



INTERNAL COMPLAINTS COMMITTEE



Sexual Harassment at Workplace: Prevention, Prohibition, and Redressal



*Guidelines and Awareness for
Vivekananda College, University of Delhi
NAAC Accredited "A+"*



INTRODUCTION

India's 'Me Too' has once again brought to the forefront the recognition that workplace sexual harassment (SH) is a gender specific violence, violation of fundamental right to equality and right to live with dignity and a human rights violation. As more and more women are entering work force, safe and secure workplaces for women is a pressing need of the day because sexual harassment is a denial of equal rights of women and harm their performance and productivity at workplace.

The 2013 Parliamentary Act on Sexual Harassment at Workplace, Prevention, Prohibition and Redressal promotes the rights of women as citizens to a workplace free of SH. This Act is gender specific as it refers to only women being the victims of SH. This may not be true in some cases but the volume and depth of harassment faced by women is far more than that faced by men. By its very nature harassment is reflective of exercise of power by the more powerful on the lesser one, the victim.



However, when this **2013 Act is adopted by the UGC as Regulations, 2015** and adapted to suit higher educational institutions like colleges and universities, it has become gender neutral, all students, teaching and non-teaching faculty and others working here are protected in this regard. It also protects those who because of their ethnicity, sexual orientation, minority or caste status and being differently abled are more vulnerable to SH. It brings into focus the role of Internal Complaints Committee (ICC) that acts as a bulwark against workplace SH through orientation, awareness and sensitization drives and by providing a fair redressal framework. ICC is now called Internal Committee to emphasize its preventive role

UNDERSTANDING SEXUAL HARASSMENT



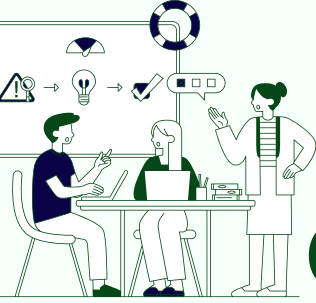
Despite the Act and a functioning ICC in Vivekananda College, not many students and faculty are aware of what constitutes SH, what are its implications and what kind of redressal mechanism is available in our college and other workplaces. An attempt is made here to summarize the Act for benefit of all concerned.

SH includes anyone or more of the following unwelcome acts or behavior, whether directly or by implication. Physical contact or advances; A demand or request for sexual favours; making sexually coloured remarks; showing pornography; any other unwelcome physical, verbal or nonverbal conduct of a sexual nature



In our case, the college campus serves as the workplace. However, campus has a wider connotation. A place visited by a student or employee in connection with some college related program, performance, or for extending invitation, sports meet or college sponsored educational trip or excursion would also be regarded as a workplace.





THE *INTERNAL COMPLAINTS COMMITTEE (ICC)*

The underlying point is that sexual harassment is a subjective experience that has sexual undertones and is unwelcome. What matters here is that the person experiencing harassment finds it inappropriate, uncomfortable and demeaning. The intent of the doer does not matter. SH has physical or long lasting psychological impact on the victim affecting workplace performance and sometimes devastating for the victim. A single instance of SH or series of incidents over a period of time call for a complaint.

The ICC ensures a fair, prompt, and impartial inquiry process in case of a complaint, creating an environment of trust and confidence. Every employer, in our case, the College Principal and the Governing Body (GB), is obliged to constitute an ICC for a term of three years. ICC comprises following nominated members; a woman chair or presiding officer, two teaching and two non- teaching employees and one external member from non- governmental organization committed to cause of women. Three elected students are also included. Of all the members at least one-half should be women members.



THE COMPLAINT PROCESS

Complaining about inappropriate and unwelcome sexual behavior is essential to prevent its repetition. The ICC ensures safety of the complainant by not revealing the person's identity and other ways. It is to be noted that if the aggrieved person is unable to file a written complaint due to mental or physical incapacity, friends, relatives, or other associates may do so. The inability to provide adequate proof of the complaint does not attract legal action against the complainant. However, false or malicious complaint or producing a forged or misleading document is an offence.

A complainant can also seek assistance of the ICC in drafting a complaint. A written complaint with description of incident(s), relevant dates, timings and locations; name of the respondent(s) (perpetrator); and the working relationship between the two must be submitted within three months of the incident or last alleged incident (in case of a series of incidents) to the ICC. If possible, submit documentary evidence if any. The employer ensures that the interests of the complainant are not harmed owing to making the complaint.

Within seven days of receipt of a complaint, the ICC will inform the respondent in writing that a complaint has been received. The respondent has an opportunity to respond to the complaint in writing within ten days.



THE *ENQUIRY* PROCESS

After receipt of the complaint the ICC conducts an enquiry process that must be completed within 90 days. The ICC meets and talks to the complainant to inform about the ensuing process and the informal or formal options available for the redress. The ICC does not advise the complainant to resolve the matter directly with the respondent. The ICC assesses the severity of the situation and can accordingly advise and enable the complainant to go for the formal route. However, the choice of either route is the sole discretion of the complainant.



