

Internal Complaints Committee (ICC)
Central University of Punjab

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the following Internal Complaints Committee (ICC) has been constituted in the University:

1. Prof. Anjana Munshi – Presiding Officer
2. Ms. Veenu Gopal – External Member
3. Prof. Monisha Dhiman – Member
4. Dr. Vipin Pal Singh – Member
5. Dr. Lakhvir Kaur Lezia – Member
6. Dr. Prachi Srivastava – Member
7. Ms. Usha Sharma – Member Secretary

The ICC-CUP has adopted the following procedure for determining complaints filed to the constituted under the Act. The procedure complies with the basic principles of natural justice and fair play.

1. The aggrieved female (student/employee) may submit **7 copies** of the written complaint to the ICC.

2. The complaint must be filed within a period of **3 months** from the date of incident. In case of a series of incidents, within a period of three months from the date of last incident.
3. The complaint must be submitted along with list of witnesses and supporting documents. Additional documents and list of witnesses may also be submitted to ICC at a later stage during the proceeding.
4. Provided that where such complaint cannot be made in writing, the Presiding Officer/ any other member of the ICC shall render all reasonable assistance to the female student/employee for making the complaint in writing.
5. Provided further that the ICC for the reasons to be recorded in writing, **can extend the time limit not exceeding 3 months**, if it is satisfied that the circumstances were such which prevented the female student/employee from filing a complaint within the said period.
6. After receipt of a complaint, a meeting should be called for discussing the matter **within 3 days** of its receipt.
7. The ICC shall discuss and decide on its jurisdiction to **deal** with the case **or reject** the complaint prima facie and recommend to the University that no action is required to be taken in the matter.

8. The ICC, shall, upon receipt of the complaint, send one copy of complaint to the respondent within **7 working days** of receipt of the complaint and **10 working days** shall be given for submission of reply (along with the list of witnesses and documents).
9. The ICC will provide **assistance** to the aggrieved student/employee, if she so chooses, **to file a police complaint** in relation to an offence under Indian Penal Code.
10. The ICC may, before initiating an inquiry, at the request of the aggrieved student/employee, **take steps to settle** the matter between her and the respondent through conciliation.
11. **No monetary settlement** shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer for necessary compliance.
12. The Committee shall provide the **copies of the settlement** as recorded under (7) to the aggrieved female student/employee and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.

- 13.If conciliation is found to be not feasible, notice will be issued to both parties for **hearing**.
- 14.The Committee may direct the DSW/Registrar to **ensure the safety** and protection of the aggrieved female student/employee, if and when required.
- 15.The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
- 16.The Presiding Officer shall convene the first hearing of the enquiry.
- 17.The respondent, the aggrieved female student/employee, and the witnesses shall be **intimated at least 7 working days in advance in writing of the date**, time and venue of the enquiry proceedings.
- 18.The subsequent proceedings may be on a day to day basis, to be decided by ICC.
- 19.The Committee shall provide reasonable opportunity to the aggrieved female student/employee and the respondent for presenting and defending her/his case.

20. The Committee may at any time during the enquiry proceedings, **prevent** the face-to-face examination of the respondent and the aggrieved female student/employee and/or their witness keeping in view the need to protect the aggrieved female student/employee or the witnesses from facing any serious health and/or safety problems.
21. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
22. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved female and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
23. The Committee shall have the power to summon any official papers or documents pertaining to the aggrieved female student/employee as well as the respondent.
24. The Committee shall have the right to terminate the enquiry proceedings and to give an ex party decision on the complaint, should the respondent fail, without valid ground, to be present for 3 consecutive hearings convened by the Presiding Officer.
25. The aggrieved female student/employee and the respondent, or any one person on her/his behalf, shall have the right to examine

written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the aggrieved female student/employee and/or the respondent on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved female student/employee /respondent should inform the Presiding Officer specifically if they wish to exercise this right. The Presiding Officer shall allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.

26. The aggrieved female student/employee and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period **not exceeding five days**. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

27. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed

by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.

28.If the aggrieved female student/employee desires to tender any documents by way of evidence, the Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the aggrieved female student/employee.

29.In the event the Committee thinks that supplementary testimony is required, the Presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for a time **period of seven days** to submit such testimony, in person or in writing, to the Committee.

30.The aggrieved female student/employee and the respondent shall have the right of cross-examination of all witnesses. However such cross-examination shall be conducted in the form of written questions and responses via the Committee only. **The respondent shall have no right to directly cross-examine the aggrieved female student/employee or her witnesses.**

27. The respondent/aggrieved female student/employee may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved female student/employee /witness. The Committee (ICC) shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive.

28. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Institute.

29. If the Committee finds no merit in the allegations, it shall report to the Institute.

30. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Institute. The following actions may be recommended:-

- 1) Written apology
- 2) Warning
- 3) Reprimand or censure
- 4) Withholding of promotion
- 5) Withholding of pay rise or increments
- 6) Undergoing a counseling session
- 7) Carrying out of community service
- 8) Terminating the respondent from service
- 9) Any other punishment according to the service rules applicable to the respondent.

31. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or the aggrieved women or any other person making the complaint has produced any forged or misleading document, it may recommend to the Institute to take action against such falsification.

32. Nothing precludes the Institute authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Institute authorities.

33. If the allegation(s) is/are proved against the respondent, the Committee may direct the Institute to ensure the payment of compensation to the aggrieved female student/employee by the respondent. The determination of compensation to the aggrieved female student/employee shall be decided based on the following facts:

- i. The mental trauma, pain, suffering and emotional distress caused to the aggrieved female student/employee .
- ii. The loss of career opportunity due to the incident of sexual harassment.
- iii. Medical expenses incurred by the victim for physical or psychiatric treatment
- iv. The income and financial status of the respondent
- v. Feasibility of such payment in lump sum or in installments

Where the respondent is a student, depending upon the severity of the offence, the HEL may:

- a) Withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarship, allowance and identity card,
- b) Suspend or restrict entry into the campus for a specific period,
- c) Expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants,
- d) Award reformatory punishments like mandatory counselling and, or, performance of community service.

35. The executive authority of the HEI will file a compliance report to the Committee **within 30 days of issuance of such recommendation.**

36. ICC shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the Institute campus and act against the same in such manner as it deems appropriate.

37. The identity of the aggrieved female student/employee, respondent, witnesses and proceedings of the Committee and its recommendations and the action taken by the Institute shall not be published, communicated or made known to the public, press or media in any

manner and it will be outside the purview of the Right to Information Act, 2005.

38. No legal practitioner will be allowed to represent either the aggrieved female student/employee or the respondent in proceedings before the Complaints Committee.

39. The Committee has the powers of a civil court in the following cases

- i. Summoning and enforcing the attendance of any person related to the incident.
- ii. Requiring the discovery and production of any documents
- iii. Any other matter relating to the incident as decided by the Committee from time to time.

40. The aggrieved female student/employee or respondent may prefer an appeal to the competent **authority within 30 days from** the date of the recommendation