Party Harassment

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 student of HEI but a visitor in some other capacity or for some other purpose.

Workplace

Workplace means the campus of Higher Educational Institution including any department, establishment, office etc funded by the HEI, or any sports institute, stadium etc used for activities related to the HEI. It also includes any place visited by an employee or student during the course of their employment or study including transportation provided by the Executive Authority. The definition of “workplace” just like the definition of “Employee” is quite broad. Whoever the complaint is filed against, it needs to be ensured that the institution is their workplace (in case of students, their respective universities, colleges or institutions can be considered as their workplace, unless it’s a third-party harassment).

“Sexual Harassment at the Workplace”

- Sexual Harassment at Workplace includes one or more of the following circumstances with explicit or implicit sexual undertones :
- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in her employment.
- Implied or explicit threat about her present or future employment status.
- Interference with her work or creating an intimidating/ offensive/hostile work environment for her. Humiliating treatment likely to affect her health, safety or integrity.

What exactly is a CC?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations 2015, makes it mandatory for all employers and HEI respectively to constitute an Complaints Committee to look into the matter of sexual harassment at workplace.

Functions of CC :

- Receive complaints on sexual harassment at the workplace from an aggrieved woman.
- Inquire into the complaint received.
- Make recommendations to the employer on the action required pursuant to its inquiry of such complaint made.

Responsibilities of CC :

- Apart from enabling and ensuring fair trial, CC has various other responsibilities :
- It needs to provide assistance if an employee or a student chooses to file a complaint with the police. Provide mechanisms of dispute redressal and dialogue without undermining complainant's rights. Protect the identities of all parties involved.
- Provide interim relief during the pendency of the complaint.
- Provide mandatory relief by way of sanctioned leave or relaxation of attendance requirement.
- Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints.
- Ensure prohibition of retaliation or adverse action against covered individual.

Procedure Of Filing A Complaint :

Complaint regarding sexual harassment against women can be made either in paper form or by sending e-mail to hccicc2022@gmail.com.

- An aggrieved woman can make written complaint of sexual harassment at the college campus to the ICC (any member) within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
- In case the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed inter alia by her relative or friend or her co-worker or by any teaching or non-teaching staff of the college.
- In case the complainant is unable to submit a written complaint for any reason, it is the responsibility of the ICC to provide her all the assistance that is needed for her to submit the complaint in written form.
- As per the UGC Regulations, it is the responsibility of the HEI to make all sections of the institutional community aware of the contact details of members of Internal Complaints Committee, as well as the complaints procedure.

Prerogatives Of The Committee / Inquiry Process :

On receiving a complaint, the committee will conduct meetings and investigate into the matter. The committee may call the victim and the accused in a meeting separately or together – as they may deem it wise – and listen to their grievances and replies to the queries of the members of the complaint committee. The committee may bring the victim and the accused into a satisfactory settlement at the end of the investigation.

The committee will submit a report to the Principal on the findings of their investigation and also their suggestions regarding possible penal measures. The inquiry shall be completed within a period of **ninety days** from the date of the complaint. In case the allegations are not

in the nature of sexual harassment, ICC may refer such complaints to the Grievance Redressal Cell or to the Principal.

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, ICC shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

If ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the relevant provision of the aforementioned UGC Regulations 2015.

Recommendations made by ICC :

- Interim relief - granted during the pendency of inquiry/complaint.
- Against the respondent - if the charges are proved.
- Against the complainant - if the allegations are proved to be malicious.
- Compensatory recommendation.
- Dismissal - if charges are not proved.

What other options does one have?

The ICC may, at the request of aggrieved party and before initiating an inquiry, take steps to settle the matter between her and the respondent through conciliation.

Apart from reaching out to the ICC, the complainant is also free to approach the nearest police station to file an FIR. The complainant, if she chooses to do so, may both file FIR with the police and a complaint with Internal Complaints Committee simultaneously.

Annual Report

The ICC is responsible for preparing an annual report and submitting it to the HEI. This annual report needs to be prepared every calendar year and should incorporate the following :

- Number of complaints of sexual harassment received in the year.
- Number of complaints disposed of in the year.
- Number of cases pending for more than 90 days.
- Number of workshops/awareness programmes on sexual harassment carried out in the year. Nature of action taken by the employer.