Informal mechanism includes counselling, educating, orienting, or warning the respondent to promptly stop the unwelcome behavior. A neutral person to act as a conciliator between the parties to resolve the complaint through conciliation may also be appointed. If the matter is resolved through the informal process, such resolution is recorded by the conciliator and forwarded to the ICC. The ICC then forwards the same to the Principal for further action based on the resolution. For formal route, ICC has to first ensure that its member/members have no conflict of interest with the concerned parties or with the outcome. The ICC obtains and reviews all supporting documents submitted by the complainant and the respondent. Then the ICC prepares for hearing the complainant, respondent and the witnesses on both sides. Hearing is conducted with each person separately and in confidence. The complainant and the respondent are not brought face to face with each other.



FINDINGS AND RECOMMENDATIONS

The ICC reviews the information gathered and statements of both parties and their witnesses and their factual relevance to the complaint. This helps them come to their finding(s) and to establish whether or not the SH took place. The ICC may come to a finding that a complaint is upheld, not upheld or inconclusive. In case both the parties are employees, before finalizing, the ICC has to share its findings with both the parties and provide them an opportunity to make representation against it before the Committee.



Based on its findings, the ICC makes recommendations. If it upholds the complaint, it may recommend such action as stated within the relevant Policy or Service Rules. written apology, reprimand, withholding promotion/ increment, warning to terminate, and termination. for students it may include a disciplinary action, counselling, community service, expulsion or rustication. The ICC may also recommend financial damages to the complainant, the amount being determined is based on mental trauma, and emotional distress caused to the complainant, medical expenses incurred, loss of career opportunity or income and financial status of the respondent.

REDRESSAL AND FINAL REPORT

Based on its findings, the ICC makes recommendations. If it upholds the complaint, it may recommend such action as stated within the relevant Policy or Service Rules. written apology, reprimand, withholding promotion/ increment, warning to terminate, and termination. for students it may include a disciplinary action, counselling, community service, expulsion or rustication. The ICC may also recommend financial damages to the complainant, the amount being determined is based on mental trauma, and emotional distress caused to the complainant, medical expenses incurred, loss of career opportunity or income and financial status of the respondent.

The ICC then prepares a final report to be submitted to the Principal or GB within ten day of completion of enquiry. It contains a description of the different aspects of the complaint, the process followed, background information and documents that support or refute each aspect of the complaint, and an analysis of the information obtained, findings and recommendations. This report is also made available to concerned parties. The Principal or GB has to act on the recommendations within 60 days. Either party not satisfied with the findings or recommendations of the ICC may appeal to the GB within thirty days from the date of the recommendations. If the GB does not act in accordance with the recommendations of the ICC it must convey to the latter and to both the parties, the reasons for not doing so. If it decides to act upon the recommendations, a show cause notice within ten days is served on the party against whom action is to be taken.



SUPPORT

Vivekananda College has declared itself a zero tolerance zone for SH. SH is considered as a misconduct under service rules and calls for action for misconduct if the perpetrator is an employee of the college. It is a violation of the disciplinary rules if the perpetrator is a student and could lead to expulsion from the college.

The success of the College and the ICC would depend on respecting each other's rights to equality, freedom, justice, and safe workplace. It must, however be underlined that law protects us all. If at all someone faces SH, do not suffer in silence, speak up, fight for your rights

VIVEKANANDA COLLEGE ICC

Presiding Officer: Anju Nagpal

Teacher Coordinator: Arunabha Bose

Teacher Coordinator: Muskan

Member: Vijaybala

Member: Usha

Member: Chanderpal

Student Representative: Khushi


Student Representative: Priyanshi


If you're a victim of sexual harassment in India, you can call these helplines:

**National Commission for
Women: [7735372](tel:7735372)**

**Women Helpline
[181](tel:181)**

GLIMPSES OF GENDER SENSITIZATION WORKSHOPS


INTERNAL COMPLAINTS COMMITTEE
 VIVEKANANDA COLLEGE, UNIVERSITY OF DELHI
 NAAC ACCREDITED "A+"
in association with
DISTRICT LEGAL SERVICES AUTHORITY, SHAHADRA
is organising a Legal Awareness Programme on
PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE
 BY MS. NEELAM NARANG
 ADDL. PUBLIC PROSECUTOR



DATE: 9th September 2024
TIME: 10.00 A.M.
VENUE: SHARDA HALL

DR. HINA NANDRAJOG OFFICIATING PRINCIPAL
 ARUNABHA BOSE TEACHER COORDINATOR
 ANJU NAGPAL PRESIDING OFFICER, ICC
 PRIYANSHI STUDENT COORDINATOR
 KHUSHI STUDENT COORDINATOR




 VIVEKANANDA COLLEGE
 NAAC "A" ACCREDITED


INTERNAL COMPLAINTS COMMITTEE AGAINST SEXUAL HARASSMENT
 IS ORGANISING A WORKSHOP ON
"SEXUAL HARASSMENT AWARENESS: EMPOWERING WOMEN"

ON
 31 JANUARY 2023
 11:30 AM
 SHARDA HALL



DR. CHANDRIKA GULATI
 ASSOCIATE PROFESSOR, DESHBANDHU COLLEGE



DR. SURABHI DHINGRA
 ASSOCIATE PROFESSOR, DESHBANDHU COLLEGE

DR. HINA NANDRAJOG OFFICIATING PRINCIPAL
 DR. MUSKAAN AND MR. ARUNABHA BOSE TEACHER COORDINATORS
 MRS. VINAY TREHAN CONVENOR

