



SRI AUROBINDO CENTRE FOR ARTS AND COMMUNICATIONS (SACAC)

Aurobindo Society Campus, Shaheed Jeet Singh Marg, Adchini, New Delhi-17

SACAC POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH)

FORMATION OF AN INTERNAL COMPLAINTS COMMITTEE

This is to inform you about the formation of an Internal Complaints Committee (ICC) to provide a mechanism for redressal of complaints of sexual harassment.

The Internal Complaints Committee consists of the following members:

- i. Presiding Officer: Daljeet Kaur Wadhwa (daljeet@sac.ac.in)
- ii. Faculty Members: Sameera Jain (sameera.jain@gmail.com), Ananya Sengupta (ananyasengupta@sac.ac.in)
- iii. Student Members: Vritika Thareja (vritikathareja94@gmail.com), Geetam Biswas (geetambiswas@gmail.com)
- iv. External Members: Amar Kanwar (amarkanwar@gmail.com), Prof. Shukla Sawant (shuklasawant@hotmail.com)

These members may be approached with a complaint of sexual harassment by any student/faculty/non-teaching staff of SACAC.

Please find attached along with this announcement the Rules and Procedures of the Internal Complaints Committee.

What is an Internal Complaints Committee?

An Internal Complaints Committee (ICC) has to be set up under the Prevention of Sexual Harassment at the workplace Act (POSH, 2013). This Committee shall be responsible for inquiring into and readdressing any complaint of sexual harassment brought to them by any student/employee (teaching and non-teaching staff)/service provider of SACAC.

The rules and functioning of the ICC would be similar to a civil court. It is an impartial body that has the power to summon witnesses and evidence; place orders of restraint; as well as attempt conciliation or recommend punitive measures after hearing a case. It is a safe space where complaints can be addressed and redressed under complete confidentiality.

What is/constitutes sexual harassment?

According to the POSH 2013 Act (Chapter 1, Section 2(n)), Sexual Harassment “includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication) namely:

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

It may occur in relation with any behaviour that has sexual undertones in circumstances where there is:

- i. implied or explicit promise of preferential treatment in conduct of work;
- ii. implied or explicit threat of detrimental treatment in conduct of work;
- iii. implied or explicit threat about present or future status in conduct of work;
- iv. interference with work or creating an intimidating or offensive or hostile work and learning environment;
- v. humiliating treatment likely to affect health or safety.

Sexual harassment can be subtle and indirect or blatant and overt. It can occur between people of the opposite sex or people of the same sex, between peers or between people at differing levels of the organizational hierarchy and may involve a single incident or repeated incidents over a long period of time.

What is included in the workplace?

The ‘workplace’ of SACAC does not only mean the physical space of the SACAC campus but is an expanded or relational notion of space to include the any space visited by the student/employee during the course of study at SACAC. Thus sexual harassment outside the premises of SACAC is also covered if there is a link to SACAC. This includes excursions, study tours, institute events at external venues, cultural festivals and so on, where a person is participating in the capacity of a student or employee of SACAC.

Who is part of the ICC?

The Internal Complaints Committee in SACAC is composed of 7 members. A Presiding Officer, Two Faculty Members, Two Students and Two External Members who are well-versed with issues of gender and are sensitized to deal with complaints of sexual harassment. These members shall change every year to ensure the autonomy of the body as well as to accommodate and represent the changing student body. By law, at least one-half of the total members of the ICC must be women.

I have a complaint, what can I do?

If you have a complaint to make, you can approach any member of the Internal Complaints Committee of SACAC. The details for each member are provided.

To register a formal complaint, fill in Form 1 available at the end of the Rules and Procedures of the ICC (which is attached to this). The complaint must be filed within three months of the incident. Or in the case of a series of incidents, within three months of the last occurring incident.

Please be reassured that all information regarding a case, including your identity, is completely confidential.

In case you have a complaint but cannot yourself file it due to physical or mental incapacity of any kind; a friend, family member, or psychologist can do so on your behalf.

What will happen once my complaint has been filed?

