

Internal Complaints Committee (ICC) and Gender Sensitization

Policy Guidelines



Xavier Institute of Social Service, Ranchi.
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Preface

The Internal Complaints Committee (ICC) and Gender Sensitization Policy Guidelines of Xavier Institute of Social Service, Ranchi gives a general description about the structure, contents, objectives and outcome of the Act with information for all employees and students, on how to deal with sexual harassment at the workplace in the context of the Act, All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 and Gazette notification of MHRD dated 2nd May.

This Policy Guidelines informs the end user (an employee/ a student) about sexual harassment at workplace and their right to an informed complaint process in seeking redress as provided under the Act and Rules framed thereunder.

The Policy Guidelines is having various sections. First section describes the need of an Internal Complaints Committee along with introduction. Second section defines all the terminology as described in the Act. Next section discusses about the sexual harassment faced by any gender other than women followed by functions of the ICC. Next section describes the process of filing a complaint followed by conducting enquiry. Further the guidelines also include the action against any frivolous complaint. The policy document adds whistle blowing policy at XISS in the next section. The guidelines also include the jurisdiction, sensitization programmes planned for and how to respond.

XISS has a zero-tolerance policy towards any such conduct related to sexual harassment, exploitation and assault and shall take appropriate measures to ensure a healthy environment free from gender discrimination and harassment. This Policy will be helpful for all employees and students of XISS and would enable them to reach out to the Internal Committee members, whenever required.

ICC COMMITTEE

Name	Designation	Contact Number
Dr. Madhumita Singha	Presiding Officer	94311 65933
Dr. Pooja	Member	9661467089
Dr. Binit Kumar Lakra	Member	7718023724
Dr. Sharda Singh	Member	8143063348
Mr. Harsh Vardhan	Member	8084255980
Mr. Johnson Topno	Member, NGO Representative	8789401321
Ms. Koyel Mukherjee	Member	9905082939
Ms. Akriti Goel	Student Member	8130244298
Ms. Anshika Malhotra	Student Member	8707787899
Mr. Saptarshi Mozumdar	Student Member	8910991030
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Xavier Institute of Social Service (XISS) has established an Internal Complaints Committee in accordance with the Act and the rules and regulations applicable to higher educational and technical institutions since 2017.

The Internal Complaints Committee has been reconstituted at regular intervals. It comprises a Presiding Officer, two faculty members, two members of staff and one member from a non-governmental organization. In addition, three student representatives are included whenever a matter involves a student.

1. Why Internal Complaints Committee?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is the first law that addressed issues related to prevention, prohibition, and redressal of sexual harassment for women at the workplace. The Act is also referred as the POSH Act, which is built upon the Vishaka guidelines laid out in 1997 by the Supreme Court of India.

Hence, as per the directive of the Hon'ble Supreme Court and with reference to Section 4 of All India Council for Technical Education Regulations, 2016 vide no. F AICTE/WH/2016 (Gender sensitization, prevention and prohibition of sexual harassment of women employees and students and Redressal of Grievances in Technical Institutions, Xavier Institute of Social Service (XISS), Ranchi has the policy to address the issues related to incidents of sexual harassment at the workplace.

2. Objective of Internal Complaints Committee

The objective of ICC is not only confined to dealing with complaints of Sexual Harassment towards women but also towards other genders as well and to work for creating awareness, sensitization, counselling, and educating about gender issues in collaboration with other committees of the Institute.

The ICC Policy will be followed along with Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions (2016), and other relevant guidelines.

XISS, Ranchi aims at providing and maintaining a working environment that is free from any kind of gender discrimination as well as sexual harassment for its students, faculty members, staff, associates, partners or any other representatives associated with the delivery of its work to engage in any form.

XISS has a zero-tolerance policy towards any such conduct related to sexual harassment, exploitation & assault. Appropriate measure shall be adopted to ensure a healthy environment free from gender discrimination and harassment.

3. Definitions

In these regulations, unless the context otherwise requires:

- a) **“Aggrieved woman** means in relation to a workplace, any woman to whom sexual harassment is attempted or perpetuated.
- b) **“Campus”** means the physical location of the Xavier Institute of Social Service (XISS) and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centers, hostels, dining halls, stadiums, parking areas, park-like settings and other amenities like health centres, canteens, etc., visited by the students, workers and employees. Campus also includes extended campus and covers within its scope places visited by the students and employees of the XISS including transportation provided to commute to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets, participating in meetings and conferences, and such other activities.
- c) **“Complainant”** means in relation to the campus, any person of any age as well as of any gender, whether employed or not who alleges to have been subjected to any act of sexual harassment by the respondent.
- d) **“Covered Individuals”** are persons who have engaged in protected activity (defined in clause g) such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- e) **“Employee”** means any person employed by the Institute for reward or wage/salary and includes any teaching or non-teaching staff, temporary, part-time, honorary employee including maintenance staff, employees employed on a contractual basis or on a

project; employee also includes, for this policy trainee, apprentice (or called by any other name), interns, volunteers, teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps.

