

College of Engineering, Thiruvananthapuram

Internal Complaints Committee

Chairperson : Dr. Mini Soman, Professor & Head, Department of Civil Engineering

Members : Dr. Jayakumar, Dean, P.G. Studies

: Dr. Priyanjali Prabhakaran, Associate Professor, Department of Architecture

: Ms. Hasna Haneef, S7 CE

: Ms. Farzeen Nizam, S5 B.Arch

Working Rules for Internal Complaints Committee

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the Institute hereby adopts the following procedure for determining complaints filed to the Internal Complaints Committee (ICC) constituted under the Act. The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the ICC reserves the right to make exceptions to the procedure stated hereunder.

1. Any aggrieved woman (Student, Faculty or Staff) may make, in writing, a complaint of sexual harassment at work place to the ICC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. Copy of a written complaint should be submitted to the Committee or any of its members along with list of witnesses and supporting documents. Additional documents and list of witnesses can be submitted to ICC at a later stage during the proceeding. Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing. Provided further that the ICC for the reasons to be recorded in writing, can extend the time

limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

2. Any complaint received by the members should be immediately forwarded to the Chairperson, and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.

3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the Institute that no action is required to be taken in the matter.

4. Notice shall be issued 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.)

5. The Committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.

6. The Committee may direct the Principal to ensure the safety and protection of the aggrieved woman if and when required.

7. 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.

8. The Chairperson shall convene the first hearing of the enquiry. The respondent, the aggrieved woman, 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. The subsequent proceedings may be on a day to day basis, to be decided by ICC.

9. The Committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting and defending her/his case.

10. The Committee may at any time during the enquiry proceedings, preclude the face-to-face examination of the respondent and the aggrieved woman and/or their witnesses keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and/or safety problems.

11. 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. The aggrieved woman/respondent has to submit the written reply before the committee within the specified time given.

12. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

13. The Committee shall have the power to summon any official papers or documents pertaining to the aggrieved woman as well as the respondent.

14. The past sexual history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.

15. 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 three consecutive hearings convened by the Chairperson.

16. The aggrieved woman 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.

17. 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.

18. If the aggrieved woman 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 woman.

19. The aggrieved woman 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 woman or her witnesses.

20. The respondent/aggrieved woman may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved woman/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.

21. Amicus Curie can be called for helping the committee if and when required.

22. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Principal.

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

24. 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.

25. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman 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.

26. 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.

27. 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.

28. The identity of the aggrieved woman, 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.

29. No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the Complaints Committee.

30. The Committee has the powers for the following actions 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.

31. The aggrieved woman or respondent may prefer an appeal to the higher authorities.