

Internal Complaints Committee (ICC)

1	Vision of Internal Complaints Committee
	The Committee for Managing Gender Issues has been set up as the Internal Complaints Committee that the Swami Vivekananda University was required to set up as per the The sexual harassment of women at workplace (prevention, prohibition and redressal) Act 2013 and University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015 .
	However, ICC was set up not only to deal with complaints of sexual harassment of women in the workplace but also to focus on creating awareness, counselling and educating about gender issues.
	Gender sensitization workshops are also conducted in order to introduce and create awareness and informing staff and students about the Institute's framework for dealing with such issues.
	Swami Vivekananda University has also started a Unique Centre for Gender Studies for promoting gender equality through gender mainstreaming, awareness and capacity building on gender issues among the Students, Teachers, Staff members and civil society.
	The policy and the rules & regulations would apply to all students, faculty and non-teaching staff engaged in active roles of Swami Vivekananda University.
	The policy and the rules & regulations would also apply to service providers and outsiders who may be within the territory of the University.
	This will provide protection not only to women employees, but to any woman who enters the workplace as a client, customer, apprentice, daily-wage worker or in ad-hoc capacity.

2	Objectives of Internal Complaints Committee
	The objectives of the Internal Complaint Committee to Prevent Sexual Harassment of Women at the Workplace are as follows:
(i)	To develop a policy against sexual harassment of women in the University.
(ii)	To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
(iii)	To uphold the commitment of the University to provide an environment free of gender based discrimination.
(iv)	To promote a social and psychological environment to raise awareness on sexual harassment in its various forms.
(v)	To create a secure physical and social environment to deter any act of sexual harassment.
(vi)	To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the Institute.

3	Behavior that may constitute sexual harassment are:
	The definition of sexual harassment is well defined in the Section 2 (k) of the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
	A simpler form is produced here for ease of interpretation :
(i)	VERBAL: Unwelcome comments/sexual epithets.
(ii)	VISUAL: Offensive pictures/photos/cartoons.
(iii)	PHYSICAL: Unwelcome physical contact. Standing too close/ogling/suggestive gestures.
(iv)	WRITTEN: Unwelcome personal letters/text messages/ e-mails.

4	Functions of Internal Complaints Committee
	The Internal Complaints Committee has three major functions : 1. Preventive, 2. Remedial and 3. Confidentiality
[1]	Preventive :
	To work towards creating an atmosphere promoting equality, non-discrimination and gender sensitivity
	To promote and facilitate measures to create a work environment that is free of sexual harassment
[2]	Remedial :
	To receive and take cognizance of complaints made about sexual harassment at the University and give every complaint serious consideration.
	Crisis Management, Mediation and Counselling
	To conduct enquiries into the complaints, place findings and recommendations regarding penalties against the harasser.
[3]	Confidentiality :
	Section 16 of The sexual harassment of women at workplace (prevention, prohibition and redressal) Act 2013, clearly prohibits the disclosure of :-
(i)	Contents of the complaint;
(ii)	Identity and address of complainant, respondent and witnesses; pertaining to conciliatory/inquiry proceedings or recommendation of ICC
(iii)	Action taken by employer
	Exception unde section 16 :
	Dissemination of information regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address or identity or any other particulars calculated to lead to the identification of the aggrieved woman and the witness.

5	Exclusions of Internal Complaints Committee
	The ICC shall not entertain the following Issues :
(i)	Decisions of the Academic Council / Board of studies and other academic / administrative committees constituted by the University.
(ii)	Decisions with regard to award of scholarships / fee concessions / awards / medals
(iii)	Decisions made by the University under the Disciplinary measures.
(iv)	Decisions of the University in admissions of any courses.
(v)	Decisions of the competent authority on assessment and examination result.

6	General Rules and Procedures
(i)	All meetings of the Committee will be called by the Presiding Officer & Convenor and a notice of at least 5 working days must be given for the meeting while in exceptional cases, an emergency meeting may be convened as per the requirement.
(ii)	No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Committee.
(iii)	Any Committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.

(iv)	If the ICC decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.
(v)	Within not more than five working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit, to the Convenor of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
(vi)	The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry
(vii)	The Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
(viii)	The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
(ix)	The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.
(x)	All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
(xi)	All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.
(xii)	A complainant has the right to go public about the complaint of sexual harassment if she so desires. If the Complainant goes public before filing the complaint with the Committee against Sexual Harassment, the same shall not prejudice the Committee members.
(xiii)	If the complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.
(xiv)	In the event that the Committee thinks that supplementary testimony is required, the Convenor of the Committee shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.

(xv)	All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned Committee against Sexual Harassment and the same shall not be made available pursuant to an application under the Right To Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the Committee Against Sexual Harassment in a fiduciary relationship and the non-disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005.
(xvi)	After the procedures for interview and cross-examination is concluded, the committee shall conclude and recommend according to its finding, whether the complaint is upheld or not.
(xvii)	The committee shall finally prepare a report and submit the same to the Governing Body.
(xviii)	The proceedings under these Rules and Procedures of ICC shall not, in any way, be affected by any other proceedings against the defendant taken up by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.
(xix)	The provisions of these Rules and Procedures of ICC shall not restrict the powers of the University or the complainant to proceed against the defendant for any other misconduct or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

7	Procedure for Lodging a complaint
(i)	All complaints must be brought by the complainant in person Except (a) In cases of forced confinement of the person. In such a case, complaint may be brought by another person on behalf of the complainant. The Committee will examine whether an enquiry, intervention or some other assistance is needed. (b) In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received, the Committee shall proceed to inquire into it as per the procedure specified. (c) Where the Committee takes suo-moto notice.
(ii)	Complaints can be lodged directly with any member of the ICC, or through existing channels for lodging grievances.
(iii)	The complaint may be oral or in writing. If the complaint is oral, it shall be documented in writing by the ICC member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The members of the Committee shall maintain confidentiality about the proceedings conducted by them.
(iv)	All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Presiding Officer & Convenor about the complaint, who in turn shall call a meeting of the Committee.

8	Composition of Internal Complaints Committee
(i)	A Presiding Officer who shall be a woman faculty member employed at a senior level (not below the rank of a Professor in case of a university) at the educational institution, nominated by the Governing Body;
(ii)	ONE -- External Member - One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Governing Body.
(iii)	TWO Faculty members and TWO Non-teaching employees , preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Governing Body;
(iv)	Three students, if the matter involves students , who shall be enrolled at the Undergraduate, Masters and research scholar levels respectively, elected through transparent democratic procedure;
At least one-half of the total members of the ICC shall be women.	
Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice-Chancellors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.	

9	Quorum
	A quorum of at least half the members including the Presiding Officer/Convener shall be required for every sitting of the ICC. In the absence of the Chairperson, Section - 4 of the Sexual Harassment of Women at the Workplace Act-2013 shall apply.

10	Term of Office
	All the members of the ICC shall hold office for a term of THREE years and shall be eligible for reappointment.