

**PROTECTION AGAINST SEXUAL
HARRASSMENT IS A RIGHT**

**STOP SEXUAL
HARRASSMENT
AT WORKPLACE**



**Policy for the Prevention of
Sexual Harassment at Workplace**

**Prepared during the Constitution of the ICC
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and Edited April 2024 ICC Committee 2019-2025]**

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SECTION I: INTRODUCTION

1.1. Genesis: In the Landmark judgment in 1997 (following Vishaka vs. the State of Rajasthan), the Supreme Court acknowledged sexual harassment against women as a human rights violation and outlined **guidelines** making it mandatory for employers to provide for sympathetic and **non-retributive** mechanisms to enforce the right to gender equality for working women. The Vishaka Judgment was rightly seen as a major victory after years of sustained and relentless campaigning by women's groups, activists and academicians. A safe workplace was recognized as a woman's legal right.

In 2013, the Government of India notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (referred to as Act hereinafter). Consistent with the Vishaka judgment, the Act aspires to ensure women's right to workplace equality, free from sexual harassment through compliance with the three elements: Prevention, Prohibition and Redress. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women's right to equality of status and opportunity. The Act provides a civil remedy to women and is in addition to other laws that are currently in force. Consequently, any woman who wishes to report instances of sexual harassment at the workplace has the right to take recourse to both civil and criminal proceedings.

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the College of Social Work, (Autonomous), Nirmala Niketan, Mumbai (herein referred to as "College of Social Work) has framed a policy for Prevention of Sexual Harassment at Workplace.

1.2. Purpose: This Policy is meant for the College to provide a basic understanding of sexual harassment at places of work. Additionally, it is designed to offer Internal Complaints Committee/s established under the Act, simple, user-friendly information on sexual harassment; what is expected of Complaints Committee/s to redress a complaint; and what the inquiry process and outcome should include.

1.3 Scope: This policy mainly focuses on sexual harassment of women employees by the opposite gender. It applies to: i. All female students studying in this institution; ii. All the permanent employees (including employees on probation, training, research, visiting lecturers, and non-teaching female staff) of the College of Social Work; iii. Other staff who are engaged by the College of Social Work through contractors or third parties, consultants, retainers, and visitors on its institutional premises including those who are deployed at the institutional premises by the service providers.

Where sexual harassment occurs to a female student/employee as a result of an act by a third party or outsider while on official duty, the institution will take all necessary and reasonable steps to assist the affected person in terms of support or preventive action.

It is recommended that the policy be incorporated in the service conditions of all employees explicitly or by inferences and shall come into effect immediately. All concerned with the College of Social Work have a personal responsibility to follow the policy and to work collaboratively to reinforce the maintenance of a healthy and safe work environment to prevent sexual harassment at the workplace or related to the workplace.

1.4. Source: The Policy has been formulated based on the sections of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Handbook on Sexual Harassment of Women at Workplace: For Employers/ Institutions/ Organizations/ Internal Complaints Committee/Local Complaints Committee, the Ministry of Women and Child Development, Government of India, 2015 and the CBCI Guidelines to deal with Sexual Harassment at the Workplace, 2016. promulgated by the Catholic Bishops' Conference of India on 14th September 2017, CBCI Centre, New Delhi

******The Sexual Harassment Policy is subject to modifications periodically as per the changing needs of the institution or any changes in the laws related to sexual harassment.**

SECTION II: WORKPLACE SEXUAL HARASSMENT: WHAT IS IT?

2.1 Definitions of key terms under the Act

2.1.1. "Aggrieved woman" "Aggrieved woman" in a workplace means a woman, of any age, who alleges to have been subjected to any act of sexual harassment by the respondent and includes a woman whether employed or not" In the institutional context it includes female students, teaching, visiting and guest teachers, non-teaching, support and project staff.

2.1.2 "Workplace" A workplace is defined as "any place visited by the employee arising out of or during employment, including transportation provided by the employer for undertaking such a journey. "Workplace" in the policy shall mean the place where the students/employees originally studied/worked. It also includes any other places, premises, venues and/or precincts of the Institution or otherwise where the institution students/employees are officially required to attend meetings, and functions arising out of or in connection to their office duty. In brief, any place where a working relationship and/or student/employer relationship exists between persons. This includes the institutional premises and any place visited by the students/employees arising out of or during employment/studying. Workplace also includes off-campus engagement in direct connection with a. academic course requirements or any credit-bearing experience such as Orientation visits, Fieldwork, Field Trips, camps, Student Exchange, and Block Placement/Internship. b. Any activity supporting the pursuit of a degree such as research being conducted in another organization or an academic assignment.

