



साई तिरुपति विश्वविद्यालय, उदयपुर

SAI TIRUPATI UNIVERSITY, UDAIPUR

Internal Complain Committee (ICC- [REDACTED])

Establishment of the 'Internal Complaints Committee' (ICC)

In accordance with the Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act 2013 by government of India, the University will form an Internal Complaint Committee (ICC) at each Unit / Location, which will manage the process of enquiry and redressal of Gender/sexual harassment complaints.

Composition of Internal Complaints Committee (ICC)

A minimum 5 to 7 member 'Internal Complaints Committee' (ICC) should be formed at every location, unit or office.

The composition of the Committee should follow these guidelines:

1. Appointment of a Presiding Officer for Internal Complaint Committee who shall be a woman employed at a senior level at workplace.
2. Appointment of two members from amongst the employees who are committed to the cause of women or who have had experience in social work or have legal knowledge.
3. Appointment of a member from a non-governmental organization or association committed to the cause of women or a person familiar with issues related to sexual harassment.
4. Ensure that at-least one-half of the total members in the Internal Complaint Committee (ICC) are women.
5. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a woman.
6. A person shall be disqualified from being appointed, elected, nominated or designated as, or for being continued as, a member of any Complaint Committee if there is any complaint concerning sexual harassment pending against him/her, or if he/she has been found guilty of sexual harassment/serious misconduct.



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Tenure

- The presiding officer and every other member of Internal Complaint Committee (ICC) shall hold office for such period not exceeding 3 years.
- Changes in the constitution of the Internal Complaint Committee (ICC), whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

Allowances/Fees

Payment of fees for holding the proceedings and reimbursement of travel cost to the member appointed from non-governmental organization or association for holding the proceedings of the Internal Committee shall be paid as per the agreed terms.

Facilities to Internal Complaint Committee (ICC)

- University to provide facilities to Internal Complaint Committee (ICC) for dealing with the complaint and conducting inquiry.
- University to provide assistance, if any, required by the Internal Complaint Committee (ICC) to secure the attendance of respondents and witnesses before the Internal Complaint Committee.
- University to make available or provide information to Internal Complaint Committee (ICC) as it may require regarding the complaint.

Power of the Internal Complaint Committee (ICC)

1. Initiate Enquiry Procedure

- Internal Complaint Committee (ICC) is required to take cognizance of complaint, if the complaint is made within the period of 3 months from date of incidence or from date of last incidence.
- Initiate steps before commencing inquiry to settle the matter between the complainant and respondent through conciliation. However, conciliation on the basis of monetary settlement should not be made.
- Provide copies of the settlement recorded to employer, aggrieved woman/complainant and the respondent to take actions as specified in recommendations.
- Internal Complaint Committee (ICC) shall proceed to make inquiry into the complaint in accordance with the service rules applicable to the respondent and where no such rule exist, in the manner prescribed under Rule 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, by the Government of India.



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- Ensure to complete the inquiry within a period of 90 days.
- Provide report on findings within 10 days after the completion of an inquiry to the employer and parties.
2. The Committee shall have the power to summon witnesses and call for documents or any information from any employee.
3. If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
4. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
5. Upon production of documents / information called for by it, the Committee shall have the power to
 - Make copies of such documents / information or extracts there from; or
 - Retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
6. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it. Further, the Internal Complaints Committee at the written request of the complainant may recommend to employer to:
 - Transfer the complainant or the respondent to any other workplace during the pendency of an inquiry or,
 - Grant leave to the complainant up to a period of 90 days i.e. during the pendency of an inquiry, or
 - Restrain the respondent from reporting on the work performance of the complainant and assign the same to another officer.
7. To seek medical, police and legal intervention with the consent of the complainant.
8. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if he/she so desires.
9. The Internal Complaint Committee shall have the power to recommend the action to be taken against any person found guilty of
 - Sexually harassing the complainant;
 - Retaliating against / victimizing the complainant or any other person before it; and
 - Making false charges of sexual harassment against the respondent.



Procedure to Register a Complaint

1. It is the obligation of all employees to report Gender/Sexual Harassment experienced by them personally. A concerned co-worker may also inform of any instance or behavior of Gender/Sexual Harassment by a co-worker towards another employee.
2. The complainant/concerned co-worker shall give his/her complaint in writing to the Internal Complaint Committee (ICC) concerned either by letter or by specific e-mail address provided. It can be sent to following email id _____ giving details of the incident within a week of its occurrence.
3. The concerned employee may also contact his/her Reporting Manager, HR Manager, or any other employee. Upon being intimated, the Reporting Manager or the HR Manager or any other employee shall send an email communication to the Internal Complaints Committee, providing all the necessary details of the Complaint. The Complainant must be copied on such emails.
4. The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
5. The Committee shall ensure that a fair and just investigation is undertaken immediately. Both the complainant and the respondent shall be initially questioned separately with a view to ascertain the veracity of their contentions.
6. The complainant and the respondent shall be informed of the outcome of the investigation. The investigation shall be completed in not more than 90 days from receipt of the complaint.

Investigation Process

1. **Decision by committee to pursue the case**

The committee shall, within seven working days from receipt of a complaint, establish a prima facie case of Gender/Sexual Harassment on the basis of the definition of Gender/Sexual Harassment as given in this Standard Operating Procedure (SOPs). Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
2. **Statement of Allegation and response of accused to charges**

If the Committee decides to pursue the case, the committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same. A true copy of the complaint is to be forwarded to the respondent.
3. **Evidence**
 - i. If the Complainant or the Respondent desires any witness to be called, they shall communicate in writing to the Committee the names of witness whom they propose to call.



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- ii. If the Complainant or the Respondent desires to tender any documents by way of evidence before the Committee, he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- iii. The goal of an investigation is to find facts which will, for the most part, be obtained by interviewing the complainant, the respondent and other witnesses as deemed relevant by the Committee. The facts should establish the time, sequence and nature of occurrence of any act and/or incident.
- iv. Discussions can be conducted with the complainant, victim and respondent, as required.

4. Submission of Report

- i. The Committee shall complete the investigation within reasonable period but not beyond 90 days of the receipt of the complaint.
- ii. The final decision shall be communicated to the complainant and the respondent. Format of the report is provided in **Annexure ___**.
- iii. Internal Complaint Committee (ICC) shall submit Annual Report (refer to the **Annexure ___** for the format) to the employer and the District Officer in each calendar year. The Annual Report will mention the number of complaints of Gender/Sexual harassment received (only applies to cases where the complainant is a woman) in the year, number of complaints disposed off during the year, number of cases pending for more than 90 days, number of workshops or awareness programme against sexual harassment carried out, nature of action taken by the employer.

5. Documentation

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. All records will be retained for at least as long as the complainant and/or the respondent, are employees of Sai Tripiti University (STU). Copy of the records will be kept in a confidential and secured location in the Head of Human Resources office and shall only made available to appropriate Sai Tripiti University (STU) officials, or other authorized individuals as determined by law.



Annexure – 1
**Structure for Addressing cases of Harassment and Abuse
To Internal Complain Committee (ICC)**

