



**ITM SKILLS UNIVERSITY**  
Internal Complaints Committee Policy

## Internal Complaints Committee Policy

Reference : University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women employees and students in higher educational institutions) regulation, 2015.

Definitions :

1. “Internal Complaints Committee” (ICC) means Internal Complaints Committee to be constituted by an HEI. Any existing body already functioning with the same objective (like the Gender Sensitization

Committee Against Sexual Harassment (GSCASH) should be reconstituted as the ICC;

2. 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 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 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;

3. “Student” means a person duly admitted and pursuing a program of study either through regular mode or distance mode, including short-term training programs in a HEI;

4. “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 the HEI, but a visitor to the HEI in some other capacity.

5. Constitution of an Internal Complaints Committee (ICC)

## **Responsibilities of ICC**

Every company should have a safe and harassment-free workplace. In the case of the complaint against POSH, the ICC is solely responsible to investigate without being biased. The ICC is required to be vigilant to redress the sexual harassment complaints and resolves the same ASAP. ICC is the sole authority to inquire about the complaints and make efforts to redress the same.

The Complaints of sexual harassment at a workplace corrode the persona of not only the complainant and the accused, but of the company and its goodwill as well.

## **Scope of ICC training**

The ICC training is an important part of the complaint redressal process and helps make the Internal Complaints Committee learn about the important elements of compliance under the Act. Our ICC training focuses on the below agenda:

The powers assigned ICC under POSH ACT.

Methodology for conducting an inquiry on a sexual harassment complaint

Important guidelines which ICC is required to comply with while conducting the sexual harassment inquiry

The timelines for resolving complaints as defined under the Act which ICC needs to follow while investigating a complaint.

## **What is POSH?**

POSH or the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act) is a groundbreaking law on a much-needed and burning issue. It is India's first codified legislation that categorically deals with the prevention, prohibition, and redressal of sexual harassment of women at the workplace.

The Act came into force on December 9, 2013, and is binding on every organization, public or private, having more than 10 employees.

## **Composition of Internal Complaints Committee**

Internal Complaints Committee Policy is required to prevent instances of sexual harassment and also to receive and effectively deal with complaints related to such acts. Accordingly, the Internal Complaints Committee (IC) is to be constituted at all administrative units and offices of a company, and once the committee is appointed the details of the Internal Complaints Committee Policy is to be notified to all persons at the workplace.

## **Powers of the Internal Complaints Committee**

The Internal Complaints Committee plays an important role in the functioning of the provisions of the Act and to ensure the fulfilment of its objectives of the Internal Complaints Committee Policy.

Thus, the main function of the Internal Complaints Committee is:

Implementation of the Internal Complaints Committee Policy relating to the prevention of sexual harassment.

Resolving complaints by the aggrieved based on the guidelines of the Internal Complaints Committee Policy.

Recommending actions to be taken by the Employer.

As per Section 11(3) the Internal Complaints Committee enjoys the powers same as that of a Civil Court and therefore:

It is empowered to initiate an inquiry into a complaint of sexual harassment at the workplace according to the Internal Complaints Committee Policy.

IC has the power to summon witnesses and parties to state the committee.

It enjoys the discretion of summoning evidence to be examined if it may be deemed necessary to do so by the members of the Committee.

### **Responsibilities of Internal Complaints Committee**

Every organization is bound by POSH law to publish the names and details of the current IC members on the premises at prominent places as well as on their official website.

The main responsibility that lies with the ICC is:

Receive complaints of sexual harassment at the workplace

Initiate and conduct an inquiry as per the company's procedure

Submit findings and recommendations of all such inquiries

Coordinate with the Employer in implementing appropriate action

Maintain strict confidentiality throughout the process as per established guidelines of the Internal Complaints Committee Policy

Submit annual reports in the prescribed format as prescribed

The Internal Complaints Committee is required to be vigilant to redress the sexual harassment complaints and resolve the same ASAP.

### **Prevention of Sexual Harassment Policy**

Every student of ITM University has the right to be treated with dignity and respect, free from abuse or harassment. It is our desire to promote a healthy and congenial working environment irrespective of gender, caste, creed, or social class of the students. Therefore, we have zero-tolerance for sexual harassment and any violations will attract serious disciplinary action. This policy is meant to educate the students about what conduct constitutes sexual harassment the ways and means, which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

This policy is made in accordance with Supreme Court Guidelines on Sexual Harassment at Workplace, declared in Vishaka & others vs State of Rajasthan & Others (AIR 1997 SC 3011) and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This policy extends to all categories of Students of ITM University. This policy is deemed to be incorporated for all Students and comes into effect immediately.