2.1.3. "Campus" includes all places of work and residence in the College of Social Work. It includes all places of instruction, research, and administration, as well as hostels, and guesthouses, allotted and administered by the college.

2.1.3 "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely: 1. Physical contact or advances; 2. A demand or request for sexual favours; 3. Making sexually coloured remarks; 4. Showing pornography; 5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

THE FIRST STEP TO PREVENTION IS

RECOGNITION

Workplace Sexual Harassment is

behaviour that is

UNWELCOME

SEXUAL in nature

A SUBJECTIVE experience

IMPACT not intent is what matters

Often occurs in a matrix of POWER

Some examples of behaviour that constitutes sexual harassment at the workplace:

- Making sexually suggestive remarks or innuendos.
- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- Offensive comments or jokes.
- Inappropriate questions, suggestions or remarks about a person's sex life.
- Displaying sexist or other offensive pictures, posters, MMS, SMS, WhatsApp, or e-mails.
- Intimidation, threats, and blackmail around sexual favours.
- Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.
- Unwelcome social invitations, with sexual overtones are commonly understood as flirting.
- Unwelcome sexual advances may or may not be accompanied by promises or threats, explicit or implicit.
- Physical contact such as touching or pinching.
- Caressing, kissing or fondling someone against her will (could be considered assault).
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
- Persistently asking someone out, despite being turned down.
- Stalking an individual.
- Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours.
- Falsely accusing and undermining a person behind closed doors for sexual favours.
- Controlling a person's reputation by rumour-mongering about her private life.

SECTION III. PREVENTION AND PROHIBITION

3.1 WHO IS AN EMPLOYER

An “**employer**” refers to i. The head of the department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit ii. Any person (whether contractual or not) is responsible for the management, supervision and control of a designated workplace.

3.2. RESPONSIBILITIES OF THE EMPLOYER

- a. Communication of policy and making it available for employees to refer to.
- b. Constitute an Internal Complaints Committee through a written order.
- c. Organise workshops and awareness programmes at regular intervals from sensitizing the students/employees with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and orientation/capacity building programmes for the members of the Internal Complaints Committee.
- d. Display the constitution of the Internal Complaints Committee with names and contact details of all members of the Internal Complaints Committee.
- e. Display at any conspicuous place in the institution the penal consequences of sexual harassment.
- f. Inclusion of the number of cases reported and resolution in the Annual Report. The Annual Report must include a) Number of complaints received; b. Number of complaints disposed of; c. Number of cases pending for more than 90 days; d. Number of workshops/awareness programmes carried out; e. Nature of action taken by the employer.
- g. Provide a safe environment at the workplace/institution which shall include safety from the persons coming into contact at the workplace/institution.
- h. Providing necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an inquiry.
- i. Assist in securing the attendance of respondents and witnesses before the Internal Complaints Committee and making available such information to them in the context of the complaint.
- j. Assist and initiate action against the respondent, if the aggrieved woman chooses to file a complaint against the respondent about the offence under the Indian Penal Code or any other law for the time being in force.
- k. Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct.
- l. Monitor the timely submission of annual reports by the Internal Complaints Committee to the Management.
- m. On the recommendation of the Internal Complaints Committee may seek appropriate expert advice and arrange for help and support for the complainant in the form of counselling and/or medical attention.

- n. Communicate the zero tolerance policy on sexual harassment at workplace and abuse of authority to all the members of the institution and ensure that they are given training on gender sensitivity and prevention of sexual harassment.

3.3. Internal Complaints Committee

An appropriate complaint mechanism has been created by the College of Social Work for time-bound redressal of the complaint made by the victim in compliance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Institution has constituted an Internal Complaints Committee henceforth also referred to as “ICC” for redressal of sexual harassment complaints. All investigations about such complaints will be carried on by the Internal Complaints Committee. The Internal Complaints Committee so constituted shall have jurisdiction to take care of all the complaints received from their institution situated at Churchgate, Goregaon campus and Dahanu.

The Internal Complaints Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908 when trying a suit in respect of the following matters, namely: -a) summarising and enforcing the attendance of any person and examining on oath; b) requiring the discovery and production of documents; and c) any other matter and any other prescribed matter when enquiring and investigating into the complaint of the complainant. The Internal Complaints Committee is responsible for investigating every formal written complaint of sexual harassment and taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment. The Internal Complaints Committee shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the Institute campus and act against the same in such manner as it deems appropriate.

