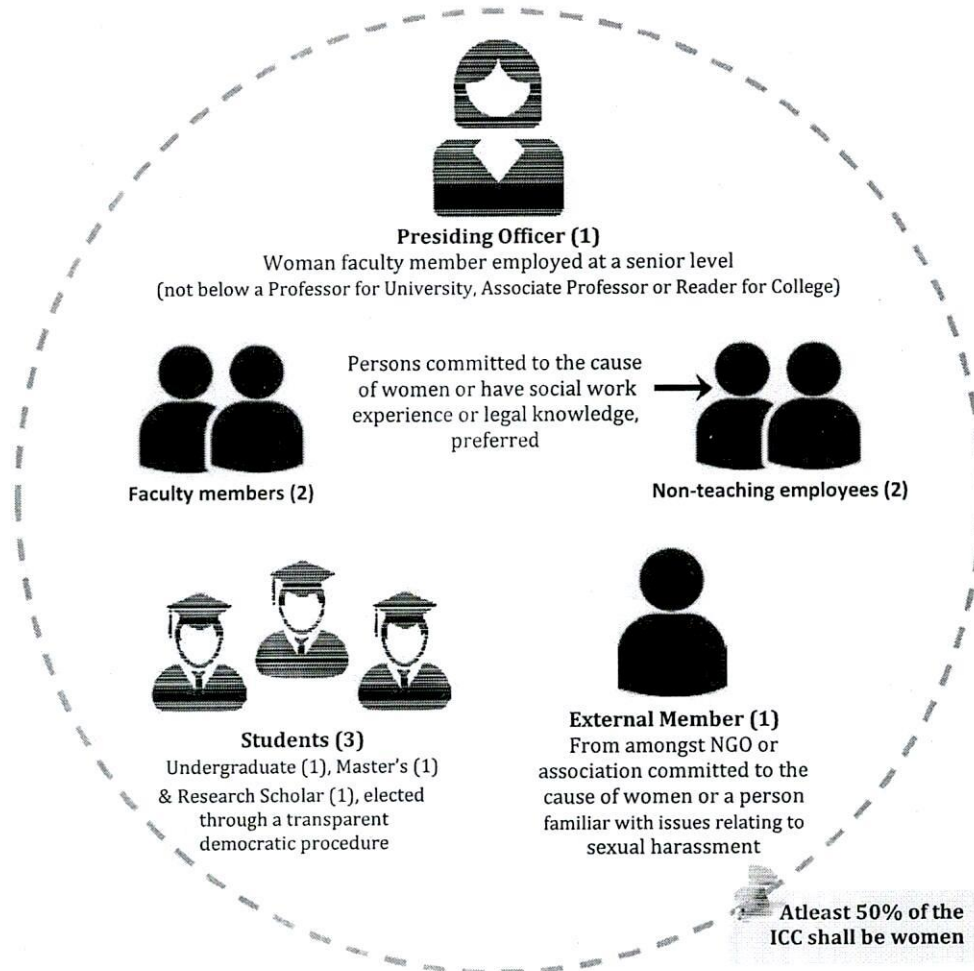


COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE (ICC)
(nominated by the Executive Authority [VC])



