

**STANDARD OPERATING PROCEDURE FOR CONDUCT OF INQUIRIES UNDER THE
INTERNAL COMPLAINTS COMMITTEE (ICC) OF ARMY INSTITUTE OF TECHNOLOGY,
PUNE**

References

1. UGC Guidelines and The gazette of India, 2nd May 2016.
2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, Section 4 (1).
3. "Vishaka Guidelines" by the Supreme Court of India, in Vishaka and others v State of Rajasthan case in 1997.
4. AICTE Handbook 2021-22.

Definition. Sexual Harassment at workplace: Sexual harassment includes unwelcome sexually determined behaviour (Whether directly or by implication) such as:

1. Physical contact and advances;
2. A demand or request for sexual favours;
3. Sexually coloured remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
6. Implied or explicit threat of detrimental treatment in employment
7. Coerced sexual intercourse, including date rape;
8. Physically blocking passages or walkways;
9. Sexual assault or physical assault with sexual intent;
10. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching or unnecessary close proximity;
11. Physical contact or attempt thereof when the victim is under the influence of any intoxicating substance, drugs or alcohol and thereby is not fit to withhold consent or refuse to participate in any activity of sexual nature;
12. Physical contact or attempt or preparation thereof by rendering a person directly or abetting in so rendering a person under the influence of any intoxicating substance, drugs or alcohol and thereby prevent the person from withholding consent or refusing to participate in any activity of sexual nature;
13. Physical violence, including sexual assault;
14. Sharing sexist jokes, letters, messages either by electronic mail, mobiles or otherwise that may cause humiliation or offense to the complainant and despite requests by the complainant or others to desist from sharing the same, are still carried out by the offender or even without such advice, when they are, by their nature, humiliating, offensive or vulgar;

15. Any unwelcome messages, images, video clips sent via mobiles, emails, or any links to webpages/sites, and which cause or are likely to cause either awkwardness, offense, embarrassment or harassment will also amount to sexual harassment.
16. Display of sexually offensive pictures, materials or graffiti;
17. Unwelcome inquiries or comments about a person's sex life;
18. Comments on personal appearance, comments on physical features, age, sexual orientation, etc. and spreading rumors about an individual's sexual behaviour;
19. Unwelcome sexual flirtation, advances, propositions including continued expressions of sexual interest after the recipient has made it clear that such invitations are not welcome.
20. Making offensive gesticulations, at the complainant or verbal abuse with sexual overtones;
21. Persistent unwanted attention with sexual overtones or watching, stalking or contacting a person physically or virtually or unwanted touching or brushing against a complainant's body;
22. Implied or explicit promise of preferential treatment in employment by grant of promotion, local or foreign travel, favorable working conditions/ assignments, or in education by giving a passing grade, granting of honors or scholarship, participation or engagement of the complainant in any of the Institute's activities or the grant of benefits or payment of a stipend or allowance etc.
23. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
24. Meting out of humiliating treatment which is likely to affect the complainant's health or safety;
25. Interference with the work of the complainant and creating an intimidating or offensive or hostile work environment for the complainant;
26. Implied or explicit threat about a complainant's present or future employment status;
27. Implied or explicit promise of preferential treatment in employment as quid pro quo for sexual favors;
28. implied or explicit threat of detrimental treatment in employment;

INTRODUCTION

1. In view of the Section 4 (1) of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and as per guidelines of All India Council for Technical Education (AICTE) in Handbook 2021-22, an establishment of Internal Complaint Committee (ICC) (As per Section 4 All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 vide No. F.AICTE/WH/2016/01 dated 10th June, 2016. The Institute

hereby constitutes an Internal Complaints Committee (hereinafter referred to as 'Internal Complaints Committee (ICC)' or 'Committee').

2. It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women. This policy is applicable to all faculty/ staff/ contract Members / students / visiting faculty /clock-hour faculty (CHB) faculty AND/OR the members should have a working type relation (at the workplace) with the institute.

AIM

3. Institute wishes to maintain a work environment that fosters personal and professional growth for all staff and students. Maintaining such an environment is the responsibility of every staff and student. The Institution is committed to provide a harassment free environment for everyone. The Institution will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

IMPLEMENTATION

Composition of ICC

4. Presiding Officer (PO): As per the act the Presiding Officer shall be a woman employed at a senior level at workplace from amongst the employees. Either a Woman HOD or at-least a Woman Associate professor will be the PO.
5. Two employees with experience in social work or have legal knowledge.
6. An external member from an NGO or any association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
7. At least half members to be women.