3.3.1. COMPOSITION OF THE INTERNAL COMPLAINTS COMMITTEE

The Internal Complaints Committee shall be presided over by a woman employed at a senior level and shall comprise a minimum of four members and shall include one third party member either a non-governmental organization or another body or person who is familiar with and experienced in dealing with matters of sexual harassment of preferably committed to the social cause of women. Provided that at least one-half of the total members of the Internal Complaints Committee so nominated shall be women and at least one of its members should have experience in legal knowledge.

The tenure of the members of the above Committee shall be for three years. An employee will automatically cease to be a member/presiding officer of the ICC when the employee resigns from the services of the Institution.

The ICC is composed of the following members:

No	Member	Eligibility
1	Chairperson	Women working at senior level as an employee; if not available then nominated from another office/unit/ department/ workplace of the same employer
2	2 Members (minimum)	From amongst employees committed to the cause of women/ having legal knowledge/experience in Social Work
3.	External Member	From amongst NGOs/associations/law professionals committed to the cause of women or a person familiar with the issue of sexual harassment
4.	Student Representative	Nominated by the Principal or the Management

3.3.2. External Members on the Internal Complaints Committee

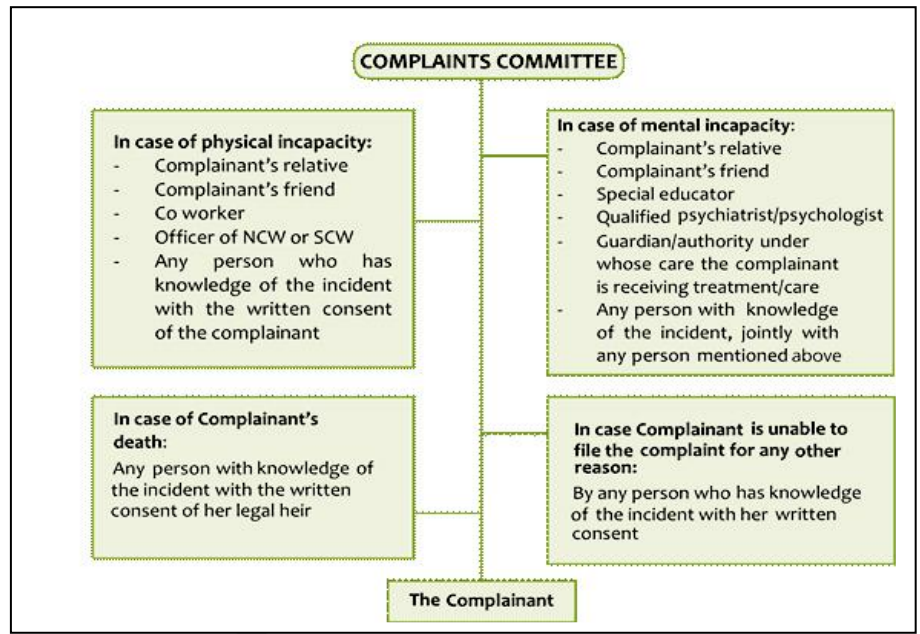
External members generally mean persons who have expertise in the issue of sexual harassment. The external third party/ members of the Internal Complaints Committee Complaints (from civil society or legal background) should possess the following attributes:

1. Demonstrated knowledge, skill and capacity in dealing with workplace sexual harassment issues/complaints;
2. Sound grasp and practice of the legal aspects/implications. The external third-party member will be paid for their services on the Internal Complaints Committee.

SECTION IV REDRESS

Section IV Redress, provides helpful information on who can complain, to whom, and what a complaint should contain. It also gives information and lays out the steps involved when a complaint has reached the Internal Complaints Committee, in terms of the process, findings and recommendations.

4.1 WHO CAN COMPLAIN AND WHERE



Source: *HANDBOOK on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, for Employers / Institutions / Organisations/Internal Complaints Committee / Local Complaints Committee Ministry of Women and Child Development, Government of India, November 2015*

Any employee, staff (academic or non-teaching staff) or student, outsider, resident, or service provider, may lodge a complaint of sexual harassment against a staff (academic or non-teaching staff), student, resident, service provider, or outsider. Third-party complaints and witness complaints shall be entertained.

4.1.1 “Employee ” "employee" means a person employed at a workplace for any work on a regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, for remuneration or not, or working voluntarily or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name, but does not include domestic worker working at home". Employees in the context of the college include teaching and non-teaching staff, visiting and guest teachers, research staff, field supervisors, support and project staff.