Once the complaint has been received by the ICC, the Committee shall send a copy of the complaint to the defendant as well. Both parties shall notify the ICC in writing of any witnesses they have who have information relevant to the case. If the complainant so wishes, steps can be taken to resolve the matter through conciliation. An Inquiry Committee shall be formed to look into the case. All parties shall be summoned and heard out. Based on the testimonies of both parties and witnesses and any other relevant evidence, the Inquiry Committee shall give its recommendations to the Executive Authority of SACAC (as well as a copy to the complainant and defendant). The Executive Authority must act upon the recommendations within thirty days.

How long will my complaint take to be redressed?

Please note that the ICC shall accept complaints within three months of the incident occurring; or in the case of multiple incidents, within three months of the last occurring incident. Once the complaint is filed:

- i. Within a week, a copy of the complaint has to be sent to the defendant by the ICC.
- ii. The inquiry has to be completed within ninety days from the receipt of the complaint.
- iii. The Report of Recommendations by the ICC has to be submitted within ten days of the inquiry being completed.
- iv. If either party seek to file an appeal to the recommendations of the ICC, they must do so within thirty days of the recommendations.
- v. The Executive authority must act upon the recommendations within thirty days of the receipt of the inquiry report, unless an appeal is filed within that time by either party.
- vi. Acting on the recommendations of the ICC, the Executive Authority can serve a show-cause notice to the party against whom action has been decided which is answerable within ten days.

I want to make a complaint, but I am worried about being treated badly if I report the incident.

The aim of the ICC is to provide you a safe space where you can register your complaint and provide assistance should you choose to file a complaint with the police. You will be treated with respect and sensitivity. All matters are confidential, including your identity. Nobody, including the members of the ICC or witnesses are allowed to publicise any aspect of an on-going case. The defendant(s) upon receipt of the complaint/order of restraint is informed of their need to respect the right of privacy of the complainant(s) and witnesses. Any violation of this order by them may prove prejudicial in their case or result in immediate disciplinary action. If you are afraid that complaining against the perpetrator will have negative consequences on you, the ICC Rules and Procedures has provisions in place to protect you and prevent victimisation of the complainant as well as the witnesses to ensure a free and fair hearing of the case.

The POSH Act (2013) only protects women, does that mean that men can't file complaints with the ICC?

Men and those belonging to the third gender can file complaints with the ICC as well. While the POSH act specifically addresses the workplace safety of women, it is important to recognize that sexual harassment is a gender-neutral experience. While different identities are more vulnerable to sexual harassment, any one can approach the ICC with a complaint of harassment as it shall be sensitive to and aware of such vulnerabilities and recognise that sexual harassment is not restricted to any one group.

The person who harassed me is not part of SACAC/is an outsider. Can I still file a complaint with the ICC?

Yes, you can file a complaint if the outsider constitutes a 'third party harasser'. This is with reference to a situation where the 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 SACAC, but a visitor to SACAC in some other capacity or purpose or reason. This means that any third party who visits or engages with SACAC from time to time is also included in this policy. In such instances, the ICC can facilitate the filing of a police complaint. If an inquiry is conducted and the defendant found guilty, the recommendations for punitive action are left to the discretion of the ICC.

In the case of an outsider who is not in the workplace or directly under the authority of SACAC, then the ICC can provide assistance in filing a police complaint. However, if this case is not in the direct purview of the ICC, the complainant shall be informed and appropriate steps for redressal will be determined. All assistance and support shall be provided.



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PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT

RULES AND PROCEDURES OF THE INTERNAL COMPLAINTS COMMITTEE (ICC)

SACAC is committed to ensuring an enabling, dignified and equitable work environment for every employee and student, and therefore has a zero tolerance policy on sexual harassment.

The primary objective of this policy is to protect students and employees, irrespective of gender and age, from any form of sexual harassment by other students, employees or third parties.

In cases where harassment is reported, this policy is aimed at ensuring fast and fair investigation to provide justice and redressal to the complainant, as well as appropriate disciplinary action against the perpetrator if harassment is proved.