- f) **“Internal Complaints Committee (ICC)” means** Committee constituted at XISS, Ranchi to address issues related to prevention, prohibition, and redressal of sexual harassment for women.
- g) **“Protected Activity”** includes 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 litigation;
- h) **“Respondent”** means any person against whom the complainant has made a complaint.
- i) **“Sexual Harassment” means-**
 - (i) “An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behavior (whether directly or by implication), namely:
 - (a) any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - (b) demand or request for sexual favours;
 - (c) making sexually coloured remarks
 - (d) physical contact and advances: or
 - (e) showing pornography”
 - (ii) anyone (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behavior that has explicit or implicit sexual undertones:
 - (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
 - (b) implied or explicit threat of detrimental treatment in the conduct of work.
 - (c) implied or explicit threat about present or future status of the person concerned.

- (d) creating an intimidating offensive or hostile learning environment.
- (e) humiliating treatment is likely to affect the health, safety dignity or physical integrity of the person concerned;
- j) **“Student”** means to any person who is enrolled for any program of XISS, Ranchi. It also includes any participant enrolled for exchange programs, training programs, workshops or any program conducted by XISS, Ranchi.
- k) **“Workplace”** means the campus of XISS including:
 - (a) Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by XISS;
 - (b) Any sports facility, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in XISS;
 - (c) Any place visited by the employee or student arising out of or during the course of employment or study, cultural or any field trips organized by the XISS community including transportation provided for undertaking such journey; any space in which Institute related academic or administrative or any other activity occurs.
- l) **“Third Party Harassment”** refers to 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 a student of XISS, but a visitor to XISS in some other capacity or for some other purpose or reason.

4. Sexual Harassment Faced By Gender other than Woman

In case of Sexual Harassment faced by a person of any gender other than woman, the complaint may be filed with ICC, XISS, Ranchi which after prima facie examining the issue, will take up such cases if any pattern of sexual harassment is found in the case.

5. Functions of the Internal Complaints Committee

The Internal Complaints Committee shall:

- a) Provide assistance to the employee or student in case of complaint filing.
- b) Provide mechanisms for dispute redressal and dialogues to anticipate and address issues through fair conciliation without undermining complainants' rights, and

minimize the need for purely punitive approaches that lead to further resentment, alienation or violence.

- c) Protect the safety of the complainant by not divulging the person's identity and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- d) Ensuring the aggrieved woman/Complainant or witnesses are not aggrieved woman/Complainantized or discriminated against while dealing with complaints of sexual harassment. And
- e) Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- f) Prepare the Annual Report attested by the employer and file with the District Officer.
- g) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend to the employer to
 - (i) Transfer the aggrieved woman or the respondent to any other workplace, or
 - (ii) Grant leave to the aggrieved woman up to three months, or
 - (iii) Grant such other relief to the aggrieved woman as may be prescribed

6. Procedure for filing a complaint

- a) A Complaint has to be made by the aggrieved woman/Complainant in writing, within three months of the incident or three months from the last incident in case of a series of incidents (Relaxation in some cases may be provided).
- b) The exception is provided in cases where the aggrieved woman/Complainant is not in a state to make a complaint due to the act of sexual harassment, in such cases complaint may be filed by the aggrieved woman/Complainant's friend, relative, colleague, co-student, associate or person accompanying the aggrieved woman/Complainant.
- c) The complaint should be duly signed by the aggrieved woman/Complainant.
- d) All complaints are to be addressed to the Presiding officer of the Committee.

- e) Oral complaints if any shall be brought into writing by the Presiding officer or any other person designated and signed by the aggrieved woman/Complainant or the person accompanying the aggrieved woman/Complainant.