#### **The coverage is as under:**

- Every Student across the University

- An alleged act of Sexual harassment, whether the incident has occurred during or beyond the University hours.
- All University-related activities performed at any other site away from the University's premises.
- Any social or other functions where the conduct or comments may have an adverse impact on the University.
- Any act of sexual behavior is included if such an act is perceived to be detrimental to a healthy and congenial university environment. This policy is only applicable when both or either the alleged harasser or the victim is Student of the University. It is not applicable when both the alleged harasser and the victim are third parties.

In accordance with the Supreme Court Guidelines, the University has formed a Core Complaints Committee and Internal complaints committee.

### **1. RAISING COMPLAINT**

1.1. Any aggrieved person may make, in writing, a complaint of sexual harassment to the Internal Committee, within a period of fifteen days 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 a sealed envelope. Alternately, the person can send complaint through an email. The student is required to disclose the name, roll no., division, and location of place to the Chairperson or the committee to contact and take the matter forward.

1.2. If the person cannot make such a complaint in writing, the Presiding Officer or any member of the Internal Committee as the case may be, shall render all reasonable assistance to the person for making the complaint in writing.

1.3. The committee can, for reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the victim from filing a complaint within the said period.

1.4. The aggrieved person may also contact his or her Faculty / HOD or any other Student to complain or seek assistance in registering a complaint.

1.5. Upon receiving the complaint, the Registrar shall send an email communication to the Complaints Committee providing all the necessary details of the Complaint. The Victim must be copied on such emails.

1.6. The complaint should include the contact details of the complainant/victim such as name, roll no., programme pursuing, address, contact number etc.

1.7. In both the cases above, the written complaint/email must provide the details of the incident together with the name/s of, the alleged harasser/s and the victim/s, as available.

### **2. PROCESS OF ENQUIRY**

2.1. Depending upon the nature of the complaint, the Internal Complaints Committee or the Core Complaint Committee may direct that an Investigating Committee conduct an enquiry. The complaints committee may not order an enquiry if examination of witnesses/documents is not necessary to arrive at a conclusion. In either case, the Complaints Committee shall provide an opportunity, wherever possible, to the victim as well as the alleged harasser to represent their position.

### **3. NOTES:**

3.1. ITM University will provide counselor services to the victim/harassed on request, at no additional cost to the victim/harassed.

3.2. The intent of the policy is to create a harmonious & safe environment. To ensure that this is upheld in both letter and spirit, we urge Students to desist from lodging wrongful allegations.

3.3. ITM University is committed to provide necessary facilities and support to the Internal Complaints committee for dealing with the complaint and conducting an inquiry.

**4. APPEAL**

4.1. If either party desires to appeal against the decision he /she may appeal in writing to the Chancellor, who shall decide the appeal within one month.

**5. VICTIMIZATION/RETALIATORY ACTION**

5.1. Every manager or supervisor must contact the complaints committee members immediately upon receiving a complaint and must be alert to any possible retaliatory actions. The victim may directly communicate with the members of the Complaints Committee or any other senior management team, in case of any suspected retaliatory action, the complaints committee must preferably transfer the alleged harasser or the victim to avoid victimization. The complaints committee should make its best efforts to protect the interests of the victim from victimization.

**6. CONFIDENTIALITY**

6.1. ITM University understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

6.2. To protect the interests of the victim, the accused person and others who may report incident of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

6.3. ITM University is committed to ensuring that no Student who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

6.4. We will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure will be subject to disciplinary action.

**• Student's Responsibilities of Learning**

1. Appreciate institutional goals and objectives and contribute to the realization of the same by participating in relevant institution activities.
2. Have a clear knowledge of the programs, institutional arrangements such as Study Forums, Class Representatives, Course Coordinators etc.
3. Follow the time schedules, rules, and regulations of the institution.
4. Undertake regular and intense study of course materials and other learning objectives.
5. Make optimum use of the learning resources, databases and other support services available in the institution.
6. Prepare for continuous Class-based assessment and End Semester Examinations. Provide feedback for improvement of the program.
7. Live as worthy alumnus of the institution.

**Constitution of Internal Complaint Committee**

<b>Name of the Committee Member</b>	<b>Mobile Number</b>	<b>e-mail address</b>	<b>Responsibility</b>
Dr. Lakshmi Mohan	7667916677	lakshmimohan@itm.edu	Convener
Dr. Sarit Prava Das	9833993611	veninair@itm.edu	Member
Mr. Nilesh Rai	8080465213	nileshrai@itm.edu	Member
Ms. Meenakshi Bhandare	8451000573	meenakshib@itm.edu	Member
Dr. Sankalp Shrivastava	8452000991	sankalps@itm.edu	Member
Ms. Harshini	6305747560	manthah.2123k@itm.edu	Member
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Mr. Sanatan Sharma	7225853374	Sanathans.2123k@itm.edu	Member