

TAU/CAO/R/Esst/ICC/136/2023

17-10-2023

INTERNAL COMPLAINTS COMMITTEE (ICC) FOR REDRESSAL OF SEXUAL HARRASSMENT GRIEVANCES

In Compliance with the University Grants Commission (UGC) (prevention, prohibition and redressal of Sexual Harassments of women employees and students in Higher Educational Institutions) regulations 2015, an **Internal Complaints Committee (ICC)** is Constituted.

ICC shall assure a healthy working environment for women employee & study atmosphere female students without any fear of prejudice, gender bias and sexual harassment. It enquires into any and all complaints on sexual harassment of women employees and student of TAU for redressal of grievances.

The Constitution Internal Complaints Committee (ICC),

1.	Dr.Hima Bindu .G.B	Associate Professor, SoT	Chairaman
2.	Dr.Shahanaz .D	Assistant Professor, SoM	Member
3.	Ms.Arya .M.B	Lecturer, SoHS	Member
4.	Dr.Nageswara Rao .B	Associate Professor, SoT	Member
5.	Dr.Haseena Shaik	Assistant Professor, SoHS	Convener
6.	NGO		To be Nominated
7.	KK. Nikita		Student of MBA
8.	Seelam Jagadish		Student of B.Tech

The ICC will take up all the complaints of the Sexual Harassment in nature from the staff and students of TAU.

The document on **TAU Policy on Prevention of Sexual Harassment (POSH)** and the highlights as per the Act and the process of Enquiry are attached.

The ICC Committee will conduct meetings as per the need and shall submit the minutes of the meeting to the Registrar,TAU for necessary action.


Prof. M. Potharaju
REGISTRAR

REGISTRAR
The Apollo University
Murukambattu,Chittoor-517127.A.P.

Copy to: all Members

Dean SoT/SoM/PD/HoD-SW/Psy/PC- BMS/GMB/Psy/HI&A/MPH with a request to circulate among the staff under your control

COO/SM-HR/Faci/Maint/SE-Stores/SSO/Exec-IT/M-Acc/Librarian/PET

Dean AIMS/Principal-ACON/ACOP

EA to VC/PA to R

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**TAU POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH)
AND
CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE (ICC)
FOR REDRESSAL OF SEXUAL HARRASSMENT GRIEVANCES**

Preamble:

Constitution of **INTERNAL COMPLAINTS COMMITTEE (ICC)** for redressal of sexual harassment grievances is mandatory as per THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 is mandatory for organizations and institutions, under the said act.

Generally the Act and the Committee under it is known as **POSH (prevention of Sexual Harassment) Committee**

Preamble to POSH in The Apollo University, Chittoor

The Apollo University, Chittoor, is committed to create:

- a healthy working environment & study atmosphere that enables employees to work and students to study without any fear of prejudice, gender bias and sexual harassment.
- All employees and students have the right to be treated with dignity. Sexual harassment at the work/study place is a grave offence and is, therefore, punishable.
- **In order to enquire into any and all complaints on act of sexual harassment in nature, TAU has constituted an Internal Complaints Committee (ICC).**

Scope of the policy:

- This policy extends to all employees of The Apollo University, Chittoor, and also to students studying at TAU.
- The policy for The Apollo University, Chittoor, is applicable at any location, not confining only to office/University premises and can also include a place away from the University town where the accused/victim was on deputation.

Reporting of Sexual Harassment:

- Any employee who feels that he or she is being sexually harassed may submit a complaint to the immediate senior of the accused/or Chairperson of ICC.
- In case of students, the complaint is to be submitted to the respective institution head in writing or to any member of the committee with his/her signature, immediately or within 10 days of occurrence of the incident. The complaint must include within it all necessary details with no omission of facts.
- The complaint will then be handed over to the committee which is responsible to address the issue of sexual harassment at MUJ.

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Pre-enquiry Process:

- Maintain a register to endorse the complaint received and keep the contents confidential.
- Chairman committee will hold a meeting with the victim as soon as possible but not later than three working days in any case, after receiving the complaint.
- The committee shall hear the complainant and record the statement and the victim can also submit any evidence with a documentary proof, oral or written material, to substantiate his/her complaint.
- The Respondent (accused) may be called before the committee and an opportunity will be given to him/her to give an explanation, where after, an “enquiry” shall be conducted and concluded.
- If the complaint does not fall under the purview of sexual harassment, the same would be dropped after recording the reasons thereof.
- All proceeding of the committee shall be recorded in writing and will have to be signed off by the chairperson, complainant and the accused and minutes of meeting will be placed before the Registrar for discussion in the Executive Committee.

