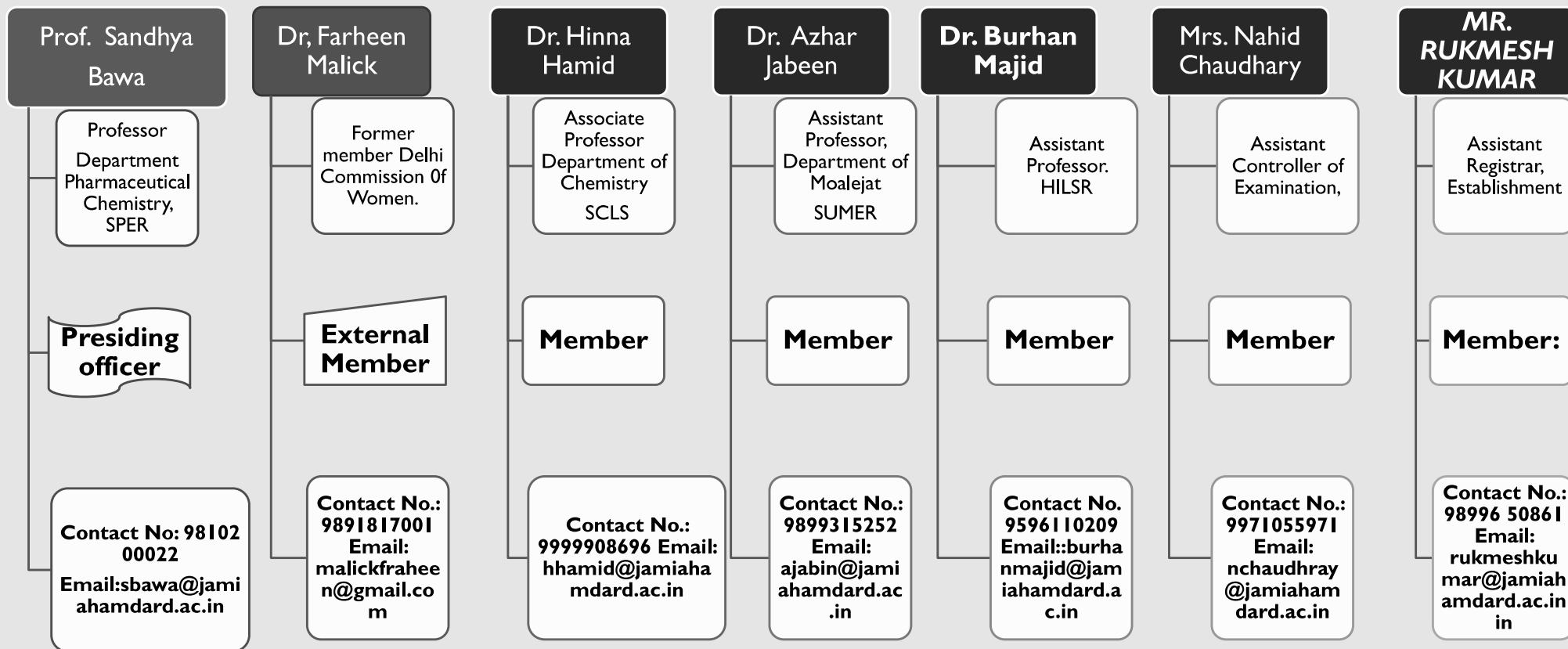


Internal Complaints
Committee (ICC)

Under UGC (Prevention,
Prohibition and Redressal
of Sexual Harassment of
Women Employees and
Students in Higher
Educational Institutions)
Regulations, 2015

Gazette notification of
MHRD dated 2nd May,
2016 under The Sexual
Harassment of Women at
Workplace (Prevention,
Prohibition and Redressal)
Act, 2013]

ICC, JAMIA HAMDARD



ICC, JAMIA HAMDARD

Student Members

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OBJECTS OF THE ACT



No one shall be subject to sexual harassment at any work place.
Prevention and redressal of complaints of sexual harassment.
Shifting accountability from individual to Institutions.
key obligation on the employer- PROHIBITION, PREVENTION AND REDRESS

Work place means campus

Location or the land on which a higher education Institute (HEI) and its related facilities are located