4.1.2 “Non-teaching staff” includes, any person on the staff of the college who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also person employed through a contractor. This includes permanent staff members approved by the Directorate of Social Welfare and permanent staff paid by the management. They are employed in the main college campus located in Churchgate, the Extension Centre at Goregaon, and Community Center, Dahanu.

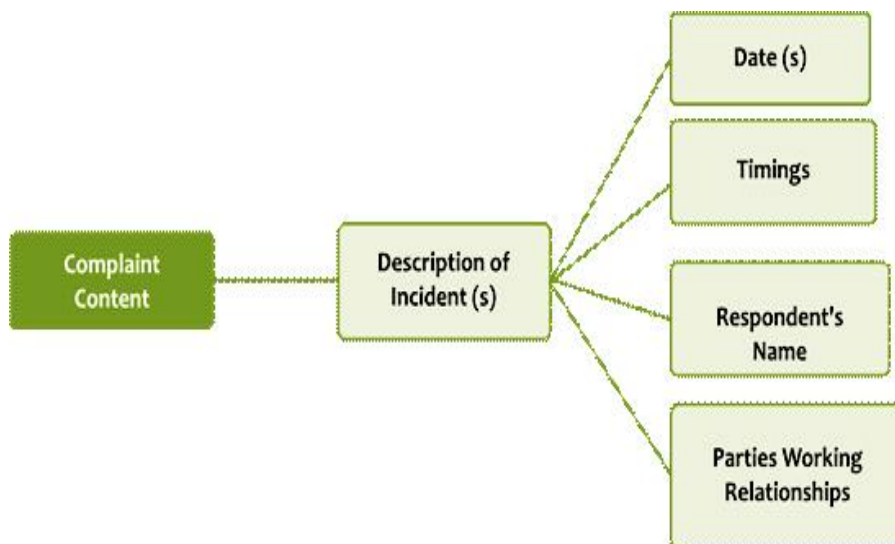
- 4.1.3 “Teaching staff”** includes, any person on the staff of the college who is appointed to a teaching and/or research post, whether full-time, temporary, and ad-hoc, part-time, honorary or on special duty or deputation. This includes permanent staff members approved by the Directorate of Social Welfare and permanent staff paid by the management. They are employed in the main college campus located in Churchgate, the Extension Centre at Goregaon, and Community Center, Dahanu.
- 4.1.4 “Student”** includes any person who is enrolled on any course, whether full-time or part-time at the College of Social Work pursuing the Postgraduate and Undergraduate Programme in Social Work, Short Term Course, Diploma Courses, and the Doctoral degree programme, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with the college for Fieldwork, Exchange programme, and research project.
- 4.1.5 “Service provider”** includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus and any other similar services.
- 4.1.6 “Outsider”** includes any person who is not a student, resident, or member of the academic or non-teaching staff of the college. It includes
- Field Work Agencies,
 - Camp Organizations,
 - Block Placement Agencies.
- 4.1.5. “Resident”** includes any person who is a temporary or permanent resident of any of the accommodations of premises managed and/or allotted by the college irrespective of whether he/she is the person to whom the accommodation is officially allotted.

4.2. WHAT SHOULD THE COMPLAINT CONTAIN?

The written complaint should contain a description of each incident(s). It should include relevant dates, timings and locations; name of the respondent(s); and the working relationship between the parties. A person designated to manage the workplace sexual harassment complaint is required to assist in writing the complaint if the complainant seeks it for any reason.

4.3. FORMAT FOR WRITTEN COMPLAINT

The written complaint should contain a description of each incident(s). It should include relevant dates, timings and locations; name of the respondent(s); and the working relationship between the parties. A person designated to manage the workplace sexual harassment complaint is required to assist in writing the complaint if the complainant seeks it for any reason. Six copies of the written complaint duly signed by the complainant with original signature must be submitted to the



4.4. RIGHTS OF THE COMPLAINANT

- An empathetic attitude from the Internal Complaints Committee members so that she can state her grievance in a fearless and supportive environment
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent
- Keeping her identity confidential throughout the process
- Support, in lodging FIR in case she chooses to lodge criminal proceedings
- In case of fear of intimidation from the respondent, her statement can be recorded in the absence of the respondent
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee

The aggrieved woman and the respondent, or any one person on their behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the aggrieved woman and/or the respondent on their behalf shall be (only) either a student or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved woman/respondent should inform the Presiding Officer specifically if they wish to exercise this right. The Presiding Officer shall allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.