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favours and other visual, verbal or physical conduct of a sexual nature. It includes (but is not limited to) demands for sexual favours, coercion/pressure to enter into sexual relationships, intrusive/unwanted physical contact, sexually-coloured comments, use of sexually suggestive language, or showing material that is likely to cause offence on account of its sexual content.

Sexual harassment may span a wide range of actions and behaviours. Whether or not a particular action or behaviour constitutes sexual harassment is determined by the effect on the recipient, independent of the intention of the perpetrator.

Sexual harassment can be subtle and indirect or blatant and overt. It can occur between people of the opposite sex or people of the same sex, between peers or between people at differing levels of the organizational hierarchy and may involve a single incident or repeated incidents over a long period of time.

Sexual harassment is unacceptable to SACAC because it is a violation of the right to equality, safety and respect in the workplace. Sexual harassment creates an intimidating, threatening or hostile work environment and adversely impacts the morale, mental equilibrium and work performance for the person at whom it is directed.

Sexual harassment is discriminatory if the person being harassed has the reason to believe that protesting against the harassment will have an adverse effect on their career prospects or working conditions. It may occur in relation with any behaviour that has explicit or implicit sexual

undertones in circumstances where there is an implied or explicit promise of preferential treatment as quid pro quo for sexual favours; implied or explicit threat of detrimental treatment in conduct of work; implied or explicit threat about the present or future status of a person concerned; creating intimidating, offensive or hostile learning environment; or humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.

Definition of Workplace

The workplace or SACAC is defined as the campus of SACAC including:

- i. Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled, or wholly or substantially financed by funds provided directly or indirectly by SACAC.
- ii. Any place visited by the employee or student arising out of or during the course of employment or study, including transportation provided by the Executive Authority for undertaking such a journey for study, as part of SACAC.

Responsibilities of SACAC

Every employee and student of SACAC, regardless of role or seniority or duration, is responsible for creating and maintaining a respectful and harmonious work environment. All employees and students are therefore expected to react quickly and effectively to stop or report harassment, whether directed at themselves or at other colleagues/peers.

On its part, SACAC shall ensure a zero tolerance policy towards sexual harassment through prevention and prohibition of sexual harassment against the employees and students, and in the case of an incident provide redressal. In this manner:

- i. It shall institute an Internal Complaints Committee (ICC).
- ii. It shall publicly notify the student and faculty body about provisions against sexual harassment and ensure their wide dissemination. It will also publicise the creation and functioning of the Internal Complaints Committee such as the recourse available to them if they are victims of sexual harassment.
- iii. It shall organise training programmes or workshops for the officers, functionaries, faculty and students to sensitise them and ensure knowledge and awareness of rights, entitlements and responsibilities enshrined under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- iv. It shall be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law.
- v. It shall treat sexual harassment as misconduct under service rules and initiate action for misconduct if the perpetrator is an employee.
- vi. It shall treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student.
- vii. It shall update and revise from time-to-time the rules, regulations or any such other instrument by which the ICC shall function, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.
- viii. The Executive Authority of SACAC will extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources shall be given to the functioning of the ICC.
- ix. It shall act decisively against all gender-based violence perpetrated against employees and students of all sexes recognizing that primarily women employees and students, and some

male students, as well as students of the third gender are vulnerable to many forms of sexual harassment, humiliation and exploitation. Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity, and by being differently abled. The ICC shall be sensitive to such vulnerabilities and special needs.

- x. It shall provide counselling services to the complainant under the recommendation of the ICC.

In these ways, SACAC shall reinforce its commitment to creating a campus free from discrimination, harassment, retaliation or sexual assault at all levels.

Grievance Redressal Mechanism

SACAC shall constitute an Internal Complaints Committee with an inbuilt mechanism for gender sensitisation against sexual harassment.

- i. The ICC shall have the following composition:
 - a) Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution, nominated by the Executive Authority. Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.