7. Process of conducting Enquiry

- a) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within seven days of such receipt.
- b) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents and names and addresses of witnesses within ten days.
- c) The inquiry has to be completed within ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Director of XISS. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- d) The Director of XISS shall act on the recommendations of the committee within thirty days from the receipt of the inquiry report unless an appeal against the findings is filed within that time by either party.
- e) An appeal against the findings or / recommendations of the ICC may be filed by either party before the Executive Authority of the Higher Education Institutes within thirty days from the date of the recommendations
- f) If the Director of XISS decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same and convey to the ICC and both the parties to the proceedings. If the Director decides to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Director of ICC shall proceed only after considering the reply or hearing the aggrieved person.
- g) The identities of the aggrieved party or aggrieved woman/Complainant or the witness or the offender shall not be made public or kept in the public domain.

8. Action against the frivolous complaint

An inquiry if finds the complaint to be malicious, frivolous, forged or untrue, the complainant is liable for punishment.

9. Punishment and Compensation

Depending upon the severity of the incident:

- a) A person (if the person is an employee) of XISS, Ranchi found to be guilty of sexual harassment shall be punished in accordance with the service rules of XISS, Ranchi .
- b) Depending upon the severity of the offense, the punishment may include - a written apology, a letter of warning, removal and/or disbarment from holding an administrative position, withholding the promotion, Compulsory retirement, withholding of pay rise or increments, immediate transfer or suspension without pay, suspension from service for a limited period, termination from service, undergoing a counselling session, etc.
- c) In case, a student is found to be guilty, they might be suspended, restricted entry to campus, expulsion or asked for counseling.

10. Confidentiality

It shall be the duty of the ICC to ensure that the complaints filed with it remain confidential. After the complaint and during the enquiry, the confidentiality of Aggrieved Woman / Complainant /Respondent /Witnesses proceedings shall be maintained to the extent possible.

- a. All concerns and reporting can be expressed or made without any fear of retaliation. It shall be the duty of all persons and authorities designated to ensure that the complaints lodged with ICC remain confidential. After the initiation of an enquiry, confidentiality of proceedings shall be maintained so far as is possible.
- b. The name and identity of the Complainant or the Respondent or Witnesses shall not be revealed to the press/media or any other persons whilst reporting of any proceedings, case, order or Judgment.
- c. The contents of the complaint, the identity and contact details of the Complainant, respondent and witnesses and any information related to conciliation, inquiry proceedings, recommendations of the ICC and the action taken by XISS shall not be published, communicated or made known to the public, press and media in any manner and will be revealed strictly on a need-to-know basis. All discussions/decisions must be documented and retained by the XISS and must be

kept confidential. The above may also include suspension pending inquiry. Appropriate information will be shared with government authorities as per the Act.

- d. However, information may be disseminated regarding the justice secured to any aggrieved woman/Complainant without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.
- e. If any person (including witnesses) breaches confidentiality, the ICC reserves the right to initiate proceedings against them and suggest punishments as outlined in Section 10.

11. Whistle blowing Policy

XISS does not approve, endorse, support or tolerate any form of retaliation against any employee/student who, in a good faith, brings to notice or reports any suspected misconduct related to sexual harassment. Any person engaging in retaliation of such form may be subject to disciplinary action. It is also the duty of the ICC, XISS, Ranchi to ensure confidentiality of such employees or students who report misconduct related to sexual harassment in their capacity as a whistleblower. Complaints by a third party acting as whistleblower have to be made in writing to the ICC, XISS, Ranchi.

12. Jurisdiction

The points mentioned in this Policy shall be applicable to all complaints of sexual harassment made:

- By a member of XISS, Ranchi against any other member of XISS, Ranchi, irrespective of whether the harassment is alleged to have taken place within or outside the campus
- By an outsider against a member of XISS, Ranchi or by a member of XISS, Ranchi against an outsider if sexual harassment is alleged to have taken place either within the campus or outside the campus.

- In cases where an outsider is involved, the role of the Internal Complaints Committee would be to provide necessary support in the form of counseling and helping in providing legal recourse

13. Sensitization Programmes

- The committee will organize programs for gender sensitization through workshops, posters, skits, etc.

14. How to respond

- a. Sexual Harassment is unlikely to stop until confronted.
- b. XISS supports and encourages all members of the community who believe they are being sexually harassed to take steps to end Sexual Harassment.
- c. Keep records of any verbal or written communication you have with the harasser.
- d. Talk to or email any member of ICC.
- e. Filing of a complaint will not adversely affect career/grades / academic status.

15. Amendment to The Policy

XISS reserves the right to amend the Policy from time to time to comply with any laws/rules/regulations that come into effect from time to time, related to Sexual Harassment at the workplace.

16. Partnership Agreement with Vendors

XISS has a strict protocol and policy towards SEA and in the area of work operation so the organizational policies on SEA (Sexual Exploitation and Abuse) have to be understood and complied with by the contractors.