4.5. RIGHTS OF THE RESPONDENT

- A patient hearing to present his case in a non-biased manner
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal in case not satisfied with the recommendations/findings of the Internal Complaints Committee

4.6 KEY RESPONSIBILITIES OF THE INTERNAL COMPLAINTS COMMITTEE

To effectively address workplace sexual harassment complaints, the Internal Complaints Committee must first be aware of its key responsibilities, some of which are highlighted below:

- Be thoroughly prepared
- Know the Act, Policy and/or relevant Service Rules
- Gather and record all relevant information
- Determine the main issues in the complaint
- Prepare relevant interview questions
- Conduct necessary interviews
- Ensure parties are made aware of the process and their rights/responsibilities within it
- Analyse the information gathered
- Prepare the report with findings/recommendations

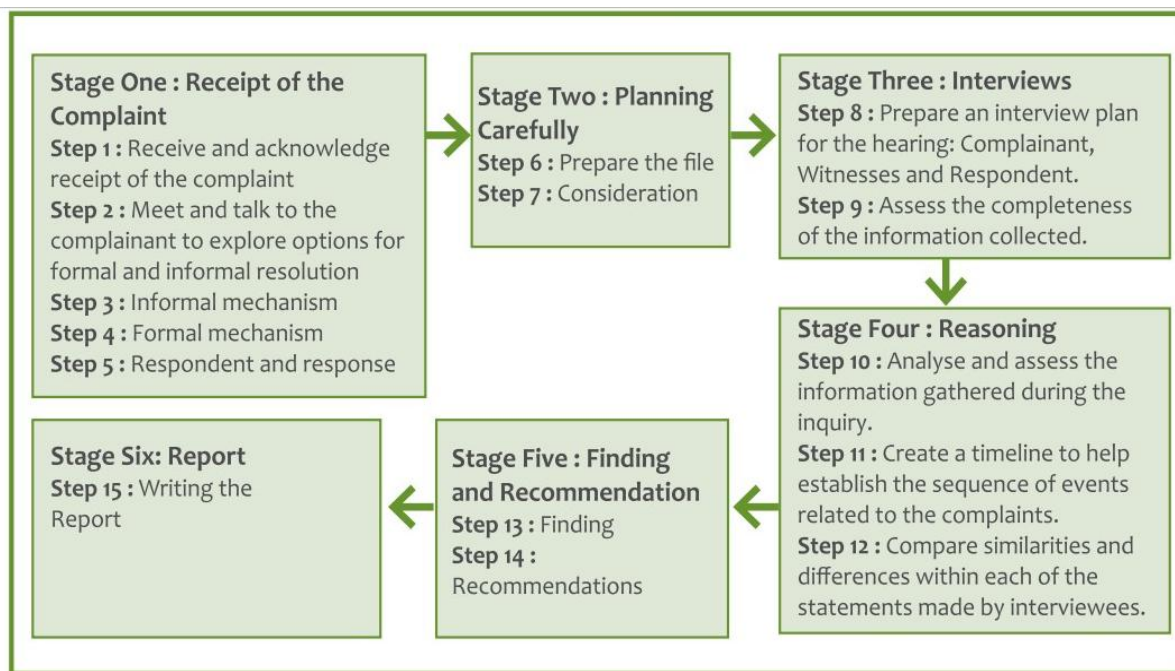
4.7 NON-NEGOTIABLES DURING THE INQUIRY PROCESS

During a redress process, the Complaints Committee/s are required to assure confidentiality, and non-retaliation and recommend interim measures as needed to conduct a fair inquiry and ensure the safety and protection of the aggrieved woman if and when required.

As an interim measure, ICC may recommend: a) The transfer of the aggrieved woman or the respondent to another section/ department/unit as deemed fit by the Committee; b) granting leave to the aggrieved woman up to three months; c) restrain the respondent from exercising any contact with the aggrieved woman if the respondent is a student (project work, camps, Fieldwork and so on); or restrain the respondent from exercising administrative authority or supervision or academic evaluation of the aggrieved woman if the respondent is a staff or grant such other relief to the aggrieved woman as the case may require.

4.8. THE SEXUAL HARASSMENT COMPLAINT PROCESS

The Internal Complaints Committee/s needs to have information on the six stages (including the fifteen steps), detailed below, for addressing a complaint of workplace sexual harassment.



4.8.1 STAGE ONE: RECEIPT OF THE COMPLAINT

An aggrieved woman may make in writing a complaint of sexual harassment at the workplace to the Internal Complaints Committee so constituted within three months from the date of the incident and in case of a series of incidents within three months from the date of the last incident. This time limit may be further extended for three months if the Internal Complaints Committee is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline. Six copies of the written complaint should be submitted to the Internal Complaints Committee or any of its members along with a list of witnesses and supporting documents. Additional documents and a list of witnesses can be submitted to the Internal Complaints Committee at a later stage during the proceeding. Provided that where such complaint cannot be made in writing the Presiding Officer or any member of the Internal Complaints Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir, friend, relative, counsellor, doctor or such other person prescribed may make a complaint. The complainant shall have to be in writing and can be in the form of a letter sent in a sealed envelope.