Role of ICC

8. The committee has to ensure enough steps are taken to create awareness on the topic. If in case any person approaches any of the committee members, the member is immediately required to inform others. A written complaint is required to be taken from the aggrieved person. The aggrieved person is within her rights to submit complaint within 90 days of the incident / last incident. Necessary action to be taken will include settling the matter through counseling and conciliation (only on request of the complainant) as soon as possible. In case the matter is not resolved, inquiry need to be conducted and matter to be sorted out within 10 days from the date of complaint. The members need to be vigilant all

the time and ensure that there is no such incident taking place in campus by creating awareness and having an open dialogue with all the students.

9. The committee has to submit an annual report to AICTE through the head of institute and AICTE institute coordinator. This includes number of cases received, number of cases resolved and number of cases where penalties/action recommended/implemented etc. till June 30th of every year (Ref. Handbook of AICTE).

Objective of ICC

10. The objectives of the Committee are:

- (a) Prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees.
- (b) Make recommendations to the AIT authority for changes/elaborations in the Rules for students in the Prospectus and the Bye-Laws, to raise gender awareness and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women.
- (c) Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- (d) Support to ensure discrimination and sexual harassment free environment against women in campus.

Documentation

11. The committee shall keep complete and accurate documentation of the complaint, its investigations and the resolution thereof. The incident would be documented in both the complainant's and the accused files with the full report of the Complaints Committee. The documentations shall ensure appropriate proofs, if the same as required by laws and legal authority. It should be noted that the recommendations shall be as per purview of law and as per right authorized to ICC. The proof shall be used and authenticated in the next step of legal activity, if required.

Procedure for Approaching Committee

12. The ICC deals with issues relating to sexual harassment at the AIT. It is applicable to all employees and students. A complaint of discrimination or sexual harassment may be lodged by those who feel. A written complaint may be addressed to the Chairman of the Committee or to Head of Institute with/without request to forward to ICC (In this case, complainant shall be provided sufficient time and possible counseling will be made, the prime facie information and consequences will be informed to victim/complainants. And complaints will be forwarded to ICC in confidential mode, without knowing to anyone other than complainants). If the complainant is ready to mutually compromise, accordingly the matter will be resolved. If the complaint is made to any of the Committee members, they

may forward it to the Chairman of the Committee against Sexual Harassment or Head of Institute, immediately, with following oath of confidentiality. An undertaking will be taken from committee members for maintaining the confidentiality. For the reference of complainant the name of ICC committee members are available on the right side wall of AIT reception. The complaint may be filed by using any of the ways mentioned below.

(a) **For Staff.**

- (i) Through proper channel **OR**.
- (ii) By writing an email to committee member/Head of Institution/Chairperson ICC **OR**.
- (iii) By submitting a written complaint to committee member/Head of Institution/ Chairperson ICC.

(b) **For Students.**

- (i) Through Counselor and Head of the Department **OR**
- (ii) By writing an email to committee member/Head of Institution/Chairperson ICC **OR**
- (iii) By submitting a written complaint to committee member/Head of Institution/ Chairperson ICC.

Redressal of Complaints

13. The Institute is committed to providing a supportive environment to resolve concern sexual harassment as under:

- (a) When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. If the harassment does not stop or if the victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Committee for redressal of their grievance through proper channels. Committee for redressal abides by natural justice rules and applicable to all persons involved. The harassment for repeated instant either with the same woman or any other woman/women, within or outside the campus or any other place of work/public places may be treated as a serious matter.
- (b) The earlier history of the complainant's and harasser may be verified, but it should not impact the investigation of ongoing matters and rule of natural justice. Strictly, it should not be used, under any circumstances, to give any judgment or recommendations on harassers or complaints.
- (c) In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Committee.
- (d) In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

(e) The institute shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

(f) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive actions.

Conduct of Inquiry

14. All the witnesses and accused person will be called or inquiry after taking approval from Head of the institution. After taking approval from Head of the institution the inquiry will commence on assembly of all members on the date and time fixed. In case of absence of individual member, the reason of absence will be recorded and consent of all other present members will be taken to proceed with the inquiry and recorded. However this would be an exception only.

15. The procedure to be followed is as follows:-

(a) The Witness so called will be permitted to give out his statement. He/ She can be permitted to read out a written statement. All witnesses have to give an undertaking about maintaining the confidentiality of the matter. The Witness will be given a statutory warning, "I....is giving this statement without any compulsion/ coercion//prejudice/. I am fully responsible for whatever is being stated by me"

(b) The witness will be allowed to narrate the statement without any interruption/ cross-question. However the committee may guide the witness to remain relevant and factual. One member of the committee will record the entire statement, in the "First Person".

