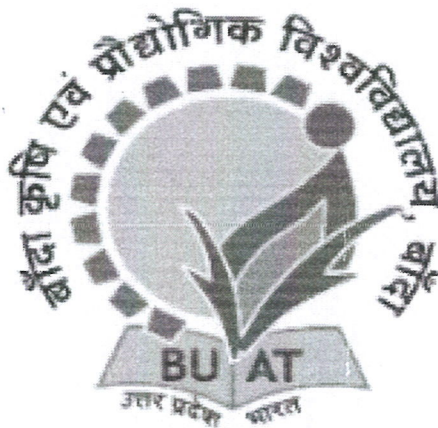


## **POLICY DOCUMENT**


*of*


### **Internal Complaints Committee (ICC)**

**BANDA UNIVERSITY OF AGRICULTURE & TECHNOLOGY,  
BANDA- 210001**




**Drafted by**

  
**Dr. G. S Pawar**  
**(Chairman)**

  
**Dr. Vandana Kumari**  
**(Member Secretary)**

  
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**Member**

  
**(S.K. Singh)**

**Registrar**

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## **Introduction & Background:**

Sexual harassment constitutes a gross violation of women's right to equality and dignity. Across the globe today, workplace sexual harassment is increasingly understood as a violation of women's rights and a form of violence against women. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women's right to equality of status and opportunity. An effective implementation of the Act will contribute to the realization of their right to gender equality, life and liberty, equality in working conditions everywhere. The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment and inclusive growth.

The definition of sexual harassment in the Act of 2013 is broadly in line with the Apex Court's definition in the Vishaka Judgment. It also stipulates that a woman shall not be subjected to sexual harassment at any workplace.

**Section 2(n) of the Act defines sexual harassment to include any one or more of the following unwelcome acts or behavior** (whether directly or by implication) namely

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Display of pornography
- Any other unwelcome physical, verbal or non verbal conduct of sexual nature such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.

## **Objectives of the policy:**

Sexual harassment has severe consequences on affected women like humiliation, loss of dignity, depression, loss of desire to continue working/studying in the same office/department etc. Often such behavior goes unpunished because of hesitation on the part of women to report

  
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such behavior out of a sense of shame or fear or both. It is important for women to protest against any behavior that they feel is unwanted and unacceptable. Therefore the ICC has the objectives as follows:

- To fulfill the directives of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place.
- To address the problem faced by the female students/ women employees through an internal system of relief that is easy to access, and thereby provides an effective remedy to the aggrieved complainant as quickly as possible so that she can continue to study and develop without further impediments.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- To uphold the commitment of the Banda University of Agriculture & Technology Banda in order to provide an environment free of gender- based discrimination.

#### **The Role of the Committee**

- To publicize the policy widely, especially through website and other programmes for gender sensitization.
- To create an atmosphere promoting equality and gender justice.
- To receive and take cognizance of complaints made about sexual harassment at the University and give every complaint serious consideration.
- To conduct enquiries into the complaints, place findings and recommendations regarding penalties against the harasser in accordance with the rules, before the University Administration.

#### **Constitution of the Committee:**

**The following member will be mandatory for constituted committee.**

- The Chairperson shall be a woman faculty member employed at the middle or senior level at the university.
- Two faculty members from the different constituent colleges.
- One female employee from the Krishi Vigyan Kendras of the University.
- One member from the non teaching staff of the university.

  
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- One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- Two student representatives shall be nominated from PG/Ph.D, only in case where the complainant or the defendant is a student.
- The Committee shall be re-structured every three years. The previous Committee will continue till the new Committee is constituted.

**The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:**

- By a female member of the University against any other member of the University irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- By an outsider against a female member of the University or by a member of the University against an outsider if the sexual harassment is alleged to have taken place within the campus.
- By a female member of the University against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the University authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

In the above, the following definitions will apply:

- **‘Members of the University’** includes female students, teachers and non-teaching staff of the University.
- **‘Students’** includes registered regular female students of the University.
- **‘Teachers’** includes any female or the staff of the university who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.



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- **‘Non-Teaching Staff’** includes any person on the staff of the university who is not included in the category of teacher. It shall also include contract workers and daily wagers.
- **‘Resident’** includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee of Banda University of agriculture & Technology Banda.
- **‘Outsider’** includes any person who is not a member of the University or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of University.
- **‘Campus’** includes all places of work and residence in Banda University of Agriculture & Technology Banda. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, staff quarters, public places (including parks, streets and lanes) and canteens, etc. on the University campus or the other centers (KVKs, Research Stations etc.) under the jurisdiction of Banda University of agriculture & Technology Banda.

#### **Rules and Procedures**

- All written complaints must be brought by the complainant in person.
- The following exceptions will be admitted: In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the Committee will examine whether an enquiry, intervention or some other assistance is needed. If the complainant is unable to write then the complaint may be written by any of the relative/friend of the complainant or by any member of the ICC with the consent of the complainant and then duly signed or thumb impression by the complainant.
- No oral complaints shall be considered.
- The ICC after the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy.
- All meetings of the Committee will be called by the Chairperson and a notice of at least 3 working days must be given for the meeting while in exceptional cases emergency meeting may be convened as per the requirement.

  
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- No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Committee.
- Any Committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.
- 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 Chairman of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine. The committee may summon person/s other than the names given by the complainant or defendant, if needed during the course of enquiry. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- 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.
- 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.
- 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.
- The Committee shall complete the enquiry within 90 (working) days from the date on which the complaint is referred to and not exceeding it.
- After concluding its enquiry, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee.
- The Committee shall provide a report of its findings to the employer within 10 days of completion of inquiry.

**Action on false or malicious complaints and false evidence.**

As notified in the ACT of 2013 14 (1) where the internal complaint committee arrives at a conclusion that allegation against the respondent is malicious or the aggrieved woman or any

  
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other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Vice Chancellor, to take action against the woman or the person who has made the complaint.


**Annual Report:**

An annual report containing all the details like number of Complaints filed the stage of each Complaint and number of Complaints redressed will be prepared by the Committee and submitted to the Vice Chancellor of the University.

*Banda University of Agriculture & Technology Banda shall comply the guidelines of the Apex court in Vishakha case and provisions of the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and rules made there under other laws of the land made in this regard in future. The policy may be revised as per need.*

**NOTE:** The committee will also consider the sexual harassment cases, where the complainant is not female and shall conduct enquiries as per rules and procedures, after prior approval from the competent authority of the University.



  
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