Any complaint received by the Internal Complaints Committee should be immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than three days and a meeting should be called to discuss the matter.

Step 1: Receive and acknowledge receipt of the complaint

Upon receipt, the complaint should be reviewed for:

1. If the context of the workplace the sexual harassment complaint is to be met under the Act, such as Service Rules, Workplace Policy, Vishaka Guidelines and related laws.
2. Clarity in the complaint.
3. Additional information is needed from the complainant.

The complainant will be notified in writing to acknowledge receipt.

Step 2: Meet and Talk to the Complainant to explore options for formal and informal resolution

1. The complainant needs to be informed about the ensuing process and the informal or formal options available for the redress.
2. The Internal Complaints Committee will assist the aggrieved woman, if she so chooses, to file a police complaint about an offence under the Indian Penal Code. Assistance will be provided in the form of information.

Step 3: Informal Mechanism

- i. The Internal Complaints Committee, may, before initiating inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation. The Internal Complaints Committee may, before initiating an inquiry, at the written request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. If conciliation is found to be not feasible, notice will be issued to both parties for a hearing.
- ii. If the complainant chooses to adopt the informal process to resolve her complaint/experience of workplace sexual harassment, then it is the responsibility of the person designated to receive and manage the Internal Complaints Committee to explore enabling ways to address the complaint. This can include counselling, educating, orienting, or warning the respondent to promptly stop the unwelcome behaviour or appointing a neutral person to act as a conciliator between the parties to resolve the complaint through conciliation.
- iii. However, before recommending conciliation, the Committee must assess the severity of the situation and if necessary, advise and enable the complainant to opt for the formal route. At no point, the Complaints Committee will advise the complainant to resolve the matter directly with the respondent.

- iv. Where such an informal process is successful, such resolution is to be recorded by the conciliator and forwarded to the ICC who in turn will forward the same to the employer for further action based on the resolution. Employers are responsible for taking steps to ensure that the complainant is not subject to any backlash. The choice of a formal process rests with the complainant even if the person responsible for managing the complaint believes that this can be resolved through an informal process.
- v. Where a settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the employer for necessary compliance.
- vi. The Internal Complaints Committee shall provide copies of the settlement as recorded to the aggrieved woman and the respondent.
- vii. Where a settlement arrives, no further inquiry shall be conducted by the Internal Complaints Committee.

Step 4: Formal Mechanism

1. If the complainant opts for formal redress, or the nature of the complaint is serious which calls for formal redress, then the Complaints Committee responds to the complaint.
2. Complaints Committee/s members must be free of any conflict of interest with either the concerned parties or with the outcome.
3. Ensure that the independent third-party member has sound knowledge, skill, and experience in dealing with workplace sexual harassment complaints.

Step 5: Respondent and Response

1. Within seven days of receiving a complaint, the Complaints Committee will inform the respondent in writing that a complaint has been received.
2. The respondent will have an opportunity to respond to the complaint in writing within ten days thereafter

Notice to the respondent

Notice shall be issued to the respondent within seven working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)

4.8.2 STAGE TWO: PLANNING CAREFULLY

Step 6: Prepare the File

This includes taking into account the following steps:

1. *Documentation*: Create an independent confidential file of the complaint and all subsequent related documentation.
2. *Review Law & Policy*: Have a clear knowledge and understanding of the Act/Rules as well as the relevant Service Rules, Workplace Policy, Vishaka Guidelines, existing practices and related laws.
3. *Make a list* of all the dates and events relating to the written complaint as well as the names of witnesses, where applicable.
4. *Supporting Documents* Obtain and review all supporting documents relevant to the complaint, including those presented by the complainant and the respondent. Provide complainant/s with any specific assistance they may require, such as counselling, addressing health-related concerns or sanctioning leave.
5. *Act Quickly Create a plan*. It includes a. The names of the parties and witnesses to be interviewed b. Any documentary support that needs to be examined c. Timeline Preparing the Plan - Key Elements to Consider 1. Defining the Issue

Step 7: Consideration

1. While a complaint is pending inquiry, a complainant can make a written request for her transfer or the transfer of the respondent, or leave (up to 3 months). She can also request the Internal Complaints Committee to restrain the respondent from reporting on her work performance, writing her confidential report or supervising her academic activities
2. Support Maintain clear, timely communication with the parties throughout the process. Provide complainants with any specific assistance they may require, such as counselling, addressing health-related concerns or sanctioning of leave.

