



Shiv Nadar Institution of Eminence (SNIoE) Deemed to be University

INTERNAL COMPLAINTS COMMITTEE POLICY DOCUMENT

POLICY STATEMENT:

Shiv Nadar Institution of Eminence Deemed to be University, Delhi-NCR is committed to providing a place of work and study free of gender and sexual harassment, intimidation, discrimination or exploitation. The emphasis of the Policy is on gender sensitization, and equitable, accountable and representative process of resolution and redressal in case of sexual harassment complaints, and it strives to create a gender inclusive culture on campus.

The University is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this Policy is not intended to stifle teaching methods or freedom of expression. Sexual harassment, however, is never an exercise of academic freedom or freedom of expression. It compromises the integrity of the University and its traditions of intellectual freedom, and it also violates the principle of Equality and dignity of all its members.

It is expected that all students, faculty and staff, as well as part-time and contractual workers will treat one another and visitors to the University with respect. All members of the University community, including those who are in temporary or short-term positions, as well as visitors on campus are subject to this policy. Anyone violating this policy is subject to disciplinary action.

The responsibility for promoting and implementing this policy has been vested with the University's Internal Complaints Committee (i.e. ICC, also known as the Gender Committee and formally known as the Committee on Sensitization of Gender, Prevention and Redressal of Sexual Harassment i.e. CSG). This document describes the role and constitution of the ICC, as well as the procedures for seeking redressal of sexual harassment.

1. **Objectives:**

This policy aims to prevent and address all types of sexual harassment and provides a clear process for handling complaints. It follows the guidelines of the "Sexual Harassment of Women at Workplace Act, 2013" and the "UGC Regulations, 2015" for preventing sexual harassment in higher education institutions, customized to fit the needs of our university.

2. **Applicability:**

This policy applies to all students, faculty, academic and administrative staff, interns, research scholars, contract workers, and anyone associated with the University, covering any instance of sexual harassment that occurs on campus, in hostels, during university events, or in any off-campus university-related activities, including online platforms.

3. **Definitions:**

Following terms may be defined as follows:

- a. **"Act"** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).

- b. “Complainant” means an individual who alleges that sexual harassment under the present policy has taken place, and wishes to access the mechanism under this policy.

- c. “Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name; employee also includes, for the purpose of this Policy trainee, apprentice (or called by any other name), interns, volunteers, teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

- d. “Executive Authority” means the Vice Chancellor in which the general administration of the university is vested.

- e. “Sexual Harassment” means 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. This includes, but is not limited to:
 - i. Unwelcome physical, verbal, or non-verbal conduct of a sexual nature
 - ii. Demands or requests for sexual favors

- iii. Sexually colored remarks
- iv. Physical contact or advances
- v. Showing pornography
- vi. Stalking, including cyberstalking

Sexual harassment also covers situations (but not limited to) where any of the following occur in connection with sexual advances:

- i. Implied or explicit promises of preferential treatment in exchange for sexual favors;
 - ii. Implied or explicit threats of negative treatment or consequences;
 - iii. Creation of an intimidating, offensive, or hostile learning environment;
 - iv. Humiliating treatment affecting health, safety, dignity, or integrity.
- f. “Workplace” extends to all public spheres that remain in contact with members of the University community. Such public spaces include not just the physical premises under the supervision of the University system, but even areas where University members reside or travel to as part of their work as members of the University. The jurisdiction includes field trips, sports tournaments, conferences, festivals and all other activities undertaken by any person as a member of the University.
- g. “Student” means a person duly admitted and pursuing a program of study either through regular mode or distance mode, including short-term training programs in the university. For the purposes of this policy any student who is in the process of taking admission, although

not yet admitted, shall be treated as a student of SNI, if any sexual harassment takes place against such student.

