

**Apex Manual**

Doc No.: AM11F

Internal Women Caring Cell (IWCC) Policy

Issue No.: 2

**1.0 PURPOSE**

Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances.

**2.0 REFERENCE**

All India Council for Technical Education Part III, Section IV (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 vide No. F.AICTE/WH/2016/01 dated 10th June, 2016 - Establishment of Internal Complaint Committee (ICC).

**3.0 RESPONSIBILITY**

- A. Principal
- B. Internal Women Caring Cell (IWCC)

**4.0 DESCRIPTION**

a) In the year 2013, the Government of India has enacted an act "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act," to provide protection against sexual harassment of women at the workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto.

b) The ACT emphasizes "It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps to require."

c) The institution has established Internal Women Caring Cell (IWCC) to act as the "Internal Complaints Committee" (ICC) and Gender Sensitization Committee Against Sexual Harassment (GSCASH).

**4.1 Sexual harassment**

As per the said ACT and also as per the Vishaka Guidelines against sexual harassment at the workplace includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely.

a) An unwanted conduct with sexual undertones which is persistent and demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by

Rev. No.: 00

Rev. Date: 06.01.2021

Page 1 of 4



**Apex Manual**

Doc No.: AM11F

Internal Women Caring Cell (IWCC) Policy

Issue No.: 2

actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely;

- i. Any unwelcome physical, verbal or non-verbal conduct of sexual nature.
- ii. Demand or request for sexual favours.
- iii. Making sexually coloured remarks.
- iv. Physical contact and advances; or
- v. Showing pornography; and

b) Anyone (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

- i. Implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- ii. Implied or explicit threat of detrimental treatment in the conduct of work.
- iii. Implied or explicit threat about the present or future status of the person concerned.
- iv. Creating an intimidating offensive or hostile learning environment.
- v. Humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned.

**4.2 Responsibility of IWCC**

a) The duty of the IWCC is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment against an erring person. Committee members need to be sensitive to the issue and not let personal biases and prejudices.

b) Also, the IWCC will take and consider effectively preventive, gender sensitization and remedial measures in the context of Act and guidelines.

- i. Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- ii. Protect the safety of the complainant by not divulging the person's identity, and 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;
- iii. Ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and

Rev. No.: 00

Rev. Date: 06.01.2021

Page 2 of 4





**Apex Manual**

Doc No.: AM11F

Internal Women Caring Cell (IWCC) Policy

Issue No.: 2

- iv. Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

**4.3 Composition of Internal Women Caring Cell**

- (a) A Presiding Officer / Chairman who shall be a woman faculty member employed at a senior level (Professor / Associate Professor) at the institution, nominated by the Executive Authority;
- (b) Two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
- (c) Three students (comprising of atleast one girl student) of Pre-Final / Final year at Undergraduate.
- (d) One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.
- e) At least one-half of the total members of the ICC shall be women.
- f) Persons in senior positions such as Chairman, Secretary of the Society & Principal / Director etc. shall not be the members of IWCC in order to ensure autonomy of their functioning.

**4.4 Complaint Procedure, Inquiry Process, and Disciplinary Action:**

- a) The aggrieved student shall file her grievance/complaint by email or to the IWCC Chairperson / any members available in the IWCC cabin exclusively available in the academic block (or) If she wishes to hand over the complaint directly to the principal is also permitted.
- b) The Complainant fall under the jurisdiction of IWCC whrn any female student or woman employee file a complaint concerning sexual harassment against the complaineer well within its jurisdiction. All complaints in writing duly signed by the complainant will only be accepted. 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.
- c) The identity of the complainant shall be kept confidential and shall be afforded full secrecy at each stage. 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.

Rev. No.: 00

Rev. Date: 06.01.2021

Page 3 of 4





**Apex Manual**

Doc No.: AM11F

Internal Women Caring Cell (IWCC) Policy

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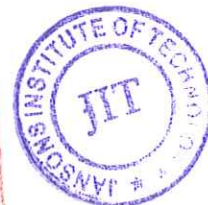
- d) IWCC will meet within a period of 3 working days from the date of receipt of complaint and conduct a fact finding enquiry and send one copy of the complaint to the respondent within a period of seven days of such receipt.
- e) The respondent shall file his or her reply to the complaint along with the list of documents and names and addresses of witnesses within a period of ten days. IWCC shall provide fair opportunity and conduct the oral hearing of the complainant, the erred person and witnesses separately. Others, in any manner, are not allowed during the oral hearing.
- f) The complainant may withdraw her complaint in writing at any time during the inquiry process. On receipt of it, the IWCC shall establish the reasons for withdrawal of the complaint and record the same in writing and get it countersigned by the complainant. The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority.
- g) IWCC based on the nature of the complaint and findings from inquiry shall recommend disciplinary action which may any of the following viz., such as Warning, Written apology, Bond of good behavior, Debarring from teaching duties or duties as a guide, or examiner or as a resource person, Denial of membership of statutory bodies, Stopping of increments/promotion, Suspension, To proceed on Leave, Dismissal or any other relevant mechanism., to the Chairman. The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation.
- h) On approval of the Chairman in the context of Redressal, the recommended disciplinary action will be implemented with immediate effect. An appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority / Principal of the within a period of thirty days from the date of the recommendations.
- i) To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints are made. If the committee concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punishment.

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Rev. No.: 00

Rev. Date: 06.01.2021

Page 4 of 4



  
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