

VASANTRAO NAIK MAHAVIDAYALAYA, Aurangabad

Internal Complaint Committee (ICC)

Women Cell

Guidelines for Sexual Harassment of women at workplace under Prevention,
Prohibition and Redressal Act, 2013.

Report of ICC Committee 2023-24

Code of conduct for workplace

Sexual harassment is a serious criminal offence, which can destroy human dignity and freedom. In an effort to promote the well being of all women employees at the work place the following code of conduct has been prescribed:-

1. It shall be the duty of the employer to prevent or deter the commission of any act of sexual harassment at the workplace.
2. Sexual harassment will include such unwelcome sexually determined behavior by any person either individually or in association with other persons or by any person in authority whether directly or by implication such as:
 - i. Eve-teasing
 - ii. Unsavory remark
 - iii. Jokes causing or likely to cause awkwardness or embarrassment
 - iv. Innuendos and taunts
 - v. Gender based insults or sexist remark
 - vi. Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like
 - vii. Touching or brushing against any part of the body and the like
 - viii. Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
 - ix. Forcible physical touch or molestation.
 - x. Physical confinement against one's will and any other act likely to violate one's privacy.

And also includes any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of career development or otherwise making the environment at the work place. Hostile or intimidating to a person belonging to the other sex, only on the ground of sex.

The mechanism for redressal of complaints and further Procedure to be followed for conducting enquiry by the Complaints Committee is as follows:

- (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at Work

place to the Internal Complaint Committee if so constituted, or the Local Committee, in case it is not so constituted.

(Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee or the Chairperson or any Member of the Local Committee,

as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.)

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

(3) If the complainant feels that she cannot disclose her identity for any particular reason the complainant shall address the complaint to the head of the organization and hand over the same

in person or in a sealed cover. Upon receipt of such complaint the head of the organization shall retain the original complaint with himself and send to the complaints committee as gist of the complaint containing all material and relevant details other than the name of the complainant and other details which might disclose the identity of the complainant.

(4) The Internal Committee or, as the case may be, may before Initiating inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

(5) Where a settlement has been arrived at under sub-section (1), the Internal Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer and a copy to the Local committee regarding action taken as specified in the recommendation.

(6) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

***Punishment for false or malicious complaint and False Evidence**

Where the Internal Committee of the Campus arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any 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 Competent authority, to take action against the woman or the person who has made the complaint under sub-section (2) of section 9, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed.

Disciplinary Action:

Where the conduct of an employee amounts to misconduct in employment as defined in the relevant service rules the employer should initiate appropriate disciplinary action in accordance with the relevant rules.

Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider the employer and the persons incharge shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Submission of Report's by Internal Complaint Committee:

(1) The Internal Committee shall in each calendar year prepare, in Prescribed form and prescribed time as may be prescribed, an annual report and submit the same to the employer

(2) The Institute shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of the Institute or where no such report is required to be prepared, intimate such a number of cases, if any, to the District Officer.

Constitution of Internal Complaints committees under Sexual Harassment of women at work place under (Prevention, Prohibition and Redressal Act, 2013).

Women's Cell was constituted in VNM with an objective of looking after the welfare of the women employees and students, to facilitate redressal of their grievances, to help maintain a harmonious atmosphere at campus and to enable women to pursue their work with dignity and reassurance

On 13th August 1997, the Supreme Court of India held that sexual harassment of women is a violation of the fundamental right of women to work in a safe environment. The Supreme Court has defined 'sexual harassment' to include: Any one or more of the following acts or behaviour (whether directly or by implication), namely:

- physical contact and advances;
- demand or request for sexual favours;
- Sexually oriented remarks
- Showing pornography
- Use of electronic media (phone, internet, intranet) for perpetrating any of the above
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- implied or explicit promise of preferential treatment in employment;
- implied or explicit threat of detrimental treatment in employment;
- implied or explicit threat about her present or future employment status;
- interference with her work or creating an intimidating or offensive or hostile work environment for her;
- humiliating treatment likely to affect her health or safety.

Often such behavior goes unpunished because of hesitation on the part of women to report such behaviour out of a sense of shame or fear or both. It is important for women to protest against any behaviour that they feel is unwanted and unacceptable. The ICC of VNM will shoulder the responsibility with the aim of providing women an appropriate complaint mechanism against unwelcome sexually determined behaviour whether directly or by implication.

The action can be taken against the offender by ICC VNM is as per the CCS (Conduct) Rules, 1964 and the Inquiry Report under the rules. In case, it has been proved that the offender has indulged in sexual harassment at the work place, appropriate disciplinary action would be taken against him. Where such conduct amounts to a specific offense under the

Indian Penal Code or under any other law, a complaint shall be filed with the appropriate authority for action to be taken in accordance with the law.