Note

Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning

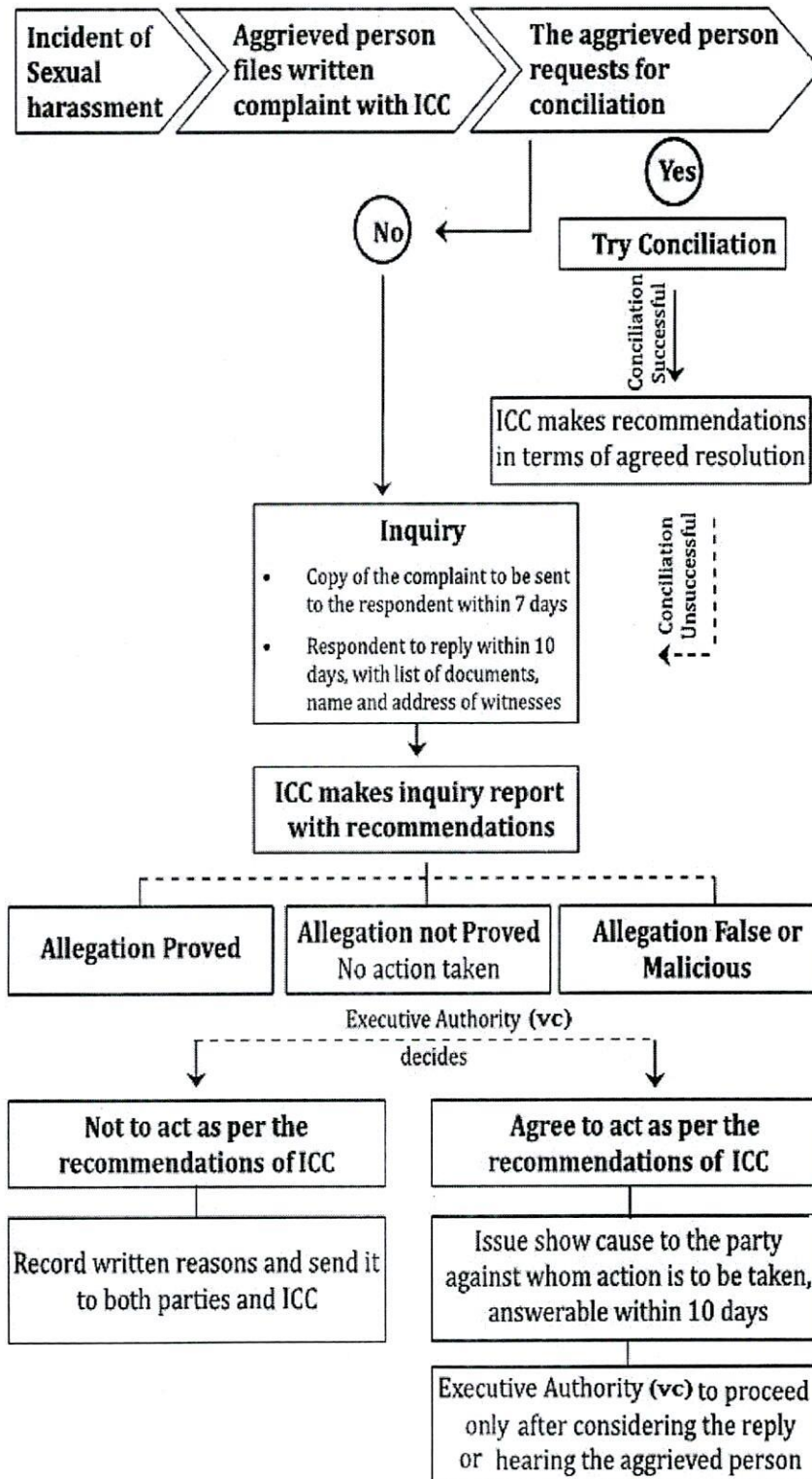
Every ICC member shall serve the office for 3 years

HEI may employ a system whereby 1/3 of the members of ICC may be changed every year

Member appointed amongst the non-governmental organizations or associations shall be paid fees or allowances for holding the proceedings of the ICC

Presiding Officer or any Member of the ICC is subject to removal under circumstances enumerated in Regulation 4(6)

REDRESSAL & INQUIRY PROCEDURE



Timelines

Written complaint to be filed within 3 months from the date of incident or within 3 months from the date of last incident in case of a series of incident

The time limit can be extended for not over 3 months, for which reasons have to be stated in writing by ICC

Inquiry to be completed within 90 days from the date of written complaint

Inquiry report has to be issued within 10 days of completion of the inquiry to both parties and Executive Authority (vc)

Executive Authority (vc) to act on the ICC recommendation within 30 days of receipt of report, unless an appeal is filed

An appeal against the ICC's recommendation to be filed within 30 days from date of such recommendation by aggrieved person before Executive Authority (vc)

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IMPORTANT DEFINITIONS - EXPLANATIONS

Sexual Harassment

- (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) 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

Student

A person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI;

Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of

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these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student

Aggrieved Woman

In relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent

Aggrieved Person

An aggrieved woman or a student

Internal Complaints Committee (ICC)

Internal Complaints Committee to be constituted by an HEI under sub regulation (1) of regulation 4 of these regulations

Campus

The location or the land on which a HEI and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the HEI including transportation provided for the purpose of commuting 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 and such other activities where a person is participating in the capacity of an employee or a student of the HEI;

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Workplace

The campus of a HEI including-

- (a) Any department, organisation, 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 the appropriate HEIs;
- (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;
- (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.

Employee

A person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

Respondent

A person against whom the aggrieved person has made a complaint of sexual harassment

Protected Activity

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 in litigation


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Covered Individuals

Persons who have engaged in protected activity 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

Victimisation

Any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour

Executive Authority

The chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested.

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MAJOR RESPONSIBILITIES OF THE INTERNAL COMPLAINTS COMMITTEE (ICC)

The Internal Complaints Committee shall:

- (a) provide assistance if an employee or a student chooses to file a complaint with the police;
- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's 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) ensure that victims or witnesses are not victimised 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.

ADDITIONAL RESPONSIBILITIES OF ICC

Assist in written complaint

Render all reasonable assistance to the aggrieved person for making the complaint in writing in case he or she is unable to make the complaint in writing

Assist in Police Complaint

Provide assistance if an employee or a student chooses to file a complaint with the police


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Just & Fair Conciliation

Provide dispute redressal mechanism & dialogue to anticipate & address issues through conciliation without undermining complainant's right & minimize need for purely punitive approach that leads to further resentment, alienation or violence

Safety of Complainant

Protect the safety of the complainant by not divulging the person's identity, & provide mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor or also effect transfer of offender

Prevent Victimization

To ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment

Protection


To ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity

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INTERIM REDRESSAL

- Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC
- Grant leave to the aggrieved person with full protection of status and benefits for a period up to three months
- Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant
- Ensure that offenders are warned to keep a distance from the aggrieved person and if there is a definite threat, restrain their entry into the campus
- Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.


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