

TAU/CAO/R/Esst/ICC(Revised)/136/2023

18-10-2023

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	Chairperson
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. Nikitha		Student of BBA
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. The Tenure of the Internal Complaints Committee is of two years with effect from the date of Proceedings.


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/HI&A/MPH with a request to circulate among the staff under your control

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EA to VC/PA to R

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

Preamble:

Constitution of **INTERNAL COMPLAINTS COMMITTEE (ICC)** for redressal of sexual harassment grievances is mandatory as per University Grants Commission (UGC) (prevention, prohibition and redressal of Sexual Harassments of women employees and students in Higher Educational Institutions) (POSH) regulations 2015, for organizations and institutions, under the said act.

The Apollo University, Chittoor, is committed to create a healthy working environment & study atmosphere that enables women employees to work and students to study without any fear of prejudice, gender bias and sexual harassment.

All women 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 women employees and female students of TAU.
- This policy is applicable at any location, not confining only to office/ University premises and also includes a place away from the University town, where the accused/victim was on deputation.

Reporting of Sexual Harassment:

The ICC shall conduct the proceedings as per University Grants Commission (UGC) (prevention, prohibition and redressal of Sexual Harassments of women employees and students in Higher Educational Institutions) regulations 2015.

- Any employee who feels that she is being sexually harassed may submit a complaint to the Chairperson of ICC.
- In case of students, the complaint is to be submitted to the respective Dean in writing or to the Chairperson of ICC with her signature, immediately on occurrence of the incident. The complaint must include within it all necessary details with no omission of facts.
- The complaint will then be put up before the committee to address the issue.

Pre-enquiry Process:

- Maintain a register to endorse the complaint received and keep the contents confidential.

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- The Chairperson 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 her complaint.
- The Respondent (accused) may be called before the committee and an opportunity will be given to the accused to give an explanation, thereafter, 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.

Enquiry Process:

- In case if the committee felt that the case falls under the purview of this committee, the ICC shall immediately recommend to the Registrar for suspension of the accused pending enquiry.
- Prepare and hand over the statement of allegations to the accused and give 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 explanation 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, they have 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 report shall be submitted to the Registrar.
- If the offence is proved, TAU is liable to take appropriate disciplinary action against the accused.
- If the complaint is made on any member of the ICC, 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. The accused shall face the enquiry following the same procedure.
- If the victim desires to file a police complaint, it will be facilitated after counselling and seeking the university legal advisors' opinion.
- The process of enquiry shall be completed within 90 days

Provision for Appeal:

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

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Penalty and Punishment:

(a) For Employees:

- Memo
- Suspension
- Stoppage of increment
- Transfer of place of employment
- Demotion
- Dismissal.

(b) For Students:

- Warning/Caution
- Suspension
- Rustication

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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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Objectives of the Act:

- 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 offences.

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.