4.8.3 STAGE THREE: INTERVIEWS

Step 8: Prepare an Interview Plan for the Hearing: Complainant, Witnesses, Respondent

1. The Internal Complaints Committee should decide which issues need to be pursued for questioning.
2. Interviews are meant to obtain information that is relevant to the complaint from individuals.
3. Interviews should be conducted with each person separately and in confidence. The complainant and the respondent should not be brought face-to-face with each other.
4. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved woman, and the witnesses shall be intimated at least seven working days in advance in writing of the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day-to-day basis, to be decided by the Internal Complaints Committee.
5. The Internal Complaints Committee shall provide reasonable opportunity to the aggrieved woman and the respondent to present and defend their case.
6. The Internal Complaints Committee may at any time during the enquiry proceedings; preclude the face-to-face examination of the respondent and the aggrieved woman and/or their witnesses keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and/or safety problems.
7. The Internal Complaints Committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and/or any witnesses for supplementary testimony and/or clarifications.
8. The Committee shall have the power to summon any official papers or documents about the aggrieved woman as well as the respondent.
9. The past sexual history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
10. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-parte decision on the complaint, should the respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.
11. The aggrieved woman and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced 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.
12. All proceedings of the Internal Complaints Committee shall be recorded in writing. The record of the proceedings and the statement of the witnesses shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes

cannot be recorded in writing on the same day, an audio recording of the proceedings may be made, and the written proceedings will be authenticated on the next available opportunity.

13. If the aggrieved woman desires to tender any documents by way of evidence, the Internal Complaints Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Internal Complaints Committee shall supply true copies of such documents to the aggrieved woman.
14. In the event the Internal Complaints Committee thinks that supplementary testimony is required, the Presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for seven days to submit such testimony, in person or writing, to the Internal Complaints Committee.
15. The aggrieved woman and the respondent 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 respondent shall have no right to directly cross-examine the aggrieved woman or her witnesses.
16. The respondent/aggrieved woman may submit to the Internal Complaints Committee, a written list of questions that they desire to pose to the aggrieved woman/witness. The Internal Complaints Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive.
17. Amicus Curiae can be called to help the committee if and when required.
18. The Internal Complaints Committee shall proceed to make an inquiry into the complaint by the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
19. Nothing precludes the Institute authority from taking cognizance of any new fact or evidence that may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Institute authorities.
20. During the process of enquiry at least three members out of five should be present for every meeting conducted during the enquiry process.
21. The enquiry report must be duly signed by the Presiding officer and two members who have been part of the enquiry process
22. No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the Complaints Committee.

Step 9: Assess the Completeness of the Information Collected. At this stage, the Complaints Committee should review the information gathered and its factual relevance to each aspect of the complaint. This will help determine whether there is enough information to make a finding on the complaint.

4.8.4 STAGE FOUR: REASONING

Step 10: Findings

Once the information and review is complete, the Complaints Committee will make its reasoned finding(s), which involves having to: -

- Identify the substance of each aspect of the complaint.
- Determine, whether or not, on a balance of probability, the unwelcome sexual harassment took place. Check that such behaviour/conduct falls within the definition of sexual harassment set out in the relevant Act/Rules, Policy, Service Rules or law.
- Comment on any underlying factor(s) that may have contributed to the incident.

Step 11: Create a timeline to help establish the sequence of events related to the complaint.

Step 12: Compare similarities and differences within each of the statements made by the interviewees.

4.8.5 STAGE FIVE: FINDING AND RECOMMENDATION

Step 13: Based on the above, the Internal Complaints Committee must arrive at a finding of whether the complaint is upheld, not upheld or inconclusive. Provided, that both the parties are employees, before finalising the findings, the Internal Complaints Committee shall share its findings with both parties and provide them an opportunity to make representation against it before the Committee.

Step 14: Recommendations Based on its findings, the Complaints Committee shall then make appropriate recommendations which may include:

1. Where the Internal Complaints Committee is unable to uphold the complaint, it shall recommend no action.
2. Where the Internal Complaints Committee upholds the Complaint, it may recommend such action as stated within the relevant Policy or Service Rules, which may include a warning to terminate. The penalties detailed in the Prevention of Sexual Harassment Policy are indicative and shall not constrain the college authorities from considering others, under the rules governing the conduct of employees and students in practice at the time of the event.
3. In case service rules do not exist, recommended action may include disciplinary action, including a written apology, reprimand, warning, or censure; withholding promotion/ pay raise/ increment; termination; counselling; community service.
4. The Internal Complaints Committee may also recommend financial damages to the complainant while deciding the amount they shall take into consideration: mental trauma, pain, suffering and emotional distress caused; medical expenses incurred; loss of career opportunity; income and financial status of the respondent.