(c) The members of the Committee may question each Witness with the aim of extracting the complete facts and filling the gaps in the statement narrated. All questions and answers should be recorded.

(d) Any witness may be called again for further questioning, should the committee feel so while statement of another witness is being recorded.

(e) On completion of Statements and questions / answers, the Witness will sign with a statement "The statement recorded / questions and answers during the proceeding have been read by me or read over to me and understood. I sign the same as correct". All members will sign below the witnesses' signature

Re-examining Witnesses

16. If the inquiry committee feels the necessity of re-examining (questioning) a witness due to new facts emerging during the inquiry, they may do so.

Preparation of Findings

17. Findings in an inquiry, is a logical summary of facts emerging out of the process of inquiry. Findings will also bring out the circumstances leading to the incident/s. Specific references to the statements of relevant Witnesses and/or documentary evidence produced must be made while stating the fact.

Opinion of Inquiry

18. The opinion will be derived out of the findings. It will clearly bring out deductions which include, declaring individual/individuals blameworthy for misconduct/ omissions; if blamed the gravity of the offences/ omissions; alternatively can also excoriate individuals who have been accused of misconduct etc. Opinion can also bring to the notice procedural lapses/ weaknesses as well as organizational issues. Opinion should clearly bring out the verdict whether a particular individual is guilty or not guilty of a specific charge.

Recommendations

19. Specific recommendations will be given by ICC to head of institution like punishments(s) to be awarded to each individual who was found guilty of an offence. The recommendations should also include any change/improvement in procedures needed to prevent such occurrence.

Disciplinary Action

20. Where any misconduct is found and recommended by the ICC Committee, appropriate disciplinary action shall be taken by the institution against the accused. Disciplinary action may include transfer, withholding promotion, withholding annual increment, or any other action for accused staff. It can be a fine of certain amount, rustication from institution, hostel out or any other action against the accused students. The final decision will be taken by head of institution on recommendation of ICC. This action shall be in addition to any legal recourse sought by the complainant. The disciplinary action shall be implemented and is role concerned authority. The institute will forward the recommendations of the committee to concerned authorities, in due time.

Confidentiality

21 All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action. The committee Chairman and members or any other person can make a written/oral complaint to the Head of Institute if there is anyone who breaches confidentiality. Breaching confidentiality by any one or more members (including either ICC or outside ICC members such as witnesses, office supportive members), complainant or harasser or any other member who related either directly or indirectly to confidential section(s)/office of the institute shall be subject to disciplinary action.

Protection Against Retaliation

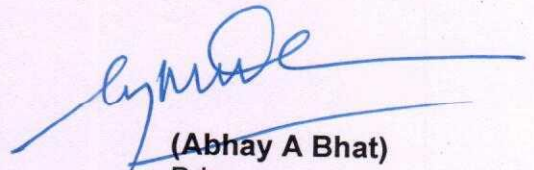
22. Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment,

the committee shall ensure that the Complainant or the witness are not victimized or discriminated by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the complainant while the investigation is in progress should be reported by the complainant to the committee as soon as possible. Disciplinary action will be taken by the head of the institution on the recommendation of Committee against any such complaints which are found genuine. As Institute ICC, rights as per law shall be with ICC to ensure a fear free environment. Any pressurized message, phone calls from any of higher authorities (including internal seniors, Heads, Principal) or politicians or anyone or member/members of unions or else shall be recorded, if deemed fit by ICC. If a complainant or witness feels the experience of retaliation, victimization or discrimination in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the proceedings, the complainant or witness should immediately report the matter by sending an email or letter to the Chairman of the ICC and/or head of institution. The Institute strictly prohibits retaliation/victimization/discrimination against any complainant for filing a complaint or against anyone helping to address the complaint. Any retaliation or reprisals shall be subject to immediate corrective action by the head of institution, up to and including suspension and termination in case of any physical assault. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of sexual harassment.

CONCLUSION

23. The above procedure will be strictly adhered, so that complete transparency in maintained for conduct of inquiries under the Internal Complaints Committee (ICC). In case of any dispute the point will be referred to the Director by the Chairperson ICC for his decision.

Case No : AIT/0001/Gen Rule/Adm
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(Abhay A Bhat)
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Director

Dated 23 Jul 2024

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