- h. “Third Party Harassment” refers to the situation where a sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the SNIOE, but a visitor in some other capacity or for some other reason;
- i. “Victimization” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- j. “Consent” means clearly agreeing to something willingly, by saying or showing that you’re okay with it. It must be given freely, for a specific action, and with a clear understanding of what it involves. You can take back or change your mind about consent at any time. In situations where one person has more power than the other, the person with less power might feel pressured to agree. Being in a relationship doesn't mean there’s automatic consent for everything, forever. Consent still needs to be requested for each action, at each time

4. Policy Guidelines:

a. What to Do-

- i. Know your rights - Sexual harassment is illegal, both the law of the land and SNIOE, Delhi-NCR prohibit sexual harassment.
- ii. Speak up - If you can, tell the person to stop. State clearly and firmly that you want a particular behavior to cease. Get

- information and support. If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the University.
- iii. Keep records that might be useful for pursuing the case.

b. What not to do

- i. Do not blame yourself. Sexual harassment is not something one brings on oneself. It is not a consequence of certain ways of dressing or acting. It is a violation of an individual's right to work and live with dignity.
 - ii. Do not ignore it. Ignoring sexual harassment does not make it go away. The harasser may misinterpret a lack of response as approval of the behavior.
 - iii. Avoid any delay. Delay in action increases the probability that unwanted behavior will continue or escalate.
 - iv. Do not hesitate to ask for help. Speaking up may prevent others from being harmed as well.
- c. Determining what constitutes sexual harassment depends upon the specific facts and context in which the conduct occurs. Sexual harassment may take many forms - subtle and indirect, or blatant and overt. Some examples are listed below for reference purpose only:
- i. It may be conduct towards an individual of the opposite sex or the same sex.
 - ii. It may occur between peers or between individuals in a hierarchical relationship.
 - iii. It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.

- iv. It may consist of repeated actions or may even arise from a single incident.
- d. An implicit inducement or fear component exists even in relationships or consensual sexual advances between a student and a member of the faculty (or staff). Any such situation presents unequal relations and any consent given in such relationships is shadowed by pressure. Relationships like these are strictly prohibited by the university.
- e. Reports of sexual harassment are taken seriously and will be dealt with promptly by the Internal Complaints Committee (ICC). The specific action taken in any particular case will depend on the facts of the reported complaint.

5. Constitution of the ICC

- a. The CSG was constituted by the Vice-Chancellor in July 2012. Thereafter, the CSG was renamed as the Internal Complaints Committee ('ICC'). SNIoE shall annually notify the names and contact details of the members of the ICC. The Composition of ICC should be as follows:
 - i. A woman faculty member, not below the level of Professor, in the role of Chairperson or Presiding Officer nominated by the Executive Authority.
Provided that in case a tenured woman faculty is not available, the Chairperson shall be nominated from other offices or administrative units of the workplace as referred to in Clause 2 (f) of Sexual Harassment of Women at Workplace Act, 2013.

- ii. A Member Secretary will be appointed for a term of three years.
 - iii. Minimum three faculty members as nominated by the Executive Authority.
 - iv. Minimum two staff representatives as nominated by the Executive Authority.
 - v. A minimum of three student representatives, one each at the undergraduate level (ensuring one representative of the third/transgender/ queer community), the master's and research scholar streams respectively, to be selected through interactions/ association with the ICC and appointed by the Executive Authority.
 - vi. One or two external members from amongst either a lawyer or a member of non-governmental organizations or a member of women's organization or social association, or a person familiar with the issues relating to the sexual harassment, as nominated by the Executive Authority.
-
- b. At least half of the total members of the ICC shall be women.
 - c. Anyone in a senior administrative position such as the Pro-Chancellor, Vice-Chancellor, Registrar, Deans, and Heads of Departments etc. will not be members of the ICC.
 - d. The ICC will have a panel of transcribers, and the University shall bear the cost of transcription of all proceedings.
 - e. The external member(s) from among lawyers, NGOs or women's organizations will be paid adequate allowance for holding the proceedings of the ICC. Transport to the University and back will also be arranged for the external members, as required.
 - f. All members/ transcribers sign a legally binding Non-Disclosure Agreement to maintain the confidentiality of all proceedings.

6. Terms of Office

The selection and terms of the members shall be as follows:

- a. The term of each member shall be for three years.
- b. The term of office for the member secretary will be maximum for three years.
- c. One-third of the members of the ICC may change annually.

