

INTERNAL COMPLAINTS COMMITTEE POLICY DOCUMENT



St. Xavier's College, Burdwan

A Jesuit Institution

(Affiliated to the University of Burdwan)

Internal Complaints Committee Policy

With a mindfulness being made by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, St. Xavier's College, Burdwan (SXCB) had shaped its own help advisory group to address any such offense or complaints with strict corrective activities which will be at standard with those issued in the Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 distributed in the Gazette of India, Extraordinary, PART II-Section 1 under the Legislative Department of Ministry of Law and Justice.

SXCB puts stock in sexual orientation correspondence and equity in the entirety of its mediations and practices. Remembering these standards, it is imperative to guarantee a hierarchical atmosphere that is free from separation with a specific spotlight on inappropriate behaviour. For this reason, the ICC has been framed in the College.

Objectives:

- Prohibition of any various leveled persecution practiced in view of sex imbalance that forbids scholarly or scholastic development.
- Prevention of sexual orientation one-sided disposition with regards to the settling of the viability of work dispensed inside working hours.
- Protection of the basic privileges of all.

Roles and Responsibilities:

- To assist ladies with realizing their rights of Freedom.
- To regard inappropriate behaviour as an offense and start reformatory activities for such wrongdoing.
- To help the distressed the person to put the grumbling.
- To protect the person who is exploited.

Types of Sexual Harassment:

- Any unwelcome lewd gestures, demands or interest for sexual favours, either unequivocally or verifiable, as an end-result of work, advancement, examination or assessment of a man towards any organization movement.

- Any unwelcome lewd gestures including verbal, non-verbal, or physical direct, for example, explicitly hued comments, jokes, letters, telephone calls, email, SMS, motions, demonstrating erotic entertainment, shocking gazes, physical contact or attack, stalking, sounds, show of pictures, signs, verbal or non-verbal correspondence which affronts the person's sensibilities and influences her/his execution.
- Entry into particular territories reserved for female workers and understudies, with the expectation to submit insidiousness and provocation.
- Eve teasing, allusions and insults, physical imprisonment without wanting to and interruption into one's protection.
- Act or direct by a man in power which makes an antagonistic situation at the work environment or scares the individual having a place with the other sex.

Sexual Harassment cases can be ordered into two categories:

1. Quid pro quo ("something for something" in Latin) – Under the compensation type of provocation, a man or expert, ordinarily the prevalent of the person in question, requests sexual favours for landing or keeping a position advantage and debilitates to terminate the representative if the conditions are not met.
2. Creation of a threatening workplace – An unfriendly workplace emerges when an associate or chief makes a workplace through a verbal or physical lead that meddles with a colleague's activity execution or makes a working environment air which is scary, threatening, hostile or embarrassing and an assault on close to home nobility. Inappropriate behaviour and misuse harm both, individual and Organizational Health.

If you are being harassed:

- Confront and influence the harasser to understand that you are vocal and can sue him.
- Say earnestly NO.
- Do not defer to put the protestation.

Rules and Procedures:

- I. All meetings of the Committee will be called by the Chairperson 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.

Procedure of Complaint:

All complaints must be brought by the complainant in person. Any bothered women would hold up the objection in composed and would submit it to the Committee shaped in the organisation. The Internal Committee may before starting the procedure of request find a way to determine the issue between the distressed lady and the respondent through mollification.

The following exceptions will be admitted:

- I. 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.
- II. 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.
- III. Complaints can be lodged directly with any member of the ICC, or through existing channels for lodging grievances, such as the SXCB administration, academic and non-academic staff association etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the Committee within two working days of its receipt by her/him.
- IV. 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.
- V. Suspension/ transfer of the alleged harasser from his official position can be considered during the pendency of the enquiry if his presence is likely to interfere with the enquiry.
- VI. The victim of sexual harassment will have the option to seek transfer of the perpetrator or her own transfer where applicable.
- VII. All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.
- VIII. 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.
- IX. 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.

Punishment:

1. Written apology
2. Bond of good behaviour

3. Gender sensitization
4. Counselling
5. Adverse remarks in the Confidential Report
6. Debarring from supervisory duties
7. Suspension
8. Denial of membership of statutory bodies
9. Denial of re-employment
10. Stopping of increments/promotion
11. Reverting, demotion
12. Transfer
13. Dismissal
14. Withdrawal of residential facilities and prohibition from entry on the campus etc.
15. Any other relevant mechanism.

Confidentiality:

The contents of the complaint, identity and address of the aggrieved woman, respondent and witness, information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the employer shall not be published, communicated, or made known to the public, press and media.

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St. Xavier's College, Burdwan

COMPLAINT OF SEXUAL HARASSMENT

Date of complaint:

Name of accused:

Date of occurrence of sexual harassment:

Nature of complaint:

- Unwanted touching/ grabbing/ holding/ pinching/rubbing up against.
- Blocking your path or cornering you.
- Assault
- Staring or targeting you with unreasonable attention
- Whistling or winking at you
- Indecent exposure/ stroking private parts/smacking lips
- Demanding or requesting for sexual favours as a condition for your employment/career progress/promotion
- Making sexually colored remarks derogatory statements/slurs/jokes of an inappropriate nature
- Showing pornography or obscene material
- Unwanted calls/messages
- Discussing your appearance/body
- Singing obscene songs.
- Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature.
- Other Give details

Is this a repeat offence? Yes/ No. If yes, give details:

Name of complainant:

Signature of complainant:



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