- b) Two faculty members, 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) Two students who are enrolled in the institution.
 - d) One or more external members who may be associated with non-governmental 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.
- ii. At least one-half of the total members of the ICC shall be women.
- iii. Persons in senior administrative positions in SACAC such as the Director shall not be members of the ICC in order to ensure the autonomy of their functioning.
- iv. The term of office of the members of the ICC shall be for a period of one year.
- v. The members appointed externally shall be given a Travel Allowance or per diem for holding the proceedings of the ICC, by the Executive Authority as may be prescribed.
- vi. Where the Presiding Officer or any Member of the ICC:
 - a) contravenes the provisions of Section 16 of the POSH Act (i.e., making public the identities/confidential information relating to a case); or
 - b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or
 - c) has been found guilty in any disciplinary proceedings or if any disciplinary proceedings are pending against them; or
 - d) has so abused their position as to render their continuance in office prejudicial to the public interest.

Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with provisions of this section.

- vii. If the need is felt, the ICC may include more members which can be decided by the Presiding Officer of the ICC. If the case involves an outsider (other than students, teaching and non-teaching staff), the composition and number of members of the Inquiry Committee can be broadened to include more members including a lawyer.

Responsibilities of the Internal Complaints Committee (ICC)

The ICC shall:

- i. Provide assistance if an employee or student chooses to file a complaint with the police.
- ii. Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights and minimise the need for purely punitive approaches that lead to further resentment, alienation or violence.
- iii. 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 as required during the pendency of the complaint, or also provide for the transfer of the defendant.
- iv. ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- v. ensure prohibition of retaliation or adverse action against a covered individual because the employee or student is engaged in a protected activity.
- vi. comply with the procedure prescribed in these regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner.

SACAC shall provide all the necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

Process of Making a Complaint of Sexual Harassment

An aggrieved person (complainant) is required to submit a written complaint to the ICC within three months from the date of the incident of sexual harassment; or in the case of a series of incidents, within three months of the last incident; using Form 1 annexed at the end of these guidelines. Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render all reasonable assistance to the person for making the complaint in writing.

Further the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period. Friends, relatives, colleagues, co-students, psychologist or any other associate of the victim may file the complaint in situations where the complainant is unable to make a complaint on account of physical or mental incapacity or death.

The complainant will also provide a list of documents, name and addresses of witnesses or any other evidence relevant to any aspect of their complaint.

Process of Conducting Inquiry

- i. The ICC shall, upon receipt of the complaint, send one copy of the complaint to the defendant within a period of seven days of such a receipt.
- ii. Upon receipt of the copy of the complaint, the defendant shall file her or his reply to the complaint along with the list of documents, names and addresses of witnesses within a period of ten days.
- iii. 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 of SACAC. Copy of the findings or recommendations shall also be served on both parties to the complaint. These recommendations are binding on the Executive Authority.
- iv. The Inquiry Committee shall have the right to terminate the inquiry proceedings and to give an *ex parte* decision on the complaint, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Presiding Officer.
- v. The Executive Authority of SACAC shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- vi. An appeal against the findings or/recommendations of the ICC may be filed by either party before the Executive Authority of SACAC within a period of thirty days from the date of recommendations.
- vii. As the recommendations are binding on the Executive Authority, if they decide not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to the ICC and both the parties to the proceedings. If on the other hand, it has decided to act per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom the action is decided to be taken. The Executive Authority of SACAC shall proceed only after considering the reply or hearing the complainant.
- viii. The complainant may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. SACAC shall facilitate conciliation through the ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the complainant wherever possible, is preferred to purely punitive intervention.
- ix. The identities of the complainant(s) or witness or the defendant(s) shall not be made public or be kept in the public domain especially during the process of inquiry.

Interim Redressal

SACAC may, on the recommendation of the ICC:

- i. transfer the complainant or the defendant to another section or department to minimise the risks involved in contact or interaction.
- ii. grant leave to the complainant with full protection of status and benefits for a period of up to three months.
- iii. restrain the defendant from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- iv. ensure that defendant(s) are warned to keep a distance from the complainant(s) and witnesses, and wherever necessary, if there is a definite threat, restrain their entry into the campus.