Enquiry Process:

- The ICC shall immediately proceed with the enquiry.
- Prepare and hand over the statement of allegations to the accused and give him/her an opportunity to submit a written explanation within 3 days of receipt of the same.
- The complainant shall be provided with a copy of the written application provided by the accused.
- If the complainant or the accused desires to summon witness, they shall communicate in writing to the committee, the names of witnesses whom they propose to call.
- If the complainant or accused wishes to provide documents as evidence, he has to bring original copies of the same and sign on it to certify them to be original.
- The committee shall summon all witnesses by both parties and record their statements & provide every reasonable opportunity to both the parties to put forward their case and then a final enquiry copy shall be submitted to the university.
- If the victim desires to file a police complaint, it will be facilitated after counselling and seeking the university legal advisors’ opinion.
- If the complaint is made by any member of the Grievance committee, that member shall cease to be member of the committee till the complaint is disposed off by the committee. If the member is found guilty, the person shall be removed from the committee with immediate effect and the relevant procedures.
- If the offence is proved, TAU is liable to take appropriate disciplinary action against the accused, suggest rehabilitation measures for the If the victim desires to file a police complaint , it will be facilitated after counselling and seeking the university legal advisors’ opinion.
- If the complaint is made by any member of the Grievance committee, that member shall cease to be member of the committee till the complain is disposed off by the committee. If the member is found guilty, the person shall be removed from the committee with immediate effect and the relevant procedures.
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- If the offence is proved, MUJ is liable to take appropriate disciplinary action against the accused, suggest rehabilitation measures for the victim like medical assistance, counselling etc.
- To be completed within 90 days

Provision for Appeal:

If the accused or the victim finds the enquiry proceedings unsatisfactory/biased, he can appeal to the President of the University. The decision of the President is final and binding for both the parties.

Penalty and Punishment:

(a) For Employees:

- Written warning and caution
- Demotion
- Censure
- Withholding/stoppage of increment.
- Fines, not exceeding an amount equivalent to 7 days salary.
- Transfer or change of place of employment.
- Discharge/removal/dismissal.

(b) For Students:

- Warning/Caution/Censure.
- Stringent action against the student.
- Rustication.

Note:

Highlights of the sexual harassment of women at workplace (prevention, prohibition and redressal) act, 2013 is attached for reference.

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HIGHLIGHTS OF THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

Origin and The Act:

- Vishaka case, 1997 – Supreme Court defines ‘sexual harassment at workplace’ – Guidelines.
- Published in the Gazette of India notification on 23rd April 2013 as Act No. 14 of 2013 and brought into force on 9th December 2013.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 – An act to **prevent, prohibit** and **redress** sexual harassment of women at workplace.
- Termed as a violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and right to life and to live with dignity under Article 21 of the Constitution of India.

Meaning of Sexual Harassment

The definition of sexual harassment includes any unwelcome sexually determined behavior (whether directly or by implication) such as:

- (i) physical contact and advances;
- (ii) demand or request for sexual favors;
- (iii) sexual remarks;
- (iv) showing pornography, or;
- (v) any other welcome physical, verbal or non-verbal conduct of sexual nature.

The Act also states that:

- (i) The presence or occurrence of circumstances of preferential treatment in employment;
- (ii) threat of detrimental treatment in employment;
- (iii) threat about present or future employment;
- (iv) interference with work or creating an intimidating or offensive work environment; or
- (v) humiliating treatment likely to affect the lady employee’s health or safety may amount to sexual harassment when they occur in relation to sexual harassment.

“Aggrieved woman” means –

- (i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.

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- The Act is enacted by the Indian Parliament to provide protection against sexual harassment of women at workplace.
- Prevention and redressal of complaints of sexual harassment.
- It is termed as a violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and right to life and to live with dignity under Article 21 of the Constitution of India.

Applicability:

- The ambit of Sexual Harassment Act is wide and is applicable to private employers also.
- Covers both regular, temporary persons whether employed directly or indirectly and extend the protection to any woman at work places as defined.
- Work places include the places visited by employees during the course of employment or for reasons arising out of employment and the transportation provided by the employer.

INDIAN PENAL CODE:

The Criminal Law (Amendment) Act, 2013 is an Indian legislation passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, which provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offenses.

Employer has a responsible role :

- The SH Act mandates that the Employers should build awareness about the Act to prevent & prohibit sexual harassment through training / workshops / notices and constitute an Internal Complaints Committee (ICC) for redressal of grievances.
- Take action on misconduct, in accordance with services rules or as may be prescribed by the Committee
- Deduct from salary of respondent such sums payable to complainant, calculated as per Section 15 of the Act
- Employer to act on recommendation within 60 days

Manner of inquiry into complaint:

- The Complainant shall submit at least two copies of the complaint & supporting document, names, and addresses of witness to the Committee.
- The Internal Complaints Committee (ICC) must send the copy of complaint to the RESPONDENT within 07 working days.
- The respondent must file the response within 10 days along with supporting documents and witness details.
- Internal Complaints Committee (ICC) can make enquiry with the principle of justice

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- Internal Complaints Committee (ICC) shall have the right to terminate the enquiry or give ex-parte decision if Complainant or respondent remain absent for 03 consecutive hearings.
- Such Notice should be given 15 days in advance to the party concerned.
- Legal Practitioner is not allowed to represent any party during the enquiry.
- During the enquiry minimum 03 members of ICC including the Presiding Officer of Chairperson shall be present.