Departments, offices, branches, units, lecture halls, laboratories, libraries

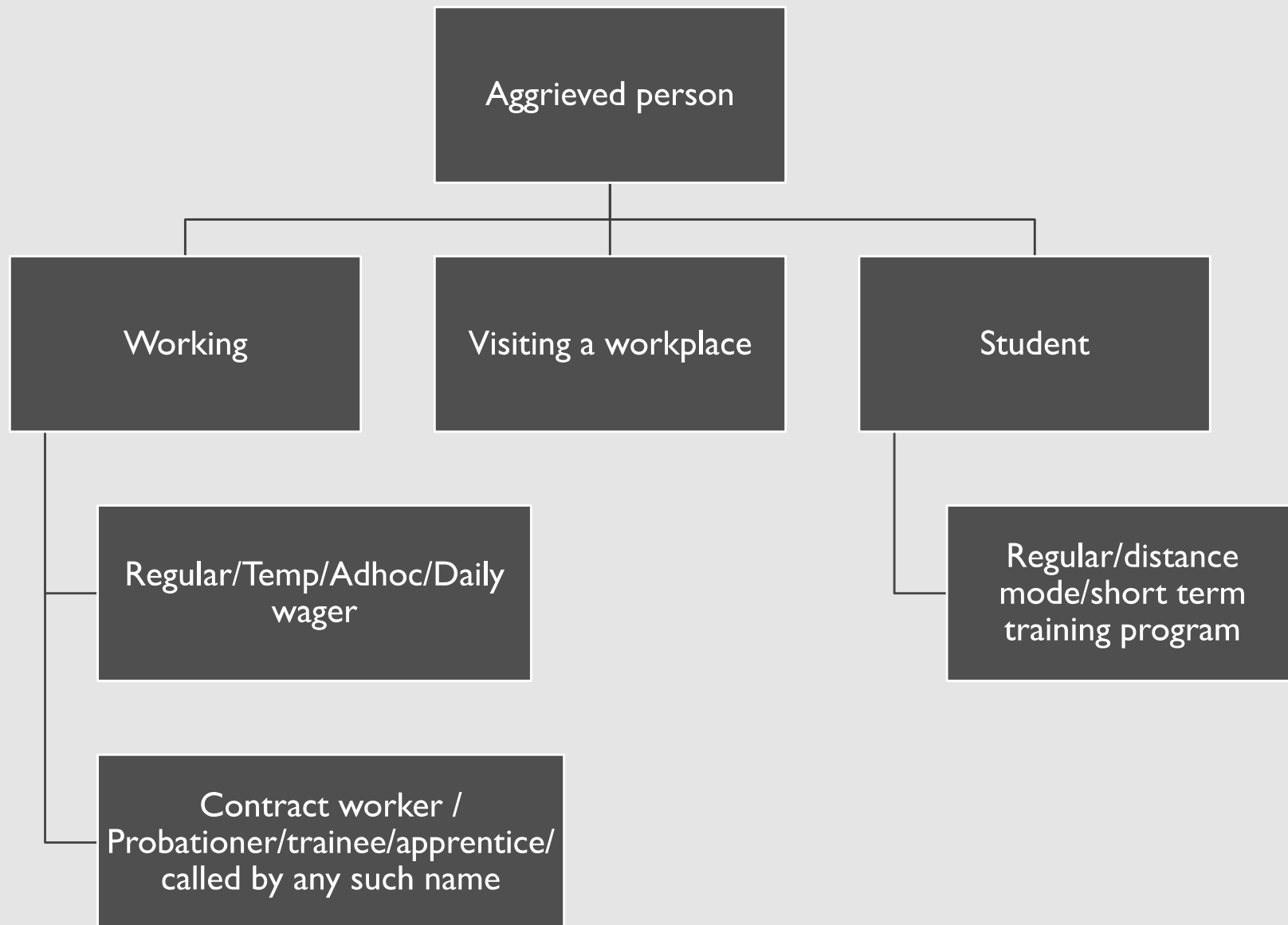
Student centres, toilets, halls, hostels, dining halls

Stadiums, sports complexes, parking areas, park like settings, health centres, canteens, bank counters

Extended campus

Any place visited outside the institution during employment or study including transportation provided

Field trips, internships, study tours, excursions, short-term placements, camps, cultural festivals, sports meets and other such activities



Sexual Harassment

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

- implied or explicit promise of preferential treatment as quid pro quo for sexual favours
- implied or explicit threat of detrimental treatment in the conduct of work
- implied or explicit threat about the present or future status of the person concerned
- creating an intimidating offensive or hostile learning environment
- humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned

And includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely

- any unwelcome physical, verbal or non verbal conduct of sexual nature
- demand or request for sexual favours
- making sexually coloured remarks
- physical contact and advances
- showing pornography

Responsibilities of the Higher Educational Institution (HEI)

Publicly notify the provisions against sexual harassment and ensure their wide dissemination

Organise training programmes ,workshops for the officers, functionaries, faculty and students to sensitize them

Act decisively against all gender based violence perpetrated against employees and students of all sexes

Publicly commit itself to a zero tolerance policy towards sexual harassment

Reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels

Display prominently at conspicuous places or notice boards the penalty and consequences of sexual harassment

Make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment

Constitute ICC

Inform employees and students of the recourse available to them if they are victims of sexual harassment

Be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law on its campus

Treat sexual harassment as a misconduct under service rules and initiate action if the perpetrator is an employee

Treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student

HEIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner.

All possible institutional resources must be given to the functioning of the ICC

Responsibilities of ICC



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

Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights

Minimize the need for purely punitive approaches that lead to further resentment alienation or violence

Protect the safety of the complainant by not divulging the person's identity

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

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

Ensure prohibition of retaliation or adverse action against a covered individual because of involvement in protected activity

Process of making complaint of sexual harassment

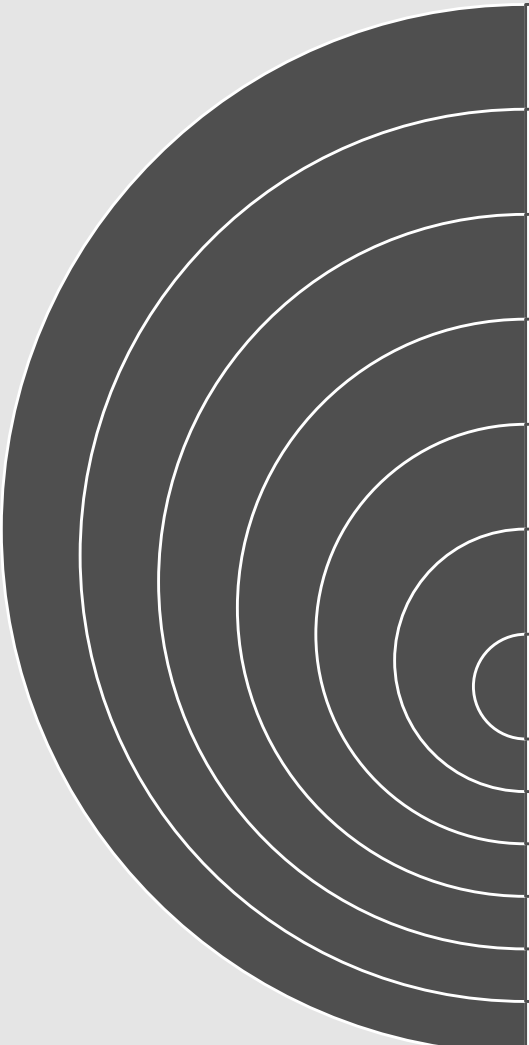
An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident using Form I

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.”

Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death

Conducting Inquiry



If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings.

If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken.

The Executive Authority shall proceed only after considering the reply or hearing the aggrieved person.

The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation.

The HEI shall facilitate a conciliation process through ICC, as the case may be, once it is sought.

The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely unitive intervention.

The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

Interim redressal

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graph TD; A[Interim redressal] --> B[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]; A --> C[Grant leave to the aggrieved with full protection of status and benefits for a period up to three months]; A --> D[Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant]; A --> E[Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus]; A --> F[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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Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, 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.

Punishment and compensation

Anyone found guilty of sexual harassment shall be punished in accordance with the service rules if the offender is an employee.

Where the respondent is a student, depending upon the severity of the offence, the HEI may

The aggrieved person is entitled to the payment of compensation.

The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of

Withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card

Suspend or restrict entry into the campus for a specific period

Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants; and

Award reformatory punishments like mandatory counselling and, or, performance of community services.

Mental trauma, pain, suffering and distress caused to the aggrieved person

The loss of career opportunity due to the incident of sexual harassment

The medical expenses incurred by the victim for physical, psychiatric treatment

The income and status of the alleged perpetrator and victim; and

The feasibility of such payment in lump sum or in installments.

Thankyou