5. The Complaints Committee can also give additional recommendations to address the underlying factors contributing to sexual harassment in the workplace
6. The identity of the aggrieved woman, respondent, witnesses and proceedings of the Committee and its recommendations and the action taken by the Institute shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
7. The Institute authorities will file a compliance report to the Committee within 30 days of issuance of such recommendation.

PENALTIES

Any student, service provider, resident, outsider, or member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the college authorities from considering others, by the rules governing the conduct of employees and students in practice at the time.

(1) Penalties in Case of Academic Staff

- a. A written apology on a legal bond paper if necessary and on oath
- b. Warning, reprimand, or censure.
- c. Withholding of one or more increments for a period not exceeding one year.
- d. Removal from an administrative position at the Centre, School and/or University levels.
- e. Disbarment from holding an administrative position at the Centre, School and/ or University levels.
- f. Suspension from service for a limited period.
- g. Compulsory retirement.
- h. Dismissal from service.
- i. Further, the penalty awarded shall be recorded in the Confidential Record.

(2) Penalties in Case of Non-Teaching Staff

- a. A written apology on a legal bond paper if necessary and on oath
- b. Warning, reprimand, or censure.
- c. Transfer
- d. Withholding of one or more increments for a period not exceeding one year.
- e. Suspension from service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service
- h. Further, the penalty awarded shall be recorded in the Confidential Record.

(3) Penalties in Case of Students (College of Social Work, Nirmala Niketan, Extension Centre, part-time courses, research scholars, placement students)

- a. A written apology on a legal bond paper if necessary and on oath
- b. Written warning
- c. A reprimand or censure
- d. Withholding of incentives, facilities and recommendations
- e. Recommendation of psychosocial interventions such as counselling
- f. Terminating the respondent from service
- g. Any other punishment according to the Code of Conduct and Ethics along with the Standard Operating Procedures of the Institute.
- h. Any other punishment according to the Code of Conduct and Ethics along with the Standard Operating Procedures of the Institute.

(3) Penalties in the case of Outsiders

- a. Warning or reprimand.
- b. A written apology on a legal bond paper if necessary and on oath.
- c. Transfer to another hostel.
- d. Withdrawal of hostel accommodation for a period of up to one semester
- e. Withdrawal of the right to an official character certificate from
- f. Withdrawal of hostel accommodation for the entire period of study.
- g. Rustication from the institute for a period of up to two semesters.
- h. Expulsion from the institute, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the institute
- i. Withholding of a degree awarded by the Institute. Further, the penalty awarded shall be recorded in their personal file.
- j. Community Service

If the respondent is a student from another country the penalty will be decided based on the fact-finding and inquiry in coordination with the Placement College/university. The above-mentioned penalties will also apply to these students.

4) Penalties in the Case of Outsiders

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence.
- c. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the institute
- d. Any other action as may be necessary.

(5) Penalties in the Case of Service Providers

- a. Warning, reprimand, or censure.
- b. Declaration of the campus as out of bounds for her/him.
- c. Withdrawal of the right to run/manage/ work in any commercial enterprise, or to provide services, on the campus.
- d. Any other action as may be necessary.

In addition to the penalties specified under (1) -(5) above, the person may be advised to undergo counselling and gender sensitization, and to give a written and/ or public apology to the complainant.

(6) Penalty in Case of a Second Offence

A second, or repeated offence, may, on the recommendation of the Internal Complaints Committee attract a major penalty.

4.8.7 STAGE SIX: REPORT

After concluding its investigation, the Committee shall submit a detailed reasoned report to the Head of the Institute.

Step 15: Writing the Report

The Internal Complaints Committee will prepare a final report that contains the following elements:

- A description of the different aspects of the complaint;
- A description of the process followed;
- A description of the background information and documents that support or refute each aspect of the complaint;
- An analysis of the information obtained;
- Findings as stated above;
- Recommendations.

4.9. TIMELINES AS PER THE ACT

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving a copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by ICC	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days
Appeal	Within 90 days of the recommendations

4.10. MALICIOUS COMPLAINT

If the Internal Complaints Committee concludes that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Institute to take set up an enquiry for further course of action.

***End of document**

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