

## **Policy Guidelines of the ICC, Darjeeling Government College**

### **Who can complain? How can they Complain?**

1. In case of any sexual harassment as stated by the law the Complainant must give a written complaint in the given format by the College.
2. The Complainant can take the form from the College Office and put it in the drop box of the ICC/ Grievance Redressal Committee OR email it to the provided email id of the ICC.
3. Only written complaints will be considered. Any other form of complaint other than written will not be accepted.
4. In special cases if the complainant is unable to write, the complaint may be oral. In such cases, it shall be documented in writing by the ICC member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The members of the Committee shall maintain confidentiality about the proceedings conducted by them.
5. The Complaint can be received about the case apart from the complainant in two cases
  - a) In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the Committee will examine whether an inquiry, intervention or some other assistance is needed.
  - b) In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the person alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to inquire into it as per the procedure specified.

### **PROCEEDINGS:**

6. On receipt of the complaint, the committee shall convene a meeting within seven working days. The Committee shall conduct the proceedings by the principles of natural justice.
7. At least 5 members of the Committee should be present to fulfill the quorum of the meeting.
8. Within not more than **five working days** on the receipt of the first intimation of the inquiry, the complainant and the defendant shall submit, to the Presiding Officer of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
9. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours (3 days) in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the committee regarding the date, time, and venue of the meeting.
10. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under inquiry.
11. The Committee shall have **the right to summon, as many times as required, the defendant, complainant, and/or any witnesses for** supplementary testimony and/or clarifications.
12. All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

13. The Committee shall start ex parte proceedings in two cases:

- a. If the complainant or the defendant fails to respond to the inquiry within the given time frame, the Committee will send a reminder/summon letter. Even after the reminder, if the defendant fails to respond the Committee shall start the ex-parte proceedings.
- b. Should the complainant/defendant **choose not to participate** in the proceedings, the Committee shall continue ex parte. In this case, the representative of both the parties should be present.

14. All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.

15. In case of the students the parents/guardians of both parties will be informed and if need arise shall be asked to attend the proceedings.

16. If the ICC decides not to conduct an inquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.

17. The Committee shall prepare the minutes of all proceedings duly signed by the members of the Committee.

18. The Committee shall try to complete its proceedings as per the guidelines set by the PoSH act and UGC Guidelines against the Prevention, prohibition and Redressal of women act, 2015.

19. After the completion of the inquiry and after finalizing the decision, the ICC shall prepare a report documenting every proceeding and the subsequent penalty to the offender to the College authority.

**Actions/ Suggestions:** If, in the course of the proceeding, the Committee found out that a prima facie case of sexual harassment is made out against the accused employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, depending upon the severity of the case a disciplinary action is liable to be taken against the accused. **The committee shall function as per the guidelines set by the UGC notification.**

**Actions against false complaint:** If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person. The committee shall recommend the same disciplinary action stated above to the competent authority.

The competent authority for the students will be the Officer-in-charge/Principal of the College. If the offender is an employee anyone found guilty of sexual harassment shall be punished by the service rules.

**The cases beyond the capacity of the Committee shall be reported to a Higher authority for necessary action.**