- v. take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

Punishment

Depending on the severity of the case, graded punitive measures including (but not limited to) the following can be taken:

- i. Anyone employee or member of staff guilty of sexual harassment shall be punished depending on the severity of the offence:
 - a) a warning in the form of a written reprimand
 - b) suspension or restricted entry to campus for a specific period
 - c) termination of employment and part of permanent record of the employee
 - d) award reformatory punishments like mandatory counselling and/or performance of community services.
- ii. Any student found guilty of sexual harassment shall be punished depending on the severity of the offence:
 - a) Withhold privileges of the student such as access to library, auditoria, transportation, academic outings and trips, identity card etc.
 - b) suspend or restrict entry to the campus for a specific period
 - c) expel and strike off names from rolls of SACAC, including denial of readmission, if the offence so warrants
 - d) award reformatory punishments like mandatory counselling and, or performance of community services.
- iii. Any third-party harasser found guilty can be punished at the discretion of the ICC.

Protection Against Victimisation

- i. If the complainant is a student and the defendant(s) is a teacher, during the investigation and inquiry, and even after such an inquiry, if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination and supervision of work.
- ii. If a witness named by the complainant is a student and the defendant(s) is a teacher, during the investigation, and even after such an inquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of work.
- iii. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of SACAC, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant(s) is found guilty, the defendant(s) shall not write the Confidential Reports of the complainants, if she/he is otherwise authorised.
- iv. If the witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of SACAC, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant(s) is found guilty, the defendant(s) shall not write the Confidential Reports of the witnesses, if she/he is otherwise authorised.
- v. If the defendant(s) is an outsider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant(s) is found guilty, the defendant(s) shall not be allowed to enter the campus, except for the purpose of attending the said/present inquiry.

- vi. If the defendant(s) is a service provider, during the duration of the investigation and inquiry, and even after such an inquiry if the defendant(s) is found guilty, the order of restraint issued in accordance with the procedures shall be in force at all times.
- vii. The complainant or any other person should intimate in writing to the Presiding Officer of ICC and/or the ICC Members of any violation of the order of restraint by the defendant(s), or any persons acting on her/his behalf.
- viii. Following (vii), the Presiding Officer of the ICC, or the Inquiry Committee be convinced of the truth of such allegations. The Presiding officer of the ICC and/or the Chief Enquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The ICC shall retain the right to close the enquiry proceedings and to give an ex parte decision on the complaint.
- ix. The Inquiry Committee and ICC shall consider all violations of the order of restraint when determining the nature of offence of a defendant found guilty of sexual harassment.

Frivolous Complaints

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, false or malicious complaints are to be inquired into by the ICC. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or misleading information has been provided during the inquiry; the complainant shall be censured. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed and conducted, after which appropriate action can be recommended under the discretion of the ICC.



**SRI AUROBINDO CENTRE FOR ARTS AND
COMMUNICATIONS (SACAC)**

Aurobindo Society Campus, Shaheed Jeet Singh Marg, Adchini, New Delhi-17

INTERNAL COMPLAINTS COMMITTEE (ICC)

FORM I

PROFORMA FOR FILING COMPLAINTS OF SEXUAL HARASSMENT

***The processing of this complaint by the ICC is subject to physical validation through signature in front of an ICC member.**

* In order to ensure accessibility and confidentiality for VH/PH complainant(s), the ICC will arrange for the signature to be collected from them at their place of residence/work on the campus.

Please be assured that this information is confidential.

I. Complainant(s):

Student/Academic Staff/Non-Teaching Staff/Outsider/Service Provider

Name	
Age	
Sex	
Address	
Course	
Phone Number	
Email	

II. Person against whom the complaint is being lodged:

Student/Academic Staff/Non-Teaching Staff/Outsider/ Service Provider

Name	
Age	
Sex	
Address	
Course	
Phone Number	
Email	

III. The Complaint

1.	Is the defendant known to the complainant?	
2.	Is this the first incident of this kind? (If yes, skip 3 and 4)	
3.	Were exactly the same persons involved? If no, specify further.	
4.	Was the first incident reported? To whom? When? What action, if any, was taken?	
5.	Approximate date(s), time(s) and location(s) of incident(s), starting from most recent	

Additional details of the complaint may be recorded here:

Complaint filed by:

Signature:

Date:

Name:

Place: