

## **Internal Complaints Committee Swami Vivekanand Subharti University**

### **Preamble:**

Sexual harassment at a workplace is considered violation of women right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth. With more and more women joining the workforce both in organized and unorganized sectors ensuring and enabling working environment for women through legislation is felt imperative by the government. The Supreme Court of India in the case of Vishaka v/s State of Rajasthan (1997) 7 SCC 323, also reaffirmed that sexual harassment at workplace is a form of discrimination against woman and recognised that it violates the constitutional right to equality and provided guidelines to address this issue pending the enactment of a suitable legislation.

It is, thus, proposed to enact a comprehensive legislation to provide for safe secure and enabling environment to every woman irrespective of her age or employment status (other than domestic worker working at home), free from all the forms of sexual harassment by fixing the responsibility on the employer as well as the district Magistrate or Additional District Magistrate or the Collector or Deputy Collector of every district in the state as a district officer and laying down a statutory redressal mechanism. In this context it is mandatory that every institution is required to constitute Internal Complaints Committees to ensure safe and secured working environment for the women employees. 1.0.Vision To promote a safe, secured and harassment free working environment for every women employee and students working/studying in the constituent institutions of SVSU, Meerut.

### **Objectives:**

1. To receive complaints related to sexual harassments experienced by women employees, conduct inquiries and recommend appropriate actions to be taken by the University.
2. To conduct educational activities for the various categories of employees of the constituent institutions to promote gender equality and gender equity.
3. To create gender sensitization among all categories of employees and students through posters, stickers and other audio visual media.

### **Definition of sexual harassment:**

“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 behaviour (whether directly or by implication), namely;-

- (a) any unwelcome physical, verbal or nonverbal 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) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour 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 the present or future status of the person concerned;
- (d) creating an intimidating offensive or hostile learning environment;
- (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

### **Who can Complain?**

- The complainant
- In case of physical incapacity by
  - Complainant’s friend
  - Complainant’s relative/ Guardian
  - Co worker
  - Any other person who has the knowledge of the incident with the consent of the complainant.

### **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.
- The complaint SHOULD NOT be anonymous.

### **When can the complainant complain?**

The submission of complaint to the internal complaints committee (ICC) need to be **within 3 months** of the last incident of alleged act of sexual harassment.

### **Where can the complainant complain?**

- To Head of the Department / Dean / Director / Internal complaints committee (ICC) / Vice Chancellor

- Sources receiving complaint other than ICC needs to forward the complaint in sealed cover to ICC for further enquiry and process of redress start immediately.

### **Constitution Of ICC**

| <b>Designation</b> | <b>Name</b>         | <b>Contact Details</b> |
|--------------------|---------------------|------------------------|
| Presiding Officer  | Dr Vineeta Nikhil   | 9639002866             |
| Member             | Sayed Zafar Hussain | 9639011152             |
| Member             | Dr Reena Bishnoi    | 9897843764             |
| Member             | Ms Sanju Solanki    | 9458203656             |
| Member             | Ms Renu Chaudhary   | 9810316223             |
| Member             | Ms. Manpreet        | 7302985204             |
| Member             | Ms. Anita Rana      | 9412706850             |
| Member             | Ms. Nisha Singh     | 8899404963             |
| Member             | Dr. Priya Devi      | 9639923543             |
| Member             | Ms. Muskan Sharma   | 9627438755             |

### **Rights of complainant:**

- A time bound process, fearless, empathetic process
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent

- Information and person confidentiality
- In case of fear of intimidation from the respondent, recording of complainant statement in absence of the respondent
- Assurance of non-retaliation
- Counselling or other enabling support where needed
- Assistance if the complainant opts for criminal proceedings
- Right to appeal

**Rights of 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 Complaints Committee

**What is the duration of Redress process a complainant can expect?**

*An inquiry must be completed within 90 days and a final report submitted to the Employer within ten days thereafter. Such report will also be made available to the concerned parties. The Employer is obliged to act on the recommendations within 60 days. Any person not satisfied with the findings or recommendations of the Complaints Committee or non-implementation of the recommendations, may appeal in an appropriate court or tribunal, as prescribed under the Service Rules or where no such service rules exist, in such manner as may be prescribed.*

|                                   |  |
|-----------------------------------|--|
| Submission of Complaint           | Within 3 months of the last incident             |
| Notice to the Respondent          | Within 7 days of receiving 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 30 days from the date of recommendations  |

## **Standard operating procedures (SOP) for handling complaints in ICC, SVSU, Meerut**

### 1. Receipt of Complaint:

- All complaints (whether received through offline or online mode) addressed to the ICC, its Presiding officer, Members or other office bearer of University or Institutes under SVSU shall be received by the ICC office.
- Upon receipt of the copy of the complaint by the ICC office, these complaints are then scrutinized in order to assess if it is a matter of sexual harassment of women at work place and comes under the preview of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or not.
- Only the complaints that fall under the mandate of ICC are entertained and entered into the data base of the ICC.
- Complaints beyond the mandate of ICC are summarily rejected.

2. The members of the Internal Complaints Committee are the members of the Enquiry Committee and the whole process of enquiry is to be completed within the stipulated time of 90 days.
3. After the complaint is received it is mandatory to take action within 7 days of receipt of the complaint.
4. The Complainant is requested by the Enquiry Committee to appear before the Committee in a given date to present her case.
5. A letter is sent to the respondent with the remark to provide the clarification within 10 days of the receipt of the intimation sent by the Enquiry Committee.
6. After receipt of the response of the Respondent in ICC, the Respondent is requested by the Enquiry Committee to appear before the Committee in a given date to defend his case.
7. If the Enquiry Committee is of the opinion that the matter is sensitive then immediate interim relief under Chapter V, Clause 12 (1) (a) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is provided to the Complainant.
8. The interim relief to the Complainant is also given in the shape of leave/ transfer of the Complainant to any other department for the time being until the case is resolved.
9. The Enquiry Committee also request the Complainant through a letter to provide the list of names of witness/es, documents if any, to the Enquiry Committee within 3 days' time.
10. The concerned department is also requested to provide CCTV Camera footage of the incident if any through the Proctor SVSU to the Enquiry Committee of ICC.
11. The Enquiry Committee also request the Respondent through a letter to provide the list of names of witness/es, documents if any, to the Enquiry Committee within 10 days' time.
12. The witness/es are requested by the Enquiry Committee to appear before the Committee in a given date to present the case.
13. The Enquiry Committee after hearing the witness/es again request the Complainant as well as the respondent to appear before the Committee in different dates for further clarification in the case.
14. After going through all the documents and witness the Enquiry Committee submits the report and recommends the same to the higher institutional authority.

15. The Complainant as well as the Respondent is also intimated through a letter regarding the submission of report to the higher institutional authority.
16. All the files and reports are kept confidential in the office of the Internal Complaints Committee and the keys of almirah are in custody of the Presiding Officer, ICC. After the closure of the case the original file is confidentially submitted to the Hon'ble Vice Chancellor, SVSU, Meerut and a copy of the same is kept confidential in the ICC for office record.