The Role of the Committee

- To act as Inquiry Authority on a complaint of sexual harassment.
- To ensure that complainant and witnesses are not victimized or discriminated because of their complaint.
- To take proactive measures towards sensitization of all those.
- The New Act of Parliament 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013' [SHWW (PPR) Act] has received the assent of the President of India and promulgated on 22nd April, 2013.
- In exercise of the powers conferred by Section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government notified Rules on 09th December, 2013.
- Office Memorandum was circulated by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) dtd 27th November 2014 on 'The Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013'.

The Bill defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges. Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees.

- The Complaints Committees have the powers of civil courts for gathering evidence.
- The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.

Internal Complaint Committee Annual Report 2023-24

Employees and Students and Redressal of Grievances in Technical Institutes) Regulations, 2016, the Internal Complaint Committee (ICC) has been reconstituted in vasantrao Naik Mahavidyalaya, Aurangabad Maharashtra once in the session 2022-23 The stakeholders of the current committee are as follows.

Dr. Jaishree Chamargore - Presiding Officer
Dr. Vikram Khilare. - Secretary
Dr. Sunita Rathod. - Member
Smt. Sonali Bhokare- Non teaching employee
Shri. Vijay Naik - Non teaching employee
Smt. Afsha waseemullah - Student Researcher
Adv. Pratibha Bharad - Member from social responsibility


PRINCIPAL
Vasantryao Naik Mahavidyalaya
Chhatrapati Sambhaji Maharaj

Ku. Mansi Kole - Student representative.

Issues /cases

In this academic year 2023-24 there is no case is reported to the committee .
Committee report was submitted to the competent authority. There are NO PENDING CASES at present.

II. Actions taken with reference to the office memorandum issued by U.5 Section,
Department of Higher Education, Ministry of Education, Govt. of India
(F.No.18-2/2022-U.5

Reporting of Sexual Harassment Complaints

Any aggrieved person who feels / presumes that he / she has been subject to sexual harassment by a person, including a supervisor, manager, employee of other organisation or vendor by way of any action or words should immediately report or complain the incident to the ICC as set forth below as the case may be or to any member of ICC within three months from the date of occurrence of the said incident and in case of a series of incidents within a period of three months from the date of the last incident. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior. If a Complaint cannot be made in writing, any member of the ICC as the case may be shall render all reasonable assistance to the aggrieved person for making the Complaint in writing.

8. What are the possible actions that can be taken against the respondent?

- Warning
- Written apology
- Bond of good behaviour
- Adverse remark in the Confidential Report
- Stopping of increments/promotion
- Suspension
- Dismissal
- Any other relevant actions

Complaint Mechanism

- A person who has been subject to Sexual Harassment may make in writing a Complaint given to sexual harassment at the workplace to the Committee within a period of three months from the date of incidence and in case of series of

incidences within a period of three months from the date of the last incidence. Provided that where such Complaint cannot be made in writing, the presiding Chairperson or any member of the ICC or the chairperson shall render all reasonable assistance to the Complainant for making the Complaint in writing. If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the Complaint within the said period they can extend the time limit not exceeding three months.

Confidentiality

- The company will do everything consistent with the enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondents are treated fairly. Information about individual Complaints and their disposition is
 - considered confidential and will be shared only on a "need to know" basis. However, the ICC
 - members and / or Employer shall not be held responsible under the present confidentiality clause in the event the Complaint is filed by a third party and / or material facts with regard to Complaint are already known to other persons / individuals. Further, once the Complaint is redressed by the ICC, as the case may be the Employee should share the information with all employees with regard to the filing, redressal and disposal of the Complaint in a fair and timely manner without disclosing name of the Complainant and Respondent.

Conciliation and Settlement

- Before initiating an inquiry, the ICC may, at the request of the aggrieved person, take steps to arrive at a settlement between the parties. However, no monetary settlement can be made as the basis of such conciliation (Sec. 10(1))

Inquiry process:

- A timely enquiry of Complaints of sexual harassment is of utmost importance. Normally, the enquiry shall be concluded and acted upon at the earliest from the date of the Complaint being made in writing.
- The ICC, as the case may be will conduct an enquiry and provide an opportunity to the Complainant as well as the Respondent to represent their case and explanations/ reasoning thereto.
- In the event any Complaint is received, the following procedure shall be followed by the ICC:
 - a) An enquiry is initiated through the members of ICC, as the case may be as advised by the Chairperson at the earliest after receiving the Complaint in writing / email.