7. Responsibility of the University:

- a. To provide fair process and principles of natural justice to be followed.
- b. To ensure the complainant's safety by keeping their identity a secret, to offer mandatory relief in the form of approved leave, a relaxation of the attendance requirement, or a transfer to a different department or supervisor as needed while the complaint is pending, or to arrange for the offender's transfer.
- c. Work to prevent victimization or discrimination against witnesses or victims when handling sexual harassment accusations.
- d. To include in its prospectus and display prominently at conspicuous places or notice boards the penalty and consequences of sexual harassment and make all selections of the institutional community aware of the information on the mechanism, contact details of ICC and so on.

8. Complaints

- a. The Committee also has the power to take suo motu notice of incidents of sexual harassment that comes to its notice, where no formal complaint has been made. In such cases, the Committee may institute a suo motu complaint and conduct an enquiry calling forth such witnesses as it deems fit.
- b. Reprisals against an individual who in good faith reports, or provides information in an investigation, about behavior that may violate this Policy, are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

9. Filing of Complaint:

- a. Any member of the University may contact the ICC to understand the process and determine if their concerns fall within its scope.
- b. Any member of the University can approach the ICC with a complaint, preferably in writing, within three months of the date of the incident(s). The Investigation Committee Chair will ask the complainant to complete the SNIoE complaint form (see Annexure 1) and will aid as needed.
- c. If the complaint cannot be made in writing, the Chair of ICC or any Member of the ICC whom the Complainant has approached will provide reasonable support to the person for making the complaint in writing.
- d. In case of any delay in approaching the ICC or giving a written complaint, beyond the stipulated three months, the ICC will discuss the reasons that prevented the Complainant from filing a complaint

within the time limit and may waive the three-month limitation giving reasons for the same in writing.

- e. 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.

10. Proceedings

- a. On receipt of the complaint, falling under the purview of gender and sexual harassment, the ICC Chairperson will constitute an Inquiry Committee (IC), comprising of odd number of members, from among its members to review, investigate and recommend action regarding the said complaint.
- b. The ICC Chair will place the Defendant under a Restraining Order. The Complainant will also be asked to refrain from discussing the case in any forum whatsoever. The Complainant might also be asked to adhere to certain protocols necessary to maintain confidentiality of the proceedings and ensuring fair hearings
- c. The ICC Chair along with the IC Chair will conduct a meeting with the Complainant and the Defendant informing them about the rules and norms of the Inquiry or ICC processes.

11. Conciliation

The IC, may, before initiating an inquiry, and at the request of the Complainant take steps to settle the matter through conciliation. No monetary settlement can be made as a basis of conciliation. Where such a settlement is arrived at, the IC is required to record the settlement and forward it to the Executive Authority to take the action specified in the

recommendation and send copies of the settlement to the Complainant and the defendant. On arrival at a settlement, no further inquiry is to be conducted in the matter by the IC.

If the Complainant is unable to agree on the proceeding/result of the Conciliation or if the Complainant feels that the terms of settlement are not being complied with by the Defendant or the Executive Authority, the Complainant can make a written request to IC to conduct further investigations.

12. Inquiry Into the Complaint

a. Inquiry Committee:

- i. The ICC's Inquiry Committee will be specifically constituted for each case and will follow the ICC rules and norms.
- ii. The Inquiry Committee will have at least three members, of whom at least two members will be women, and the Chief Inquiry Officer or Chair of the Inquiry Committee will be a woman. In case the proceedings involve only male members then the Chair of the IC will be male.
- iii. At least one of the members will be from the student representatives in the ICC if the complaint involves a student.
- iv. At least one of the members will be from the staff representatives in the ICC if the complaint involves a staff member.
- v. The ICC will maintain anonymity during the proceedings of a case, keeping the name(s) and identity of the Complainant(s) and Defendant(s) and all Witnesses strictly within the members of the ICC.

b. Inquiry Process:

- i. Upon receiving a complaint, the ICC will provide a copy to the defendant within 7 days of receipt of the Complaint.
- ii. Upon receiving the case information and the copy of the complaint from the Inquiry Committee, the Defendant will acknowledge receipt within 24 hours. The Defendant will then file his or her written reply to the Inquiry Committee, along with a list of documents, names and addresses of witnesses in the Defendant Response Form (Annexure) within ten days.
- iii. The ICC will organize the hearings, giving a fair hearing to both the Complainant and the Defendant. However, during the inquiry the Complainant and the Defendant will not be brought face-to-face, or any situation be avoided which may risk bringing the Complainant and Defendant face to face.
- iv. It must be ensured that victim(s) or witness(s) is not victimized or discriminated against while dealing with complaints of sexual harassments. The past sexual history of the Complainant shall be deemed irrelevant and shall not be brought up during the Inquiry.
- v. Besides the witnesses named by both parties, ICC may call any other person as independent witness. The ICC may also requisition any official documents, records, or other pertinent materials related to the Complainant and Defendant, including any records, footage, or documentation of the alleged incident's location(s), as deemed necessary to the inquiry.
- vi. Following the hearing, the Complainant and the Defendant shall have the right to examine each other's deposition transcripts, excluding witness identities and witness transcripts, which will

be made available within ten days of the final hearing. Both parties are given 5 days to respond to the IC Chair with clarifications or specific questions (if any) based on the transcripts.

- vii. The ICC will mediate cross-examination between the Complainant, Defendant and witness(es) through the Gender Officer. Parties shall be provided with an opportunity to clarify or question any allegations/contention raised against/concerning them. All questions needs to be documented.
- viii. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statements of witnesses shall be endorsed and authenticated by the persons concerned as well as by the members of ICC present in that meeting.
- ix. An ex-parte decision may be given if complainant or defendant is absent for 3 consecutive hearings, without reason. Seven days written notice may be given to the party, before passing an ex-parte order.
- x. The inquiry by the ICC must be completed within a period of ninety days from the receipt of the complaint. On concluding the Inquiry, the IC Chair shall submit a detailed report to the Chair of the ICC (all names anonymous). In case the defendant is found guilty, the nature of disciplinary action shall be recommended by IC Chair.
- xi. Within three working days of the receipt of the final report of the Inquiry Committee, the Chair of the ICC shall convene an emergency meeting of the ICC. Each member of the ICC may access the full report of the Inquiry Committee.
- xii. ICC must ensure that the identity of complainant as well as defendant is kept confidential. Any breach of confidentiality by

individuals entrusted with handling the complaint, inquiry, or appeal shall be deemed a serious violation and will result in disciplinary action against the offending person, as determined by the University or the relevant authority.

- xiii. If the report is accepted by the ICC, the Chair of the Inquiry Committee will submit the report to the Executive Authority. The final report has to be submitted to the Executive Authority within ten days of the completion of the inquiry report, as accessed by all the ICC members. In case of Faculty vs Faculty cases and Faculty vs Staff cases, Student members may not have access to the report.
- xiv. The recommendations made by the IC will also be sent to the Complainant and Defendant at the same time.
- xv. The Complainant or the Defendant may file an appeal against the recommendations of the ICC to the Executive Authority within thirty working days from the date of receipt of the findings or recommendations. The Executive Authority may also constitute an appropriate committee to oversee the appeal in the event of the Defendant or the Complainant filing one.
- xvi. The Executive Authority will act on the recommendations of the ICC within a period of thirty working days from the date of receiving the final report with the recommendations.
- xvii. The Vice-Chancellor shall forward the Chair's final report submission to the appropriate university authorities, who will if needed, meet with the ICC to discuss and facilitate implementation of the recommendations. At least three members of the Inquiry Committee must be present in this meeting.

13. Appeal Committee

- i. The Executive Authority shall constitute an Appeals Committee within ten days of the commencement of these Regulations.
- ii. The appeal should be made in writing through email to the Vice Chancellor within 30 days after the decision is communicated in writing to the aggrieved party or defendant as the case may be.
- iii. The Appeals Committee shall dispose the appeal at the earliest and no later than 90 days from the receipt of appeal.
- iv. The ICC becomes 'functus officio' after the submission of its decision on the complaint in hand. The Appeals Committee shall consist of members independent of the ICC.