- b) The enquiry seeking detailed information / explanation/ reasoning will be conducted with the complainant as well as Respondent independently by the ICC.
- c) The enquiry proceedings convened by ICC should always be minuted and / or video recorded and same to be saved and maintained for records by the ICC as the case may be. The proceedings of the enquiry (while the witness makes his/ her submission) should be recorded on camera.
- d) On submission of report the ICC shall consider the report at the earliest and, on being satisfied with the need, may order full enquiry into the Complaint.
- e) It is important to mention herein that the ICC on receipt of any Complaint from the Complainant should upfront seek his / her expectation from the ICC with regard to Complaint and the ICC should also brief the Complainant about the option of conciliation available to him / her with the Respondent, if so desired by the Complainant. However, once the enquiry is initiated the option of conciliation cease to exist.
- f) The ICC will study the findings and shall then proceed to deal with the Complaint by the Policy and the Act and redress the Complaint within ninety (90) days from the date of receipt of the Complaint and accordingly submit its detailed finding and advise in connection with the Complaint to the respective Employer, as the case may be.
- g) However, the ICC may close the enquiry and / or is not required to initiate same in the event the Complainant fails to appear before the ICC and / or fails to revert to the query(s) raised by the ICC for three consecutive events. The ICC shall record the reasons for the closure of the Complaint accordingly. Further, in the event, the Respondent deliberately avoids his / her appearance before the ICC, the employer or any person so appointed by the employer should direct / instruct the Respondent to appear before the ICC.
- h) Thereafter, the ICC will present the decision including the handover of all the collected material i.e. the duly signed statement of the Complainant, Respondent, witnesses, involved parties and material objects if any along with a recommendation to the HR head of the respective business.
- i) In the event that there are no eyewitnesses, the ICC may have to resolve a sexual harassment claim based on the credibility of a minimum of 9 members of the committee. Circumstantial evidence also would play an important role during the decision-making process by the Committee.
- j) The employer may seek clarification from the ICC on the recommendation and will implement the same.
- k) The final decision shall be communicated to the Complainant and the Respondent.

- I) An enquiry in connection with any Complaint may be initiated / continued irrespective of the fact that police proceeding has also been initiated in connection with the said Complaint.
- However, no monetary settlement shall be made as a basis of conciliation.

Procedure of Submission






- The enquiry Committee / Member/s of the Committee should be prepared to deal with the Complainant's embarrassment and anger by patiently, but firmly, explaining the detail and documentation that are needed
- The Complainant should be interviewed first, to ensure that all-important details and witnesses
- are identified promptly and if any material object is provided the same should be received, numbered and preserved.
- It is important for the ICC to be objective and non-judgmental and allow the Respondent to respond to each allegation. The ICC should inform the Respondent of the type of disciplinary action that may be taken if the Complaints are found to be true.
- Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
- In the event the Complainant has filed a Complaint against his / her reporting manager or any
- person placed high on hierarchy then during the course of enquiry the Complainant may:
 - a) Either seek a transfer;
 - b) Take leave from employment for a maximum period of 3 months.
- The Complainant should report any further incidents of harassment or retaliation during the continuance of enquiry.
- Witnesses should be told as little as possible about the details of the Complaint in order to maintain confidentiality under the Policy.


Conclusion

At vasantrao Naik Mahavidyalaya, Aurangabad we endeavor to provide a conducive and healthy work environment where the relationship amongst the employees as well as with the Employer are cordial and supporting in all aspects, so that each employee shall have an enriching experience. The objective of this policy is to ensure our employees that VNM Aurangabad is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

Action taken report

- 1) Organized awareness program about POSH amongst women working staff members & Girl students by displaying reading material about PoSH in students WhatsApp group, working women staff members whatsapp group (Savitrichya leki)
- 2) Display of posters about PoSH - implementing PoSH in Organization and institution , Types of sexual Harassment & board of committee members with mobile number so that if any victim she can contact with the any committee member for launch her complaint in fearless atmosphere.
- 3) Institution tried to create Zero tolerance for sexual harassment at the workplace on campus.

Presiding Officer	Dr. Jaishree Chamargore	Faculty of Vasantao Naik Mahavidyalaya .	Signature
Members	1) Dr. Vikram Khillare- 2) Dr. Sunita Rathod- 3) Mrs Sonali Bhokare- 4) Shri Vijay Naik- 5) Smt.Afsha Waseemullah 6) Mansi Kole	Faculty of vasantao Naik Mahavidyalaya Office staff of VNM Research student Students representative Students representative	    
Member from social responsibility	Adv .Prathibha Bharad	Representative - working as advocate at Aurangabad High Court	


PRINCIPAL
 Vasantao Naik Mahavidyalaya
 Chhatrapati Sambhajinagar