14. Penalties

Disciplinary action against a person found guilty of sexual harassment may take various forms. An indicative list is provided below:

- a. Penalties for Faculty Members:
 - i. Warning or censure
 - ii. Withholding of increments
 - iii. Removal from an administrative position
 - iv. Disbarment from holding an administrative position
 - v. Suspension from service
 - vi. Compulsory retirement
 - vii. Dismissal from service

- b. Penalties for Administrative Staff
 - i. Warning or censure

- ii. Withholding of increments
 - iii. Transfer
 - iv. Suspension from service
 - v. Compulsory retirement
 - vi. Dismissal from service
- c. Penalties for Students
- i. Warning or censure
 - ii. Denial of an official character certificate from the university
 - iii. Rustication from the University for one or two semesters
 - iv. Expulsion from the university
 - v. Bar on future admission to the University
 - vi. Withholding of a degree awarded by the university
 - vii. Bar on representing the University in any conference, course, competition, academic, cultural, sports or otherwise, exchange program, or any other co- curricular activities
- d. Penalties for Third Party
- i. Bar from entering the SNIOE campus
 - ii. Withdrawal of certificate or reward for successful completion of or participation in any conference, seminar, program or competition organized by the University.
 - iii. ICC shall inform the Institution or Employer of the Third Party in such cases of the details of the complaint and the penalty imposed.
- e. If the defendant is a repeated offender, the University shall take cognizance of this in deciding on the nature and quantum of punishment.

- f. Mandatory handwritten apology from the guilty party to the victim as a penalty.
- g. Mandatory Gender Sensitization trainings and workshops for all the parties involved when found guilty of any form of sexual harassment.

15. False, Frivolous or Vexatious Complaints

The ICC and the Executive Authority will take necessary measures to ensure that the provisions for the protection of employees and students from sexual harassment are not abused. During gender sensitization sessions, the ICC will clearly state that false or malicious complaints will result in disciplinary action. Any allegation found to be false or malicious, or any complaint or witness statement submitted with knowledge that it is untrue, fabricated, or misleading, will be subject to penalties as outlined under Clause 14.

If the ICC determines that the complaint or allegations against the defendant are unjustified, it may advise the Executive Authority that no action is required.

16. FACILITATORS

- i. The University may appoint facilitators to assist it in the implementation of the UGC Regulations. At the commencement of each academic year, the University may call for volunteers from amongst students to be “Facilitators”.
- ii. A minimum of fifty per cent of the Facilitators shall be women.
- iii. The Facilitators shall hold office for a period of one year.

- iv. The Facilitators shall act as support system for the complainant and take necessary steps to reduce the victimisation of the complainant.
- v. The Facilitators can be removed from the post if he/she acts in contravention of the UGC guidelines or if sexual harassment complaint is lodged against them.

17. Annual Report:

The Internal Complaints Committee shall submit to the SDM, an Annual Report.

The Report must contain the following details:

- a. Number of complaints of sexual harassment received in the year,
- b. Number of complaints disposed during the year,
- c. Number of cases pending for more than 90 days,
- d. Nature of actions recommended.

18. Revision and Amendment

SNOIE reserves its right to amend the Policy from time to time in order to comply with any laws / rules / regulations that come into effect from time to time, related to Sexual Harassment.

After a period of five years the regulations/policies shall be reviewed and revised.

19. Interpretation

Any issue not expressly addressed by the aforementioned policies will be forwarded to the Executive Council for the required advice. The University

is exclusively responsible for interpreting this policy. The University's judgment shall be final and binding and enforceable.

ANNEXURE

SNIoE Response Form

I. Name of Complainant:

E-Mail Address of
Complainant: Designation
of Complainant:

II. Name (s) of Defendant (s):

E-Mail Address of Defendant (s):
Contact No of
Defendant(s): Designation
of Defendant (s):

III. Witnesses:

A. Name:

Designation:
e-mail Address:
Contact no:

B. Name:

Designation:
e-mail Address:
Contact:

C. Name:

Designation:
e-mail Address:

D. Name:

Designation:
e-mail Address:
Contact No:

E. Name:

Designation:
e-mail Address:
Contact No:

IV. Supporting Documents (if any) (list and attach):